Subject: RE: Sunshine Law Request (MO-REP-21-1608)
Date: Tuesday, November 30, 2021 at 7:23:33 AM Pacific Standard Time
From: Hannah Kelly
To: AO Records
Attachments: image003.jpg, ARPA Funds NEU Update.eml, FW: Ag Advisory Council Luncheon w/ Sen. Blunt & MOFB.eml, FW: Ag Appreciation Dinner w/ Congressman Smith.eml, FW: CANCELED: Leg. Dinner w/ Congressman Jason Smith.eml, FW: Econ Devp Social Mixer.eml, FW: Farm Tour w/ Congressman Jason Smith, Sen. Eslinger, & Rep. Cook.eml, FW: Farm Tour w/ Congressman Jason Smith & Sen. Karla Eslinger.eml, FW: Leadership - Congressman Jason Smith will be attending.eml, FW: Legislators Dinner w/ Congressman Jason Smith.eml, FW: Majority Caucus Meeting: Monday, March 29 - 3:00PM - Special Guest: Cong. Jason Smith (MO-08).eml, Senate Update: Infrastructure Investment and Jobs Act & Build Back Better.eml, Sonya Anderson Text Message 1.jpg, Sonya Anderson Text Message 2.jpg, Sonya Anderson Text Message 3.png, USDA ReConnect Loan and Grant Program - NOFO.eml, Update: CMS Vaccine Mandate.eml

EXTERNAL SENDER

Mariuxi,

We have completed a search of our records in response to your Sunshine request dated November 10, 2021. Enclosed please find the documents responsive to your request. We now consider your request closed.

Sincerely,

Representative Hannah Kelly, District 141
Assistant Majority Floor Leader
Office Address: Missouri State Capitol Building, Room 302-B
Office Phone: 573-751-2205

Note: Please be aware that your email is subject to any requests for documents made to this office under the Missouri Sunshine Law and in accordance with our information retention policy. In responding to any such request, our office will redact information which is personal and confidential. It is the practice of this office to retain your email, written, or voicemail messages for sufficient time to respond. A full copy of our information retention policy is available upon request.

This office does not provide legal opinions. You are encouraged to contact an attorney licensed to practice law in your state for legal advice.

AMERICAN OVERSIGHT

From: Anderson, Sonya (Blunt) <Sonya_Anderson@blunt.senate.gov>
Sent: Friday, August 06, 2021 6:18 PM EDT
To: Anderson, Sonya (Blunt) <Sonya_Anderson@blunt.senate.gov>
Subject: ARPA Funds NEU Update
Attachment(s): "MOFAQsfinal.pdf","NEUMemorandum.pdf"

Good afternoon,

I wanted to send you an update to let you know that Missouri State Treasurer Scott Fitzpatrick announced that the State of Missouri has received its first payment for half of the funds allocated to the State by the American Rescue Plan Act (ARPA). The second payment of funds will be received by the State of Missouri no earlier than twelve months after the first payment. See press release here: https://treasurer.mo.gov/newsroom/news-and-events-item?pr=cefc2680-0b5a-4c88-8014-eb0756148bed

Under the American Rescue Plan, Missouri counties and metropolitan cities with a population over 50,000 can officially request their Covid Fiscal Recovery Funds from the US Department of Treasury https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds Municipalities with a population under 50,000, aka non-entitlement units (NEUs) may receive funds from the State of Missouri via a separate allocation.

The Missouri Treasurer's COVID Relief Funding page has been updated indicating Missouri is now accepting application forms for Missouri NEU's (Non Entitlement Unit) https://treasurer.mo.gov/COVID

Attached is a Non-Entitlement Units (NEUs) Frequently Asked Questions FAQs pdf provided by the Missouri Treasurer's Office, and the July 29, 2021 Memorandum from the Office of Administration to Missouri Cities, Towns and Villages.

If you have any questions, please feel free to contact our office.

Sincerely,

Sonya Anderson
District Office Director
U.S. Senator Roy Blunt
417-877-7814
sonya_anderson@blunt.senate.gov

SIGN UP for SENATOR BLUNT'S E-NEWSLETTER

Thursday, August 05, 2021

SCOTT FITZPATRICK
MISSOURI STATE TREASURER

Jefferson City, MO –Missouri State Treasurer Scott Fitzpatrick today announced the State of Missouri has received $1,342,648,065.40 in funds allocated to the State by the American Rescue Plan. Missouri's full allocation is $2,685,296,130.80.

Under the American Rescue Plan, all Missouri counties regardless of population and metropolitan cities with a population of over 50,000 are eligible to receive their allocated Coronavirus State and Local Recovery Funds directly from the U.S. Department of the Treasury. Municipalities with populations under 50,000 may receive funds from the State via a separate allocation for non-entitlement units (NEU).

The State also received an initial payment of $225,071,828.50 for distribution to NEUs. Missouri's full allocation for NEU payments is $450,143,657.

AMERICAN OVERSIGHT

Decisions regarding NEU allocation totals will be made by the Governor's Office and the Office of Administration.

Additional information related to allocations by state, county, municipality, and non-entitlement units as well as guidance, frequently asked questions, and expenditure tracking can be found on the Federal COVID-19 Relief Funds Portal at **treasurer.mo.gov/COVID**.

###

AMERICAN OVERSIGHT

Non-Entitlement Units (NEUs)
Frequently Asked Questions FAQs

Last updated July 27, 2021

What if I do not have a SAM Registration?

NEUs should complete their SAM registration at *https://sam.gov/content*. An NEU's DUNS number/entity information (i.e. address, etc.) should be updated with Dun & Bradstreet (at https://www.dnb.com/) prior to the SAM Registration. The SAM Registration must be renewed annually.

What if I do not have a DUNS #?

NEUs should request a DUNS number through Dun & Bradstreet at https://www.dnb.com/

When will I receive funds?

The State of Missouri will issue funds to NEUs once the money is received in the State Treasury and all necessary documentation is received by the Office of Administration. The state estimates it will receive the first tranche of NEU funds from U.S. Treasury in mid-August 2021.

Will there be any reporting requirements for these funds to the State of Missouri?

No, NEUs are considered prime recipients of U.S. Treasury and will report directly to U.S. Treasury.

Where can I find guidance on reporting requirements to U.S. Treasury?

U.S. Treasury has issued a Compliance and Reporting Guidance document that is available at: https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf

When is my first report due?

First reporting is due October 31, 2021. Reports are due annually thereafter in accordance with the Compliance and Reporting Guidance.

What if I have never received a payment from the State of Missouri?

A vendor input form (https://oa.mo.gov/sites/default/files/vendor_input_ach_eftd.pdf) will need to be completed and emailed to ARPA@oa.mo.gov.

Will banking information be required for payment?

No, it is not required; but it is the State of Missouri's preferred and most efficient method of making payments.

What documentation do I need to provide in order to receive funds?

The following documents are required to be completed, signed, and submitted via email to ARPA@oa.mo.gov :

1. Non-Entitlement Units of Local Government Application
2. U.S. Treasury Award Terms and Conditions Agreement https://home.treasury.gov/system/files/136/NEU_Award_Terms_and_Conditions.pdf

AMERICAN OVERSIGHT

3. Assurances of Compliance with Title VI of the Civil Rights Act of 1964 https://home.treasury.gov/system/files/136/Title_VI_Assurances.pdf
4. The NEU's total annual budget, including both operating and capital expenditure budgets, in effect as of January 27, 2020. If the NEU does not adopt a formal budget, the NEU is allowed to certify its most recent annual total expenditures as of January 27, 2020, in lieu of the NEU's budget total.

Why am I only receiving half of what was allocated?

U.S. Treasury has provided State Governments with the following guidance: Local governments will receive funds in two tranches, with 50% provided once the State requests funding and the balance delivered approximately 12 months later.

How is the money allocated?

ARPA requires States' allocations to NEUs to be based on the proportion of the population of the NEU as a share of the total population of all NEUs in the State. This requirement can be represented by the following formula:

$$\frac{\textit{Total population of the NEU}}{\textit{Total population of all eligible NEUs}} \times \textit{Aggregate state NEU payment}$$

NEU's money will be capped at 75% of their total annual budget, including both operating and capital expenditure budgets, in effect as of January 27, 2020 as required by Section 603(b)(2)(C)(iii) of the Act and the Interim Final Rule (IFR). If the NEU does not adopt a formal budget, the NEU is allowed to certify its most recent annual total expenditures as of January 27, 2020, in lieu of the NEU's budget total.

Where do I find my NEU Recipient Number?

This number will be issued by the State of Missouri's Office of Administration and will be provided during the distribution process.

Where do I send my completed documents?

Please send completed documents to ARPA@oa.mo.gov

What are the rules and regulations surrounding the ARPA money and how it can be spent?

The link below will provide guidance to the NEUs as to the Rules and Regulations regarding the expenditures of the Coronavirus Local Fiscal Recovery fund established under ARPA.

https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds

AMERICAN OVERSIGHT

Michael L. Parson
Governor

Sarah H. Steelman
Commissioner

State of Missouri
OFFICE OF ADMINISTRATION
Division of Accounting
570 Truman Building, 301 West High Street
Post Office Box 809
Jefferson City, Missouri 65102
(573) 751-2971
INTERNET: http://www.oa.mo.gov/acct
E-MAIL: acctmail@oa.mo.gov

Stacy Neal
Director

MEMORANDUM

DATE: July 29, 2021

TO: Missouri Cities, Towns, and Villages

FROM: State of Missouri, Office of Administration

RE: ARPA Funding for Non-Entitlement Units of Local Government

The American Rescue Plan Act of 2021 (ARPA) appropriates $19.53 billion to States for distribution to the non-entitlement units of local government (NEUs). NEUs are cities, towns, and villages with a population of under 50,000. ARPA directs the U.S. Department of the Treasury (Treasury) to make payments to each State for distribution to NEUs. The allocation to the State of Missouri will be $450,143,657.

Missouri will receive the first payment for half of the funds allocated by U.S. Treasury and distribute to NEUs based on the allocation provisions contained in ARPA. The second payment of funds will be received by the State of Missouri no earlier than twelve months after the first payment.

NEUs should provide the requested information on the attached application to the State of Missouri in order for the first payment to be made along with the NEU's total annual budget, including both operating and capital expenditure budgets, in effect as of January 27, 2020. If the NEU does not adopt a formal budget, the NEU is allowed to certify its most recent annual total expenditures as of January 27, 2020, in lieu of the NEU's budget total.

NEU's will be assigned a Recipient Number by the State of Missouri. Please retain this identifying number for the lifecycle of the program, including for federal reporting purposes.

Also, please retain copies of signed agreements for your records. As soon as possible, after receiving an award pursuant to the signed agreement, the NEU should register in SAM.gov, if not already registered.

A NEU accepting Coronavirus Local Fiscal Recovery funds is a prime recipient of a Federal award. NEUs are required to report to U.S. Treasury on the use of funds. Current NEU reporting guidance can be found in the U.S. Treasury Compliance and Reporting Guidance document. The State will share reporting guidance provided by U.S. Treasury when amended or updated. The first report is due to U.S. Treasury by October 31, 2021, and annually thereafter. In addition, other reporting requirements will include:

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NEU Recipient Number
Copy of signed award terms and conditions agreement
Copy of signed assurances of compliance with Title VI of the Civil Rights Act of 1964
Copy of actual budget documents validating the top-line budget total provided to the State

For fact sheets, regularly updated Frequently Asked Questions, and other guidance, please visit the U.S.Treasury website: https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-fund/non-entitlement-units

Additional guidance and data will be regularly posted and updated on the Missouri State Treasurer's Website: https://treasurer.mo.gov/COVID

Each NEU is requested to complete an application, even if declining their allocation of the funds, by September 1, 2021. Completed applications should be sent to: ARPA@oa.mo.gov

AMERICAN OVERSIGHT

From: Hannah Kelly <Hannah.Kelly@house.mo.gov>
Sent: Friday, November 12, 2021 1:22 PM EST
To: Tricia Swartz <Tricia.Swartz@house.mo.gov>
Subject: FW: Ag Advisory Council Luncheon w/ Sen. Blunt & MOFB
Attachment(s): "Ag Advisory Council Luncheon w/ Sen. Blunt & MOFB"

AMERICAN OVERSIGHT

Subject: Ag Advisory Council Luncheon w/ Sen. Blunt & MOFB
Location: VIP Tent across from Gerken Dairy Center, State Fairgrounds

Start: Thursday, August 19, 2021 1:30 PM EDT
End: Thursday, August 19, 2021 2:30 PM EDT
Show Time As: Busy

Recurrence: None

Meeting Status: Not yet responded

Required Attendees: Hannah Kelly <Hannah.Kelly@house.mo.gov>

POC: Sen. Blunt's Columbia office, 573-442-8151

AMERICAN OVERSIGHT

From: Hannah Kelly <Hannah.Kelly@house.mo.gov>
Sent: Friday, November 12, 2021 1:26 PM EST
To: Tricia Swartz <Tricia.Swartz@house.mo.gov>
Subject: FW: Ag Appreciation Dinner w/ Congressman Smith
Attachment(s): "Ag Appreciation Dinner w/ Congressman Smith"

AMERICAN OVERSIGHT

Subject: Ag Appreciation Dinner w/ Congressman Smith
Location: Gross ServPro Shop, 1006 Hwy 142, Poplar Bluff, MO 63901

Start: Wednesday, October 13, 2021 7:00 PM EDT
End: Wednesday, October 13, 2021 9:30 PM EDT
Show Time As: Busy

Recurrence: None

Meeting Status: Not yet responded

Required Attendees: Hannah Kelly <Hannah.Kelly@house.mo.gov>

Doors open at 6 pm, dinner starts at 6:30 pm.

POC: BJ Tanksley, 573-893-1495,

AMERICAN OVERSIGHT

Subject: FW: CANCELED: Leg. Dinner w/ Congressman Jason Smith
Location: Courtyard Marriott, 610 Bolivar St, Jefferson City, MO 65101

Start: Monday, February 15, 2021 8:00 PM EST
End: Monday, February 15, 2021 10:00 PM EST
Show Time As: Busy

Recurrence: None

Meeting Status: Not yet responded

Required Attendees: Tricia Swartz <Tricia.Swartz@house.mo.gov>

-----Original Appointment-----
From: Hannah Kelly <Hannah.Kelly@house.mo.gov>
Sent: Friday, February 5, 2021 11:17 AM
To: Hannah Kelly; Tricia Swartz
Subject: CANCELED: Leg. Dinner w/ Congressman Jason Smith
When: Monday, February 15, 2021 7:00 PM-9:00 PM (UTC-06:00) Central Time (US & Canada).
Where: Courtyard Marriott, 610 Bolivar St, Jefferson City, MO 65101

AMERICAN OVERSIGHT

From: Wheeler, Will (Blunt) <Will_Wheeler@blunt.senate.gov>
Sent: Wednesday, September 08, 2021 12:20 PM EDT
To: Karla Eslinger (karla.eslinger@senate.mo.gov) <karla.eslinger@senate.mo.gov>; Dan Engemann (dan.engemann@senate.mo.gov) <dan.engemann@senate.mo.gov>; Bennie Cook <Bennie.Cook@house.mo.gov>; Travis Smith <Travis.Smith@house.mo.gov>; David Evans - State Rep <David.Evans@house.mo.gov>; Hannah Kelly <Hannah.Kelly@house.mo.gov>
CC: Economic <economic@salemmo.com>
Subject: FW: Econ Devp Social Mixer

Friends,

Wanted to send this y'alls way. This group has been regularly meeting focusing on promoting economic development in the South Central Missouri region with a focus on these counties: Ozark, Douglas, Wright, Pulaski, Phelps, Texas, Howell, Oregon, Shannon, and Dent (I may be missing a few counties to the East). I've cc'ed Sally Burbridge on this e-mail who has been taking point on operations of the group recently if you have any other questions. Thanks!

Will Wheeler
Field Representative – Senator Roy Blunt
2740 B East Sunshine St Springfield, MO 65804
will_wheeler@blunt.senate.gov
(417) 877-7814

From: Economic <economic@salemmo.com>
Sent: Wednesday, September 1, 2021 1:25 PM
To: rollaecondev@gmail.com; jrreed@gotrain.org; scott@scottcecil.net; shellyb@shannon-county.com; mgcityadmin@getgoin.net; lickingcity@hotmail.com; dorsey.newcomb@leonardwoodinstitute.org; rscheets@caboolmo.org; david.bossemeyer@westplains.net; tony.floyd@ieca.coop; becht@webound.com; sean@ruralmo.com; eminencecity@gmail.com; Chamber <chamber@salemmo.com>; msmith@hoecoop.org; hultines@missouri.edu; Cody Dalton <cdalton@scocog.org>; bprigge@meramecregion.org; ron.copeland@house.mo.gov; Bain, Matt (Hawley) <Matt_Bain@hawley.senate.gov>; jenni.riegel@mail.house.gov; Wheeler, Will (Blunt) <Will_Wheeler@blunt.senate.gov>; Baker, Madison (Blunt) <Madison_Baker@blunt.senate.gov>; Burner, Shad <Shad.Burner@ded.mo.gov>; Cabot, Sandra <sandra.cabot@ded.mo.gov>; Darrell Skiles <darrellskiles@hotmail.com>; Wes Mobray <wesmobray@yahoo.com>; Gary Larson <garymlarson@hotmail.com>; K Steelman <ksteelman@salemmo.com>; Sbolerjack <sbolerjack@salemmo.com>; Kjames <kjames@salemmo.com>; Gparker <gparker@salemmo.com>; kala@riverwaysfcu.org; City Administrator <cityadministrator@salemmo.com>
Subject: Econ Devp Social Mixer

I am really looking forward to seeing everyone at this event!

Please remember to invite your economic development counterparts, elected officials and tourism folks who are interested in growing our area as a region.
A couple of quick housekeeping items about our upcoming Social Mixer:

1. Masks are recommended at the Lodge;
2. Hand sanitizer will be available on site.

We want everyone to be comfortable and courteous of others concerns.

While RSVPs are not required, I would appreciate hearing from you if you plan to attend, so that myself and Jo Small with Echo Bluff can have a rough count for planning purposes.

AMERICAN OVERSIGHT



Sally Burbridge
DIRECTOR

Salem
MISSOURI
ECONOMIC DEVELOPMENT

City of Salem, 400 N. Iron St., Salem, MO 65560
O 573-729-2428 C 573-453-6871
www.salemmo.com

From: Hannah Kelly <Hannah.Kelly@house.mo.gov>
Sent: Friday, November 12, 2021 1:23 PM EST
To: Tricia Swartz <Tricia.Swartz@house.mo.gov>
Subject: FW: Farm Tour w/ Congressman Jason Smith & Sen. Karla Eslinger
Attachment(s): "Farm Tour w/ Congressman Jason Smith & Sen. Karla Eslinger"

AMERICAN OVERSIGHT

Subject: Farm Tour w/ Congressman Jason Smith & Sen. Karla Eslinger
Location: Ozark Mountain Creamery, 3350 Peach Corner Dr, Mtn Grove, MO 65711

Start: Tuesday, August 31, 2021 11:30 AM EDT
End: Tuesday, August 31, 2021 12:30 PM EDT
Show Time As: Busy

Recurrence: None

Meeting Status: Not yet responded

Required Attendees: Hannah Kelly <Hannah.Kelly@house.mo.gov>

POC: Grant Wilson (Rolla Field Rep), grant.wilson@mail.house.gov, c: 417-321-0203, o: 573-364-2455

Agenda:
• 10:30 am – Arrive at Creamery
• 10:30 am -- Gather for a meet and greet in the red milk packing building, including a quick pictorial history of the company
• 10:35 am – Tour of the milk packing facility including bottle washing, vat pasteurizing, cream separation, shipping area (led by Teresa and Lori Fry)
• 10:55 am – Pictures in facility
• 11:00 am -- Visit the dairy cows (led by David and Dwight Fry)
• 11:25 am -- Wrap up and pictures at farm
• 11:30 am – Departure

AMERICAN OVERSIGHT

From: Hannah Kelly <Hannah.Kelly@house.mo.gov>
Sent: Friday, November 12, 2021 1:24 PM EST
To: Tricia Swartz <Tricia.Swartz@house.mo.gov>
Subject: FW: Farm Tour w/ Congressman Jason Smith, Sen. Eslinger, & Rep. Cook
Attachment(s): "Farm Tour w/ Congressman Jason Smith, Sen. Eslinger, & Rep. Cook"

AMERICAN OVERSIGHT

Subject: Farm Tour w/ Congressman Jason Smith, Sen. Eslinger, & Rep. Cook
Location: Monty & Georgia Williamson's Farm, 975 Stillhouse Rd, Mountain View, MO 65548

Start: Tuesday, August 31, 2021 2:30 PM EDT
End: Tuesday, August 31, 2021 3:30 PM EDT
Show Time As: Busy

Recurrence: None

Meeting Status: Not yet responded

Required Attendees: Hannah Kelly <Hannah.Kelly@house.mo.gov>

POC: Grant Wilson (Rolla Field Rep), grant.wilson@mail.house.gov, c: 417-321-0203, o: 573-364-2455

**Monty and Georgia wanted to mention that the best way to come to the farm is to come in on 60 Hwy and to turn North (left or right depending on what direction you're coming on 60) and follow the road all the way till it turns to gravel. You'll follow that, and look for the black mailbox that says "975" and turn right.

The way that was taken from Rolla involved driving through rough gravel roads, as well as areas that can flood out easy, so would advise taking the way listed above for smoother traveling.

AMERICAN OVERSIGHT

From: Rob Vescovo <Rob.Vescovo@house.mo.gov> on behalf of Tricia Swartz <Tricia.Swartz@house.mo.gov>
Sent: Friday, November 12, 2021 12:59 PM EST
To: Tricia Swartz <Tricia.Swartz@house.mo.gov>
Subject: FW: Leadership - Congressman Jason Smith will be attending

-----Original Appointment-----
From: Rob Vescovo <Rob.Vescovo@house.mo.gov>
Sent: Tuesday, January 26, 2021 9:06 AM
To: Rob Vescovo; _Republican Leadership
Cc: Joe Engler; Hannah Kelly; William Marx; Chris Dunn; Sara Walsh; Cody Smith; Ryan Nonnemaker; Lisa Porter
Subject: Canceled: Leadership - Congressman Jason Smith will be attending
When: Monday, February 15, 2021 2:30 PM-3:00 PM (UTC-06:00) Central Time (US & Canada).
Where: Speakers Office

AMERICAN OVERSIGHT

From: Hannah Kelly <Hannah.Kelly@house.mo.gov>
Sent: Friday, November 12, 2021 1:07 PM EST
To: Tricia Swartz <Tricia.Swartz@house.mo.gov>
Subject: FW: Legislators Dinner w/ Congressman Jason Smith
Attachment(s): "Legislators Dinner w/ Congressman Jason Smith"

AMERICAN OVERSIGHT

Subject: Legislators Dinner w/ Congressman Jason Smith
Location: Courtyard Marriott Banquet Room, 610 Bolivar St, Jeff City, MO 65101

Start: Monday, March 29, 2021 8:00 PM EDT
End: Monday, March 29, 2021 10:00 PM EDT
Show Time As: Busy

Recurrence: None

Meeting Status: Not yet responded

Required Attendees: Hannah Kelly <Hannah.Kelly@house.mo.gov>

Buffet style dinner starting at 7:10 pm, **prayer led by Rep. Hannah Kelly**, followed by remarks from Congressman.

AMERICAN OVERSIGHT

Subject: FW: Majority Caucus Meeting: Monday, March 29 - 3:00PM - Special Guest: Cong. Jason Smith (MO-08)
Location: House Hearing Room 3

Start: Monday, March 29, 2021 4:00 PM EDT
End: Monday, March 29, 2021 5:00 PM EDT
Show Time As: Busy

Recurrence: None

Meeting Status: Not yet responded

Required Attendees: Tricia Swartz <Tricia.Swartz@house.mo.gov>

-----Original Appointment-----
From: Sara Walsh <Sara.Walsh@house.mo.gov>
Sent: Friday, March 26, 2021 1:52 PM
To: Sara Walsh; Aaron Griesheimer; Adam Schnelting; Adam Schwadron; Alex Riley; Allen Andrews; Andrew McDaniel; Ann Kelley; Barry Hovis; Becky Ruth; Ben Baker; Bennie Cook; Bill Falkner; Bill Hardwick; Bill Kidd; Bill Owen; Bishop Davidson; Bob Bromley; Brad Hudson; Bradley Pollitt; Brenda Shields; Brian Seitz; Bruce DeGroot; Bruce Sassmann; Chad Perkins; Cheri Toalson-Reisch; Chris Brown; Chris Dinkins; Chris Sander; Chuck Basye; Cody Smith; Craig Fishel; Curtis Trent; Cyndi BuchheitCourtway; Dale Wright; Dan Houx; Dan Shaul; Dan Stacy; Danny Busick; Darrell Atchison; Dave Griffith; David Evans - State Rep; David Gregory; Dean Plocher; Dean VanSchoiack; Derek Grier; Dirk Deaton; Don Mayhew; Don Rone; Dottie Bailey; Doug Richey; Ed Lewis; Greg Sharpe; Hannah Kelly; Hardy Billington; Herman Morse; J Eggleston; Jamie Burger; Jason Chipman; Jeff Coleman; Jeff Knight; Jeff Porter; Jered Taylor; Jim Kalberloh; Jim Murphy; John Black; John Simmons; John Wiemann; Jonathan Patterson; Josh Hurlbert; Justin Hill; Kent Haden; Kurtis Gregory; Lane Roberts; Lisa Thomas; Louis Riggs; MaryElizabeth Coleman; Michael Davis; Michael ODonnell; Mike Haffner; Mike Henderson; Mike McGirl; Mike Stephens; Mitch Boggs; Nate Tate; Nick Schroer; Patricia Pike; Peggy McGaugh; Phil Christofanelli; Randy Pietzman; Randy Railsback; Richard West; Rick Francis; Rob Vescovo; Rodger Reedy; Ron Copeland; Ron Hicks; Rudy Veit; Rusty Black; Scott Cupps; Sean Pouche; Shamed Dogan; Shane Roden; Suzie Pollock; Terry Thompson; Tim Taylor; Tom Hannegan; Tony Lovasco; Travis Fitzwater; Travis Smith; Wayne Wallingford; Willard Haley; _Republican LAs & Staff
Subject: Majority Caucus Meeting: Monday, March 29 - 3:00PM - Special Guest: Cong. Jason Smith (MO-08)
When: Monday, March 29, 2021 3:00 PM-4:00 PM (UTC-06:00) Central Time (US & Canada).
Where: House Hearing Room 3

A Majority Caucus Meeting will be held:

Date: Monday, March 29, 2021

Time: 3:00 PM

Location: House Hearing Room 3 (State Capitol, Basement Level, 201 W. Capitol Ave., Jefferson City, MO 65101)

Special Guest: Congressman Jason Smith (MO-08)

Sara Walsh
Majority Caucus Chair
State Representative
District 50 (portions of Boone, Cole, Cooper and Moniteau counties)
573-751-2134 (office)
Missouri State Capitol | Room 317 A | 201 W Capitol Ave. | Jefferson City, MO 65101

AMERICAN OVERSIGHT

From: Wheeler, Will (Blunt) <Will_Wheeler@blunt.senate.gov>
Sent: Monday, November 08, 2021 4:33 PM EST
To: Wheeler, Will (Blunt) <Will_Wheeler@blunt.senate.gov>
Subject: Senate Update: Infrastructure Investment and Jobs Act & Build Back Better
Attachment(s): "HR 3684.pdf","HR 5376.pdf","S 3011.pdf"

Happy Monday!

I hope everyone enjoyed their weekend and that no one has a case of the "Mondays". With a lot of action happening late Friday and over the weekend I wanted to provide you with an update on where legislation stands. Hope you find this information beneficial.

HR 3684 – Infrastructure Investment and Jobs Act
The Infrastructure Investment and Jobs Act (IIJA), or also called the Bipartisan Infrastructure Deal (BIF/BID), passed the House late Friday 228-205. This bill passed in the Senate 69-30 and had no amendments added to it once it got to the House, so the next action with be for President Biden to sign it. The Senate Republican Policy Committee, of which Senator Blunt is the chair, conducted a full analysis of the bill and the summary of it can be found HERE. After the legislation passed the National Association of Counties published a detailed breakdown of the funding that can be found HERE. I highly recommend taking a look at NACOs breakdown, as they breakdown which portions of funding will be distributed by formula and which portions of funding will be distributed by grants. I have also attached to this e-mail a PDF of the full text of the bill.

HR 5376 – Build Back Better Act
Before the House voted on passing HR 3684, they voted on the rule that established the framework and reconciliation rule for HR 5376 and it passed on a straight party vote 221-213. This was NOT final passage of the bill. It is expected that when the House comes back into session the week of November 15th that they will finalize the text and pass it out of the House to send to the Senate. This bill is likely to go through multiple changes in the House and in the Senate, I have attached to this e-mail a PDF of the current full text of the bill.

S 3011 – State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act
On October 20th the Senate passed out this legislation by unanimous consent. This legislation allows states, tribes, territories, and localities to use certain COVID-19 relief funds for new categories of spending, including for natural disasters and infrastructure projects. It would also allow recipients to expend COVID-19 relief funds on these types of infrastructure projects until September 30, 2026, instead of the December 31, 2024 deadline. As this legislation goes through the House I'll keep you as updated as possible as to its status. I have attached to this e-mail a PDF of the current full text of the bill.

Hopefully this information is of use to you. On top of the information I've provided you with today, Congress will also need to pass an annual spending bill that will keep the government open. As everything evolves I hope to keep you as up to date as possible. If you have any questions regarding this information or any other federal action (or inaction) please don't hesitate to reach out so I can help. Enjoy your week!

Will Wheeler
Field Representative – Senator Roy Blunt
2740 B East Sunshine St Springfield, MO 65804
will_wheeler@blunt.senate.gov
(417) 877-7814

AMERICAN OVERSIGHT

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U.S. GOVERNMENT
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H. R. 3684

One Hundred Seventeenth Congress of the United States of America

AT THE FIRST SESSION

Begun and held at the City of Washington on Sunday, the third day of January, two thousand and twenty-one

An Act

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Infrastructure Investment and Jobs Act".

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

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SEC. 2. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

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DIVISION A—SURFACE TRANSPORTATION

SEC. 10001. SHORT TITLE.

This division may be cited as the "Surface Transportation Reauthorization Act of 2021".

SEC. 10002. DEFINITIONS.

In this division:

(1) DEPARTMENT.—The term "Department" means the Department of Transportation.

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

SEC. 10003. EFFECTIVE DATE.

Except as otherwise provided, this division and the amendments made by this division take effect on October 1, 2021.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

SEC. 11101. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) FEDERAL-AID HIGHWAY PROGRAM.—For the national highway performance program under section 119 of title 23, United States Code, the surface transportation block grant program under section 133 of that title, the highway safety improvement program under section 148 of that title, the congestion mitigation and air quality improvement program under section 149 of that title, the national highway freight program under section 167 of that title, the carbon reduction program under section 175 of that title, to carry out subsection (c) of the PROTECT program under section 176 of that title, and to carry out section 134 of that title—

(A) $52,488,065,375 for fiscal year 2022;
(B) $53,537,826,683 for fiscal year 2023;
(C) $54,608,583,217 for fiscal year 2024;
(D) $55,700,754,881 for fiscal year 2025; and
(E) $56,814,769,844 for fiscal year 2026.

(2) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM.—For credit assistance under the transportation infrastructure finance and innovation program under chapter 6 of title 23, United States Code, $250,000,000 for each of fiscal years 2022 through 2026.

(3) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—

(A) TRIBAL TRANSPORTATION PROGRAM.—For the tribal transportation program under section 202 of title 23, United States Code—

(i) $578,460,000 for fiscal year 2022;
(ii) $589,960,000 for fiscal year 2023;
(iii) $602,460,000 for fiscal year 2024;

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(iv) $612,960,000 for fiscal year 2025; and
(v) $627,960,000 for fiscal year 2026.

(B) FEDERAL LANDS TRANSPORTATION PROGRAM.—

(i) IN GENERAL.—For the Federal lands transportation program under section 203 of title 23, United States Code—

(I) $421,965,000 for fiscal year 2022;
(II) $429,965,000 for fiscal year 2023;
(III) $438,965,000 for fiscal year 2024;
(IV) $447,965,000 for fiscal year 2025; and
(V) $455,965,000 for fiscal year 2026.

(ii) ALLOCATION.—Of the amount made available for a fiscal year under clause (i)—

(I) the amount for the National Park Service is—

(aa) $332,427,450 for fiscal year 2022;
(bb) $338,867,450 for fiscal year 2023;
(cc) $346,237,450 for fiscal year 2024;
(dd) $353,607,450 for fiscal year 2025; and
(ee) $360,047,450 for fiscal year 2026;

(II) the amount for the United States Fish and Wildlife Service is $36,000,000 for each of fiscal years 2022 through 2026; and

(III) the amount for the Forest Service is—

(aa) $24,000,000 for fiscal year 2022;
(bb) $25,000,000 for fiscal year 2023;
(cc) $26,000,000 for fiscal year 2024;
(dd) $27,000,000 for fiscal year 2025; and
(ee) $28,000,000 for fiscal year 2026.

(C) FEDERAL LANDS ACCESS PROGRAM.—For the Federal lands access program under section 204 of title 23, United States Code—

(i) $285,975,000 for fiscal year 2022;
(ii) $291,975,000 for fiscal year 2023;
(iii) $296,975,000 for fiscal year 2024;
(iv) $303,975,000 for fiscal year 2025; and
(v) $308,975,000 for fiscal year 2026.

(4) TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.—For the territorial and Puerto Rico highway program under section 165 of title 23, United States Code—

(A) $219,000,000 for fiscal year 2022;
(B) $224,000,000 for fiscal year 2023;
(C) $228,000,000 for fiscal year 2024;
(D) $232,500,000 for fiscal year 2025; and
(E) $237,000,000 for fiscal year 2026.

(5) NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.—For nationally significant freight and highway projects under section 117 of title 23, United States Code—

(A) $1,000,000,000 for fiscal year 2022;
(B) $1,000,000,000 for fiscal year 2023;
(C) $1,000,000,000 for fiscal year 2024;
(D) $900,000,000 for fiscal year 2025; and
(E) $900,000,000 for fiscal year 2026.

(b) OTHER PROGRAMS.—

(1) IN GENERAL.—The following amounts are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

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(A) BRIDGE INVESTMENT PROGRAM.—To carry out the bridge investment program under section 124 of title 23, United States Code—

(i) $600,000,000 for fiscal year 2022;
(ii) $640,000,000 for fiscal year 2023;
(iii) $650,000,000 for fiscal year 2024;
(iv) $675,000,000 for fiscal year 2025; and
(v) $700,000,000 for fiscal year 2026.

(B) CONGESTION RELIEF PROGRAM.—To carry out the congestion relief program under section 129(d) of title 23, United States Code, $50,000,000 for each of fiscal years 2022 through 2026.

(C) CHARGING AND FUELING INFRASTRUCTURE GRANTS.—To carry out section 151(f) of title 23, United States Code—

(i) $300,000,000 for fiscal year 2022;
(ii) $400,000,000 for fiscal year 2023;
(iii) $500,000,000 for fiscal year 2024;
(iv) $600,000,000 for fiscal year 2025; and
(v) $700,000,000 for fiscal year 2026.

(D) RURAL SURFACE TRANSPORTATION GRANT PROGRAM.—To carry out the rural surface transportation grant program under section 173 of title 23, United States Code—

(i) $300,000,000 for fiscal year 2022;
(ii) $350,000,000 for fiscal year 2023;
(iii) $400,000,000 for fiscal year 2024;
(iv) $450,000,000 for fiscal year 2025; and
(v) $500,000,000 for fiscal year 2026.

(E) PROTECT GRANTS.—

(i) IN GENERAL.—To carry out subsection (d) of the PROTECT program under section 176 of title 23, United States Code, for each of fiscal years 2022 through 2026—

(I) $250,000,000 for fiscal year 2022;
(II) $250,000,000 for fiscal year 2023;
(III) $300,000,000 for fiscal year 2024;
(IV) $300,000,000 for fiscal year 2025; and
(V) $300,000,000 for fiscal year 2026.

(ii) ALLOCATION.—Of the amounts made available under clause (i)—

(I) for planning grants under paragraph (3) of that subsection—

(aa) $25,000,000 for fiscal year 2022;
(bb) $25,000,000 for fiscal year 2023;
(cc) $30,000,000 for fiscal year 2024;
(dd) $30,000,000 for fiscal year 2025; and
(ee) $30,000,000 for fiscal year 2026;

(II) for resilience improvement grants under paragraph (4)(A) of that subsection—

(aa) $175,000,000 for fiscal year 2022;
(bb) $175,000,000 for fiscal year 2023;
(cc) $210,000,000 for fiscal year 2024;
(dd) $210,000,000 for fiscal year 2025; and
(ee) $210,000,000 for fiscal year 2026;

(III) for community resilience and evacuation route grants under paragraph (4)(B) of that subsection—

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(aa) $25,000,000 for fiscal year 2022;
(bb) $25,000,000 for fiscal year 2023;
(cc) $30,000,000 for fiscal year 2024;
(dd) $30,000,000 for fiscal year 2025; and
(ee) $30,000,000 for fiscal year 2026; and

(IV) for at-risk coastal infrastructure grants under paragraph (4)(C) of that subsection—
(aa) $25,000,000 for fiscal year 2022;
(bb) $25,000,000 for fiscal year 2023;
(cc) $30,000,000 for fiscal year 2024;
(dd) $30,000,000 for fiscal year 2025; and
(ee) $30,000,000 for fiscal year 2026.

(F) REDUCTION OF TRUCK EMISSIONS AT PORT FACILITIES.—

(i) IN GENERAL.—To carry out the reduction of truck emissions at port facilities under section 11402, $50,000,000 for each of fiscal years 2022 through 2026.

(ii) TREATMENT.—Amounts made available under clause (i) shall be available for obligation in the same manner as if those amounts were apportioned under chapter 1 of title 23, United States Code.

(G) NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS.—

(i) IN GENERAL.—To carry out the nationally significant Federal lands and tribal projects program under section 1123 of the FAST Act (23 U.S.C. 201 note; Public Law 114–94), $55,000,000 for each of fiscal years 2022 through 2026.

(ii) TREATMENT.—Amounts made available under clause (i) shall be available for obligation in the same manner as if those amounts were apportioned under chapter 1 of title 23, United States Code.

(2) GENERAL FUND.—

(A) BRIDGE INVESTMENT PROGRAM.—

(i) IN GENERAL.—In addition to amounts made available under paragraph (1)(A), there are authorized to be appropriated to carry out the bridge investment program under section 124 of title 23, United States Code—

(I) $600,000,000 for fiscal year 2022;
(II) $640,000,000 for fiscal year 2023;
(III) $650,000,000 for fiscal year 2024;
(IV) $675,000,000 for fiscal year 2025; and
(V) $700,000,000 for fiscal year 2026.

(ii) ALLOCATION.—Amounts made available under clause (i) shall be allocated in the same manner as if made available under paragraph (1)(A).

(B) NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM.—In addition to amounts made available under paragraph (1)(G), there is authorized to be appropriated to carry out section 1123 of the FAST Act (23 U.S.C. 201 note; Public Law 114–94) $300,000,000 for each of fiscal years 2022 through 2026.

(C) HEALTHY STREETS PROGRAM.—There is authorized to be appropriated to carry out the Healthy Streets program under section 11406 $100,000,000 for each of fiscal years 2022 through 2026.

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(D) TRANSPORTATION RESILIENCE AND ADAPTATION CENTERS OF EXCELLENCE.—There is authorized to be appropriated to carry out section 520 of title 23, United States Code, $100,000,000 for each of fiscal years 2022 through 2026.

(E) OPEN CHALLENGE AND RESEARCH PROPOSAL PILOT PROGRAM.—There is authorized to be appropriated to carry out the open challenge and research proposal pilot program under section 13006(e) $15,000,000 for each of fiscal years 2022 through 2026.

(c) RESEARCH, TECHNOLOGY, AND EDUCATION AUTHORIZATIONS.—

(1) IN GENERAL.—The following amounts are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(A) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—To carry out section 503(b) of title 23, United States Code, $147,000,000 for each of fiscal years 2022 through 2026.

(B) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—To carry out section 503(c) of title 23, United States Code, $110,000,000 for each of fiscal years 2022 through 2026.

(C) TRAINING AND EDUCATION.—To carry out section 504 of title 23, United States Code—

(i) $25,000,000 for fiscal year 2022;
(ii) $25,250,000 for fiscal year 2023;
(iii) $25,500,000 for fiscal year 2024;
(iv) $25,750,000 for fiscal year 2025; and
(v) $26,000,000 for fiscal year 2026.

(D) INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.—To carry out sections 512 through 518 of title 23, United States Code, $110,000,000 for each of fiscal years 2022 through 2026.

(E) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—To carry out section 5505 of title 49, United States Code—

(i) $80,000,000 for fiscal year 2022;
(ii) $80,500,000 for fiscal year 2023;
(iii) $81,000,000 for fiscal year 2024;
(iv) $81,500,000 for fiscal year 2025; and
(v) $82,000,000 for fiscal year 2026.

(F) BUREAU OF TRANSPORTATION STATISTICS.—To carry out chapter 63 of title 49, United States Code—

(i) $26,000,000 for fiscal year 2022;
(ii) $26,250,000 for fiscal year 2023;
(iii) $26,500,000 for fiscal year 2024;
(iv) $26,750,000 for fiscal year 2025; and
(v) $27,000,000 for fiscal year 2026.

(2) ADMINISTRATION.—The Federal Highway Administration shall—

(A) administer the programs described in subparagraphs (A), (B), and (C) of paragraph (1); and

(B) in consultation with relevant modal administrations, administer the programs described in paragraph (1)(D).

(3) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Amounts authorized to be appropriated by paragraph (1) shall—

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(A) be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using those funds shall be 80 percent, unless otherwise expressly provided by this division (including the amendments by this division) or otherwise determined by the Secretary; and

(B) remain available until expended and not be transferable, except as otherwise provided by this division.

(d) PILOT PROGRAMS.—The following amounts are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) WILDLIFE CROSSINGS PILOT PROGRAM.—For the wildlife crossings pilot program under section 171 of title 23, United States Code—

(A) $60,000,000 for fiscal year 2022;
(B) $65,000,000 for fiscal year 2023;
(C) $70,000,000 for fiscal year 2024;
(D) $75,000,000 for fiscal year 2025; and
(E) $80,000,000 for fiscal year 2026.

(2) PRIORITIZATION PROCESS PILOT PROGRAM.—

(A) IN GENERAL.—For the prioritization process pilot program under section 11204, $10,000,000 for each of fiscal years 2022 through 2026.

(B) TREATMENT.—Amounts made available under subparagraph (A) shall be available for obligation in the same manner as if those amounts were apportioned under chapter 1 of title 23, United States Code.

(3) RECONNECTING COMMUNITIES PILOT PROGRAM.—

(A) PLANNING GRANTS.—For planning grants under the reconnecting communities pilot program under section 11509(c), $30,000,000 for each of fiscal years 2022 through 2026.

(B) CAPITAL CONSTRUCTION GRANTS.—For capital construction grants under the reconnecting communities pilot program under section 11509(d)—

(i) $65,000,000 for fiscal year 2022;
(ii) $68,000,000 for fiscal year 2023;
(iii) $70,000,000 for fiscal year 2024;
(iv) $72,000,000 for fiscal year 2025; and
(v) $75,000,000 for fiscal year 2026.

(C) TREATMENT.—Amounts made available under subparagraph (A) or (B) shall be available for obligation in the same manner as if those amounts were apportioned under chapter 1 of title 23, United States Code, except that those amounts shall remain available until expended.

(e) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) FINDINGS.—Congress finds that—

(A) while significant progress has occurred due to the establishment of the disadvantaged business enterprise program, discrimination and related barriers continue to pose significant obstacles for minority- and women-owned businesses seeking to do business in Federally assisted surface transportation markets across the United States;

(B) the continuing barriers described in subparagraph (A) merit the continuation of the disadvantaged business enterprise program;

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(C) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits, which show that race- and gender-neutral efforts alone are insufficient to address the problem;

(D) the testimony and documentation described in subparagraph (C) demonstrate that discrimination across the United States poses a barrier to full and fair participation in surface transportation-related businesses of women business owners and minority business owners and has impacted firm development and many aspects of surface transportation-related business in the public and private markets; and

(E) the testimony and documentation described in subparagraph (C) provide a strong basis that there is a compelling need for the continuation of the disadvantaged business enterprise program to address race and gender discrimination in surface transportation-related business.

(2) DEFINITIONS.—In this subsection:

(A) SMALL BUSINESS CONCERN.—

(i) IN GENERAL.—The term "small business concern" means a small business concern (as the term is used in section 3 of the Small Business Act (15 U.S.C. 632)).

(ii) EXCLUSIONS.—The term "small business concern" does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals that have average annual gross receipts during the preceding 3 fiscal years in excess of $26,290,000, as adjusted annually by the Secretary for inflation.

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term "socially and economically disadvantaged individuals" has the meaning given the term in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to that Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

(3) AMOUNTS FOR SMALL BUSINESS CONCERNS.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under this division (other than section 14004), division C, and section 403 of title 23, United States Code, shall be expended through small business concerns owned and controlled by socially and economically disadvantaged individuals.

(4) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually—

(A) survey and compile a list of the small business concerns referred to in paragraph (3) in the State, including the location of the small business concerns in the State; and

(B) notify the Secretary, in writing, of the percentage of the small business concerns that are controlled by—

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(i) women;

(ii) socially and economically disadvantaged individuals (other than women); and

(iii) individuals who are women and are otherwise socially and economically disadvantaged individuals.

(5) UNIFORM CERTIFICATION.—

(A) IN GENERAL.—The Secretary shall establish minimum uniform criteria for use by State governments in certifying whether a concern qualifies as a small business concern for the purpose of this subsection.

(B) INCLUSIONS.—The minimum uniform criteria established under subparagraph (A) shall include, with respect to a potential small business concern—

(i) on-site visits;

(ii) personal interviews with personnel;

(iii) issuance or inspection of licenses;

(iv) analyses of stock ownership;

(v) listings of equipment;

(vi) analyses of bonding capacity;

(vii) listings of work completed;

(viii) examination of the resumes of principal owners;

(ix) analyses of financial capacity; and

(x) analyses of the type of work preferred.

(6) REPORTING.—The Secretary shall establish minimum requirements for use by State governments in reporting to the Secretary—

(A) information concerning disadvantaged business enterprise awards, commitments, and achievements; and

(B) such other information as the Secretary determines to be appropriate for the proper monitoring of the disadvantaged business enterprise program.

(7) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an individual or entity to receive funds made available under this division, division C, and section 403 of title 23, United States Code, if the entity or person is prevented, in whole or in part, from complying with paragraph (3) because a Federal court issues a final order in which the court finds that a requirement or the implementation of paragraph (3) is unconstitutional.

(8) SENSE OF CONGRESS ON PROMPT PAYMENT OF DBE SUBCONTRACTORS.—It is the sense of Congress that—

(A) the Secretary should take additional steps to ensure that recipients comply with section 26.29 of title 49, Code of Federal Regulations (the disadvantaged business enterprises prompt payment rule), or any corresponding regulation, in awarding Federally funded transportation contracts under laws and regulations administered by the Secretary; and

(B) such additional steps should include increasing the ability of the Department to track and keep records of complaints and to make that information publicly available.

SEC. 11102. OBLIGATION CEILING.

(a) GENERAL LIMITATION.—Subject to subsection (e), and notwithstanding any other provision of law, the obligations for Federal-

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aid highway and highway safety construction programs shall not exceed—

(1) $57,473,430,072 for fiscal year 2022;
(2) $58,764,510,674 for fiscal year 2023;
(3) $60,095,782,888 for fiscal year 2024;
(4) $61,314,170,545 for fiscal year 2025; and
(5) $62,657,105,821 for fiscal year 2026.

(b) EXCEPTIONS.—The limitations under subsection (a) shall not apply to obligations under or for—

(1) section 125 of title 23, United States Code;
(2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);
(3) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);
(4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);
(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);
(6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027);
(7) section 157 of title 23, United States Code (as in effect on June 8, 1998);
(8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years);
(9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;
(10) section 105 of title 23, United States Code (as in effect for fiscal years 2005 through 2012, but only in an amount equal to $639,000,000 for each of those fiscal years);
(11) section 1603 of SAFETEA–LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation;
(12) section 119 of title 23, United States Code (as in effect for fiscal years 2013 through 2015, but only in an amount equal to $639,000,000 for each of those fiscal years);
(13) section 119 of title 23, United States Code (as in effect for fiscal years 2016 through 2021, but only in an amount equal to $639,000,000 for each of those fiscal years); and
(14) section 119 of title 23, United States Code (but, for fiscal years 2022 through 2026, only in an amount equal to $639,000,000 for each of those fiscal years).

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 2022 through 2026, the Secretary—

(1) shall not distribute obligation authority provided by subsection (a) for the fiscal year for—
(A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and

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(B) amounts authorized for the Bureau of Transportation Statistics;

(2) shall not distribute an amount of obligation authority provided by subsection (a) that is equal to the unobligated balance of amounts—

(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary (or apportioned by the Secretary under section 202 or 204 of title 23, United States Code); and

(B) for which obligation authority was provided in a previous fiscal year;

(3) shall determine the proportion that—

(A) the obligation authority provided by subsection (a) for the fiscal year, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

(B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (13) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(14) for the fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under this division and title 23, United States Code, or apportioned by the Secretary under section 202 or 204 of that title, by multiplying—

(A) the proportion determined under paragraph (3); by

(B) the amounts authorized to be appropriated for each such program for the fiscal year; and

(5) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the national highway performance program in section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(14) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—

(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for the fiscal year; bears to

(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for the fiscal year.

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(d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), the Secretary shall, after August 1 of each of fiscal years 2022 through 2026—

(1) revise a distribution of the obligation authority made available under subsection (c) if an amount distributed cannot be obligated during that fiscal year; and

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141; 126 Stat. 405)) and 104 of title 23, United States Code.

(e) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), obligation limitations imposed by subsection (a) shall apply to contract authority for transportation research programs carried out under chapter 5 of title 23, United States Code.

(2) EXCEPTION.—Obligation authority made available under paragraph (1) shall—

(A) remain available for a period of 4 fiscal years; and

(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(f) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation authority under subsection (c) for each of fiscal years 2022 through 2026, the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that—

(A) are authorized to be appropriated for the fiscal year for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for the fiscal year because of the imposition of any obligation limitation for the fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (c)(5).

(3) AVAILABILITY.—Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(b) of title 23, United States Code.

SEC. 11103. DEFINITIONS.

Section 101(a) of title 23, United States Code, is amended—

(1) in paragraph (4)—

(A) in subparagraph (A), by inserting "assessing resilience," after "surveying,";

(B) in subparagraph (G), by striking "and" at the end;

(C) by redesignating subparagraph (H) as subparagraph (I); and

(D) by inserting after subparagraph (G) the following:

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"(H) improvements that reduce the number of wildlife-vehicle collisions, such as wildlife crossing structures; and";

(2) by redesignating paragraphs (17) through (34) as paragraphs (18), (19), (20), (21), (22), (23), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (35), and (36), respectively;

(3) by inserting after paragraph (16) the following:

"(17) NATURAL INFRASTRUCTURE.—The term 'natural infrastructure' means infrastructure that uses, restores, or emulates natural ecological processes and—

"(A) is created through the action of natural physical, geological, biological, and chemical processes over time;

"(B) is created by human design, engineering, and construction to emulate or act in concert with natural processes; or

"(C) involves the use of plants, soils, and other natural features, including through the creation, restoration, or preservation of vegetated areas using materials appropriate to the region to manage stormwater and runoff, to attenuate flooding and storm surges, and for other related purposes.";

(4) by inserting after paragraph (23) (as so redesignated) the following:

"(24) RESILIENCE.—The term 'resilience', with respect to a project, means a project with the ability to anticipate, prepare for, or adapt to conditions or withstand, respond to, or recover rapidly from disruptions, including the ability—

"(A)(i) to resist hazards or withstand impacts from weather events and natural disasters; or

"(ii) to reduce the magnitude or duration of impacts of a disruptive weather event or natural disaster on a project; and

"(B) to have the absorptive capacity, adaptive capacity, and recoverability to decrease project vulnerability to weather events or other natural disasters."; and

(5) in subparagraph (A) of paragraph (32) (as so redesignated)—

(A) by striking the period at the end and inserting "; and";

(B) by striking "through the implementation" and inserting the following: "through—

"(i) the implementation"; and

(C) by adding at the end the following:

"(ii) the consideration of incorporating natural infrastructure.".

SEC. 11104. APPORTIONMENT.

(a) ADMINISTRATIVE EXPENSES.—Section 104(a)(1) of title 23, United States Code, is amended by striking subparagraphs (A) through (E) and inserting the following:

"(A) $490,964,697 for fiscal year 2022;
"(B) $500,783,991 for fiscal year 2023;
"(C) $510,799,671 for fiscal year 2024;
"(D) $521,015,664 for fiscal year 2025; and
"(E) $531,435,977 for fiscal year 2026.".

(b) DIVISION AMONG PROGRAMS OF STATE SHARE.—Section 104(b) of title 23, United States Code, is amended in subsection (b)—

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(1) in the matter preceding paragraph (1), by inserting "the carbon reduction program under section 175, to carry out subsection (c) of the PROTECT program under section 176," before "and to carry out section 134";

(2) in paragraph (1), by striking "63.7 percent" and inserting "59.0771195921461 percent";

(3) in paragraph (2), by striking "29.3 percent" and inserting "28.7402203421251 percent";

(4) in paragraph (3), by striking "7 percent" and inserting "6.70605141316253 percent";

(5) by striking paragraph (4) and inserting the following:

"(4) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

"(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, an amount determined for the State under subparagraphs (B) and (C).

"(B) TOTAL AMOUNT.—The total amount for the congestion mitigation and air quality improvement program for all States shall be—

"(i) $2,536,490,803 for fiscal year 2022;
"(ii) $2,587,220,620 for fiscal year 2023;
"(iii) $2,638,965,032 for fiscal year 2024;
"(iv) $2,691,744,332 for fiscal year 2025; and
"(v) $2,745,579,213 for fiscal year 2026.

"(C) STATE SHARE.—For each fiscal year, the Secretary shall distribute among the States the total amount for the congestion mitigation and air quality improvement program under subparagraph (B) so that each State receives an amount equal to the proportion that—

"(i) the amount apportioned to the State for the congestion mitigation and air quality improvement program for fiscal year 2020; bears to

"(ii) the total amount of funds apportioned to all States for that program for fiscal year 2020.";

(6) in paragraph (5)—

(A) by striking subparagraph (B) and inserting the following:

"(B) TOTAL AMOUNT.—The total amount set aside for the national highway freight program for all States shall be—

"(i) $1,373,932,519 for fiscal year 2022;
"(ii) $1,401,411,169 for fiscal year 2023;
"(iii) $1,429,439,392 for fiscal year 2024;
"(iv) $1,458,028,180 for fiscal year 2025; and
"(v) $1,487,188,740 for fiscal year 2026."; and

(B) by striking subparagraph (D); and

(7) by striking paragraph (6) and inserting the following:

"(6) METROPOLITAN PLANNING.—

"(A) IN GENERAL.—To carry out section 134, an amount determined for the State under subparagraphs (B) and (C).

"(B) TOTAL AMOUNT.—The total amount for metropolitan planning for all States shall be—

"(i) $ 438,121,139 for fiscal year 2022;
"(ii) $446,883,562 for fiscal year 2023;
"(iii) $455,821,233 for fiscal year 2024;
"(iv) $464,937,657 for fiscal year 2025; and

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"(v) $474,236,409 for fiscal year 2026.

"(C) STATE SHARE.—For each fiscal year, the Secretary shall distribute among the States the total amount to carry out section 134 under subparagraph (B) so that each State receives an amount equal to the proportion that—

"(i) the amount apportioned to the State to carry out section 134 for fiscal year 2020; bears to

"(ii) the total amount of funds apportioned to all States to carry out section 134 for fiscal year 2020.

"(7) CARBON REDUCTION PROGRAM.—For the carbon reduction program under section 175, 2.56266964565637 percent of the amount remaining after distributing amounts under paragraphs (4), (5), and (6).

"(8) PROTECT FORMULA PROGRAM.—To carry out subsection (c) of the PROTECT program under section 176, 2.91393900690991 percent of the amount remaining after distributing amounts under paragraphs (4), (5), and (6).".

(c) CALCULATION OF AMOUNTS.—Section 104(c) of title 23, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "each of fiscal years 2016 through 2020" and inserting "fiscal year 2022 and each fiscal year thereafter";

(B) in subparagraph (A)—

(i) by striking clause (i) and inserting the following:

"(i) the base apportionment; by"; and

(ii) in clause (ii)(I), by striking "fiscal year 2015" and inserting "fiscal year 2021"; and

(C) by striking subparagraph (B) and inserting the following:

"(B) GUARANTEED AMOUNTS.—The initial amounts resulting from the calculation under subparagraph (A) shall be adjusted to ensure that each State receives an aggregate apportionment that is—

"(i) equal to at least 95 percent of the estimated tax payments paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available that are—

"(I) attributable to highway users in the State; and

"(II) associated with taxes in effect on July 1, 2019, and only up to the rate those taxes were in effect on that date;

"(ii) at least 2 percent greater than the apportionment that the State received for fiscal year 2021; and

"(iii) at least 1 percent greater than the apportionment that the State received for the previous fiscal year."; and

(2) in paragraph (2)—

(A) by striking "fiscal years 2016 through 2020" and inserting "fiscal year 2022 and each fiscal year thereafter"; and

(B) by inserting "the carbon reduction program under section 175, to carry out subsection (c) of the PROTECT program under section 176," before "and to carry out section 134".

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(d) METROPOLITAN PLANNING.—Section 104(d)(1)(A) of title 23, United States Code, is amended by striking "paragraphs (5)(D) and (6) of subsection (b)" each place it appears and inserting "subsection (b)(6)".

(e) SUPPLEMENTAL FUNDS.—Section 104 of title 23, United States Code, is amended by striking subsection (h).

(f) BASE APPORTIONMENT DEFINED.—Section 104 of title 23, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (h); and

(2) in subsection (h) (as so redesignated)—

(A) by striking "means" in the matter preceding paragraph (1) and all that follows through "the combined amount" in paragraph (1) and inserting "means the combined amount";

(B) by striking "and to carry out section 134; minus" and inserting "the carbon reduction program under section 175, to carry out subsection (c) of the PROTECT program under section 176, and to carry out section 134."; and

(C) by striking paragraph (2).

SEC. 11105. NATIONAL HIGHWAY PERFORMANCE PROGRAM.

Section 119 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) to provide support for activities to increase the resiliency of the National Highway System to mitigate the cost of damages from sea level rise, extreme weather events, flooding, wildfires, or other natural disasters.";

(2) in subsection (d)(2), by adding at the end the following:

"(Q) Undergrounding public utility infrastructure carried out in conjunction with a project otherwise eligible under this section.

"(R) Resiliency improvements on the National Highway System, including protective features described in subsection (k)(2).

"(S) Implement activities to protect segments of the National Highway System from cybersecurity threats.";

(3) in subsection (e)(4)(D), by striking "analysis" and inserting "analyses, both of which shall take into consideration extreme weather and resilience"; and

(4) by adding at the end the following:

"(k) PROTECTIVE FEATURES.—

"(1) IN GENERAL.—A State may use not more than 15 percent of the funds apportioned to the State under section 104(b)(1) for each fiscal year for 1 or more protective features on a Federal-aid highway or bridge not on the National Highway System, if the protective feature is designed to mitigate the risk of recurring damage or the cost of future repairs from extreme weather events, flooding, or other natural disasters.

"(2) PROTECTIVE FEATURES DESCRIBED.—A protective feature referred to in paragraph (1) includes—

"(A) raising roadway grades;

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"(B) relocating roadways in a base floodplain to higher ground above projected flood elevation levels or away from slide prone areas;

"(C) stabilizing slide areas;

"(D) stabilizing slopes;

"(E) lengthening or raising bridges to increase waterway openings;

"(F) increasing the size or number of drainage structures;

"(G) replacing culverts with bridges or upsizing culverts;

"(H) installing seismic retrofits on bridges;

"(I) adding scour protection at bridges, installing riprap, or adding other scour, stream stability, coastal, or other hydraulic countermeasures, including spur dikes; and

"(J) the use of natural infrastructure to mitigate the risk of recurring damage or the cost of future repair from extreme weather events, flooding, or other natural disasters.

"(3) SAVINGS PROVISION.—Nothing in this subsection limits the ability of a State to carry out a project otherwise eligible under subsection (d) using funds apportioned under section 104(b)(1).".

SEC. 11106. EMERGENCY RELIEF.

Section 125 of title 23, United States Code, is amended—

(1) in subsection (a)(1), by inserting "wildfire," after "severe storm,";

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

"(b) RESTRICTION ON ELIGIBILITY.—Funds under this section shall not be used for the repair or reconstruction of a bridge that has been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration."; and

(3) in subsection (d)—

(A) in paragraph (2)(A)—

(i) by striking the period at the end and inserting "; and";

(ii) by striking "a facility that meets the current" and inserting the following: "a facility that—

"(i) meets the current"; and

(iii) by adding at the end the following:

"(ii) incorporates economically justifiable improvements that will mitigate the risk of recurring damage from extreme weather, flooding, and other natural disasters.";

(B) by redesignating paragraph (3) as paragraph (4); and

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

"(3) PROTECTIVE FEATURES.—

"(A) IN GENERAL.—The cost of an improvement that is part of a project under this section shall be an eligible expense under this section if the improvement is a protective feature that will mitigate the risk of recurring damage or the cost of future repair from extreme weather, flooding, and other natural disasters.

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"(B) PROTECTIVE FEATURES DESCRIBED.—A protective feature referred to in subparagraph (A) includes—

"(i) raising roadway grades;

"(ii) relocating roadways in a floodplain to higher ground above projected flood elevation levels or away from slide prone areas;

"(iii) stabilizing slide areas;

"(iv) stabilizing slopes;

"(v) lengthening or raising bridges to increase waterway openings;

"(vi) increasing the size or number of drainage structures;

"(vii) replacing culverts with bridges or upsizing culverts;

"(viii) installing seismic retrofits on bridges;

"(ix) adding scour protection at bridges, installing riprap, or adding other scour, stream stability, coastal, or other hydraulic countermeasures, including spur dikes; and

"(x) the use of natural infrastructure to mitigate the risk of recurring damage or the cost of future repair from extreme weather, flooding, and other natural disasters.".

SEC. 11107. FEDERAL SHARE PAYABLE.

Section 120 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1), in the first sentence, by inserting "vehicle-to-infrastructure communication equipment," after "breakaway utility poles,";

(B) in subparagraph (3)(B)—

(i) in clause (v), by striking "or" at the end;

(ii) by redesignating clause (vi) as clause (vii); and

(iii) by inserting after clause (v) the following:

"(vi) contractual provisions that provide safety contingency funds to incorporate safety enhancements to work zones prior to or during roadway construction activities; or"; and

(C) by adding at the end the following:

"(4) POOLED FUNDING.—Notwithstanding any other provision of law, the Secretary may waive the non-Federal share of the cost of a project or activity under section 502(b)(6) that is carried out with amounts apportioned under section 104(b)(2) after considering appropriate factors, including whether—

"(A) decreasing or eliminating the non-Federal share would best serve the interests of the Federal-aid highway program; and

"(B) the project or activity addresses national or regional high priority research, development, and technology transfer problems in a manner that would benefit multiple States or metropolitan planning organizations.";

(2) in subsection (e)—

(A) in paragraph (1), by striking "180 days" and inserting "270 days"; and

(B) in paragraph (4), by striking "permanent"; and

(3) by adding at the end the following:

"(l) FEDERAL SHARE FLEXIBILITY PILOT PROGRAM.—

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"(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall establish a pilot program (referred to in this subsection as the 'pilot program') to give States additional flexibility with respect to the Federal requirements under this section.

"(2) PROGRAM.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, a State participating in the pilot program (referred to in this subsection as a 'participating State') may determine the Federal share on a project, multiple-project, or program basis for projects under any of the following:

"(i) The national highway performance program under section 119.

"(ii) The surface transportation block grant program under section 133.

"(iii) The highway safety improvement program under section 148.

"(iv) The congestion mitigation and air quality improvement program under section 149.

"(v) The national highway freight program under section 167.

"(vi) The carbon reduction program under section 175.

"(vii) Subsection (c) of the PROTECT program under section 176.

"(B) REQUIREMENTS.—

"(i) MAXIMUM FEDERAL SHARE.—Subject to clause (iii), the Federal share of the cost of an individual project carried out under a program described in subparagraph (A) by a participating State and to which the participating State is applying the Federal share requirements under the pilot program may be up to 100 percent.

"(ii) MINIMUM FEDERAL SHARE.—No individual project carried out under a program described in subparagraph (A) by a participating State and to which the participating State is applying the Federal share requirements under the pilot program shall have a Federal share of 0 percent.

"(iii) DETERMINATION.—The average annual Federal share of the total cost of all projects authorized under a program described in subparagraph (A) to which a participating State is applying the Federal share requirements under the pilot program shall be not more than the average of the maximum Federal share of those projects if those projects were not carried out under the pilot program.

"(C) SELECTION.—

"(i) APPLICATION.—A State seeking to be a participating State shall—

"(I) submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require; and

"(II) have in place adequate financial controls to allow the State to determine the average annual

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Federal share requirements under the pilot program.

"(ii) REQUIREMENT.—For each of fiscal years 2022 through 2026, the Secretary shall select not more than 10 States to be participating States.".

SEC. 11108. RAILWAY-HIGHWAY GRADE CROSSINGS.

(a) IN GENERAL.—Section 130(e) of title 23, United States Code, is amended—

(1) in the heading, by striking "PROTECTIVE DEVICES" and inserting "RAILWAY-HIGHWAY GRADE CROSSINGS"; and

(2) in paragraph (1)—

(A) in subparagraph (A), by striking "and the installation of protective devices at railway-highway crossings" in the matter preceding clause (i) and all that follows through "2020." in clause (v) and inserting the following: ", the installation of protective devices at railway-highway crossings, the replacement of functionally obsolete warning devices, and as described in subparagraph (B), not less than $245,000,000 for each of fiscal years 2022 through 2026."; and

(B) by striking subparagraph (B) and inserting the following:

"(B) REDUCING TRESPASSING FATALITIES AND INJURIES.—A State may use funds set aside under subparagraph (A) for projects to reduce pedestrian fatalities and injuries from trespassing at grade crossings.".

(b) FEDERAL SHARE.—Section 130(f)(3) of title 23, United States Code, is amended by striking "90 percent" and inserting "100 percent".

(c) INCENTIVE PAYMENTS FOR AT-GRADE CROSSING CLOSURES.—Section 130(i)(3)(B) of title 23, United States Code, is amended by striking "$7,500" and inserting "$100,000".

(d) EXPENDITURE OF FUNDS.—Section 130(k) of title 23, United States Code, is amended by striking "2 percent" and inserting "8 percent".

(e) GAO STUDY.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that includes an analysis of the effectiveness of the railway-highway crossings program under section 130 of title 23, United States Code.

(f) SENSE OF CONGRESS RELATING TO TRESPASSER DEATHS ALONG RAILROAD RIGHTS-OF-WAY.—It is the sense of Congress that the Department should, where feasible, coordinate departmental efforts to prevent or reduce trespasser deaths along railroad rights-of-way and at or near railway-highway crossings.

SEC. 11109. SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Section 133 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) by adding "or" at the end;

(II) by striking "facilities eligible" and inserting the following: "facilities—

"(i) that are eligible"; and

(III) by adding at the end the following:

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"(ii) that are privately or majority-privately owned, but that the Secretary determines provide a substantial public transportation benefit or otherwise meet the foremost needs of the surface transportation system described in section 101(b)(3)(D);";

(ii) in subparagraph (E), by striking "and" at the end;

(iii) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(G) wildlife crossing structures.";

(B) in paragraph (3), by inserting "148(a)(4)(B)(xvii)," after "119(g),";

(C) by redesignating paragraphs (4) through (15) as paragraphs (5), (6), (7), (8), (9), (10), (11), (12), (13), (20), (21), and (22), respectively;

(D) in paragraph (5) (as so redesignated), by striking "railway-highway grade crossings" and inserting "projects eligible under section 130 and installation of safety barriers and nets on bridges";

(E) in paragraph (7) (as so redesignated)—

(i) by inserting "including the maintenance and restoration of existing recreational trails," after "section 206"; and

(ii) by striking "the safe routes to school program under section 1404 of SAFETEA–LU (23 U.S.C. 402 note)" and inserting "the safe routes to school program under section 208";

(F) by inserting after paragraph (13) (as so redesignated) the following:

"(14) Projects and strategies designed to reduce the number of wildlife-vehicle collisions, including project-related planning, design, construction, monitoring, and preventative maintenance.

"(15) The installation of electric vehicle charging infrastructure and vehicle-to-grid infrastructure.

"(16) The installation and deployment of current and emerging intelligent transportation technologies, including the ability of vehicles to communicate with infrastructure, buildings, and other road users.

"(17) Planning and construction of projects that facilitate intermodal connections between emerging transportation technologies, such as magnetic levitation and hyperloop.

"(18) Protective features, including natural infrastructure, to enhance the resilience of a transportation facility otherwise eligible for assistance under this section.

"(19) Measures to protect a transportation facility otherwise eligible for assistance under this section from cybersecurity threats."; and

(G) by adding at the end the following:

"(23) Rural barge landing, dock, and waterfront infrastructure projects in accordance with subsection (j).

"(24) Projects to enhance travel and tourism.";

(2) in subsection (c)—

(A) in paragraph (2), by striking "paragraphs (4) through (11)" and inserting "paragraphs (5) through (15) and paragraph (23)";

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(B) in paragraph (3), by striking "and" at the end;

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by inserting after paragraph (3) the following:

"(4) for a bridge project for the replacement of a low water crossing (as defined by the Secretary) with a bridge; and";

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "reservation" and inserting "set aside"; and

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "the percentage specified in paragraph (6) for a fiscal year" and inserting "55 percent for each of fiscal years 2022 through 2026"; and

(II) by striking clauses (ii) and (iii) and inserting the following:

"(ii) in urbanized areas of the State with an urbanized area population of not less than 50,000 and not more than 200,000;

"(iii) in urban areas of the State with a population not less than 5,000 and not more than 49,999; and

"(iv) in other areas of the State with a population less than 5,000; and";

(B) by striking paragraph (3) and inserting the following:

"(3) LOCAL CONSULTATION.—

"(A) CONSULTATION WITH METROPOLITAN PLANNING ORGANIZATIONS.—For purposes of clause (ii) of paragraph (1)(A), a State shall—

"(i) establish a process to consult with all metropolitan planning organizations in the State that represent an urbanized area described in that clause; and

"(ii) describe how funds allocated for areas described in that clause will be allocated equitably among the applicable urbanized areas during the period of fiscal years 2022 through 2026.

"(B) CONSULTATION WITH REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS.—For purposes of clauses (iii) and (iv) of paragraph (1)(A), before obligating funding attributed to an area with a population less than 50,000, a State shall consult with the regional transportation planning organizations that represent the area, if any."; and

(C) by striking paragraph (6);

(4) in subsection (e)(1), in the matter preceding subparagraph (A), by striking "fiscal years 2016 through 2020" and inserting "fiscal years 2022 through 2026";

(5) in subsection (f)—

(A) in paragraph (1)—

(i) by inserting "or low water crossing (as defined by the Secretary)" after "a highway bridge"; and

(ii) by inserting "or low water crossing (as defined by the Secretary)" after "other than a bridge";

(B) in paragraph (2)(A)—

(i) by striking "activities described in subsection (b)(2) for off-system bridges" and inserting "activities

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described in paragraphs (1)(A) and (10) of subsection (b) for off-system bridges, projects and activities described in subsection (b)(1)(A) for the replacement of low water crossings with bridges, and projects and activities described in subsection (b)(10) for low water crossings (as defined by the Secretary),"; and

(ii) by striking "15 percent" and inserting "20 percent"; and

(C) in paragraph (3), in the matter preceding subparagraph (A)—

(i) by striking "bridge or rehabilitation of a bridge" and inserting "bridge, rehabilitation of a bridge, or replacement of a low water crossing (as defined by the Secretary) with a bridge"; and

(ii) by inserting "or, in the case of a replacement of a low water crossing with a bridge, is determined by the Secretary on completion to have improved the safety of the location" after "no longer a deficient bridge";

(6) in subsection (g)—

(A) in the subsection heading, by striking "LESS THAN 5,000" and inserting "LESS THAN 50,000"; and

(B) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Notwithstanding subsection (c), and except as provided in paragraph (2), up to 15 percent of the amounts required to be obligated by a State under clauses (iii) and (iv) of subsection (d)(1)(A) for each fiscal year may be obligated on—

"(A) roads functionally classified as rural minor collectors or local roads; or

"(B) on critical rural freight corridors designated under section 167(e).."; and

(7) by adding at the end the following:

"(j) RURAL BARGE LANDING, DOCK, AND WATERFRONT INFRASTRUCTURE PROJECTS.—

"(1) IN GENERAL.—A State may use not more than 5 percent of the funds apportioned to the State under section 104(b)(2) for eligible rural barge landing, dock, and waterfront infrastructure projects described in paragraph (2).

"(2) ELIGIBLE PROJECTS.—An eligible rural barge landing, dock, or waterfront infrastructure project referred to in paragraph (1) is a project for the planning, designing, engineering, or construction of a barge landing, dock, or other waterfront infrastructure in a rural community or a Native village (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)) that is off the road system.

"(k) PROJECTS IN RURAL AREAS.—

"(1) SET ASIDE.—Notwithstanding subsection (c), in addition to the activities described in subsections (b) and (g), of the amounts apportioned to a State for each fiscal year to carry out this section, not more than 15 percent may be—

"(A) used on eligible projects under subsection (b) or maintenance activities on roads functionally classified as rural minor collectors or local roads, ice roads, or seasonal roads; or

"(B) transferred to—

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"(i) the Appalachian Highway System Program under 14501 of title 40; or

"(ii) the Denali access system program under section 309 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277).

"(2) SAVINGS CLAUSE.—Amounts allocated under subsection (d) shall not be used to carry out this subsection, except at the request of the applicable metropolitan planning organization.".

(b) SET-ASIDE.—

(1) IN GENERAL.—Section 133(h) of title 23, United States Code, is amended—

(A) in paragraph (1)—

(i) in the heading, by striking "RESERVATION OF FUNDS" and inserting "IN GENERAL"; and

(ii) in the matter preceding subparagraph (A), by striking "for each fiscal year" and all that follows through "and" at the end of subparagraph (A)(ii) and inserting the following: "for fiscal year 2022 and each fiscal year thereafter—

"(A) the Secretary shall set aside an amount equal to 10 percent to carry out this subsection; and";

(B) by striking paragraph (2) and inserting the following:

"(2) ALLOCATION WITHIN A STATE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), funds set aside for a State under paragraph (1) shall be obligated within that State in the manner described in subsection (d), except that, for purposes of this paragraph (after funds are made available under paragraph (5))—

"(i) for fiscal year 2022 and each fiscal year thereafter, the percentage referred to in paragraph (1)(A) of that subsection shall be deemed to be 59 percent; and

"(ii) paragraph (3) of subsection (d) shall not apply.

"(B) LOCAL CONTROL.—A State may allocate up to 100 percent of the funds referred to in subparagraph (A)(i) if—

"(i) the State submits to the Secretary a plan that describes—

"(I) how funds will be allocated to counties, metropolitan planning organizations, regional transportation planning organizations as described in section 135(m), or local governments;

"(II) how the entities described in subclause (I) will carry out a competitive process to select projects for funding and report selected projects to the State;

"(III) the legal, financial, and technical capacity of the entities described in subclause (I);

"(IV) how input was gathered from the entities described in subclause (I) to ensure those entities will be able to comply with the requirements of this subsection; and

"(V) how the State will comply with paragraph (8); and

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"(ii) the Secretary approves the plan submitted under clause (i).";

(C) by striking paragraph (3) and inserting the following:

"(3) ELIGIBLE PROJECTS.—Funds set aside under this subsection may be obligated for—

"(A) projects or activities described in section 101(a)(29) or 213, as those provisions were in effect on the day before the date of enactment of the FAST Act (Public Law 114–94; 129 Stat. 1312);

"(B) projects and activities under the safe routes to school program under section 208; and

"(C) activities in furtherance of a vulnerable road user safety assessment (as defined in section 148(a)).";

(D) in paragraph (4)—

(i) by striking subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (A);

(iii) in subparagraph (A) (as so redesignated)—

(I) by redesignating clauses (vii) and (viii) as clauses (viii) and (ix), respectively;

(II) by inserting after clause (vi) the following:

"(vii) a metropolitan planning organization that serves an urbanized area with a population of 200,000 or fewer;";

(III) in clause (viii) (as so redesignated), by striking "responsible" and all that follows through "programs; and" and inserting a semicolon;

(IV) in clause (ix) (as so redesignated)—

(aa) by inserting "that serves an urbanized area with a population of over 200,000" after "metropolitan planning organization"; and

(bb) by striking the period at the end and inserting "; and"; and

(V) by adding at the end the following:

"(x) a State, at the request of an entity described in clauses (i) through (ix).";

(iv) by adding at the end the following:

"(B) COMPETITIVE PROCESS.—A State or metropolitan planning organization required to obligate funds in accordance with paragraph (2) shall develop a competitive process to allow eligible entities to submit projects for funding that achieve the objectives of this subsection.

"(C) SELECTION.—A metropolitan planning organization for an area described in subsection (d)(1)(A)(i) shall select projects under the competitive process described in subparagraph (B) in consultation with the relevant State.

"(D) PRIORITIZATION.—The competitive process described in subparagraph (B) shall include prioritization of project location and impact in high-need areas as defined by the State, such as low-income, transit-dependent, rural, or other areas.";

(E) in paragraph (5)(A), by striking "reserved under this section" and inserting "set aside under this subsection";

(F) in paragraph (6)—

(i) in subparagraph (B), by striking "reserved" and inserting "set aside"; and

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(ii) by adding at the end the following:

"(C) IMPROVING ACCESSIBILITY AND EFFICIENCY.—

"(i) IN GENERAL.—A State may use an amount equal to not more than 5 percent of the funds set aside for the State under this subsection, after allocating funds in accordance with paragraph (2)(A), to improve the ability of applicants to access funding for projects under this subsection in an efficient and expeditious manner by providing—

"(I) to applicants for projects under this subsection application assistance, technical assistance, and assistance in reducing the period of time between the selection of the project and the obligation of funds for the project; and

"(II) funding for 1 or more full-time State employee positions to administer this subsection.

"(ii) USE OF FUNDS.—Amounts used under clause (i) may be expended—

"(I) directly by the State; or

"(II) through contracts with State agencies, private entities, or nonprofit entities.";

(G) by redesignating paragraph (7) as paragraph (8);

(H) by inserting after paragraph (6) the following:

"(7) FEDERAL SHARE.—

"(A) REQUIRED AGGREGATE NON-FEDERAL SHARE.—The average annual non-Federal share of the total cost of all projects for which funds are obligated under this subsection in a State for a fiscal year shall be not less than the average non-Federal share of the cost of the projects that would otherwise apply.

"(B) FLEXIBLE FINANCING.—Subject to subparagraph (A), notwithstanding section 120—

"(i) funds made available to carry out section 148 may be credited toward the non-Federal share of the costs of a project under this subsection if the project—

"(I) is an eligible project described in section 148(e)(1); and

"(II) is consistent with the State strategic highway safety plan (as defined in section 148(a));

"(ii) the non-Federal share for a project under this subsection may be calculated on a project, multiple-project, or program basis; and

"(iii) the Federal share of the cost of an individual project in this section may be up to 100 percent.

"(C) REQUIREMENT.—Subparagraph (B) shall only apply to a State if the State has adequate financial controls, as certified by the Secretary, to account for the average annual non-Federal share under this paragraph."; and

(I) in subparagraph (A) of paragraph (8) (as so redesignated)—

(i) in the matter preceding clause (i), by striking "describes" and inserting "includes"; and

(ii) by striking clause (ii) and inserting the following:

"(ii) a list of each project selected for funding for each fiscal year, including, for each project—

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"(I) the fiscal year during which the project was selected;

"(II) the fiscal year in which the project is anticipated to be funded;

"(III) the recipient;

"(IV) the location, including the congressional district;

"(V) the type;

"(VI) the cost; and

"(VII) a brief description.".

(2) STATE TRANSFERABILITY.—Section 126(b)(2) of title 23, United States Code, is amended—

(A) by striking the period at the end and inserting "; and";

(B) by striking "reserved for a State under section 133(h) for a fiscal year may" and inserting the following: "set aside for a State under section 133(h) for a fiscal year—

"(A) may"; and

(C) by adding at the end the following:

"(B) may only be transferred if the Secretary certifies that the State—

"(i) held a competition in compliance with the guidance issued to carry out section 133(h) and provided sufficient time for applicants to apply;

"(ii) offered to each eligible entity, and provided on request of an eligible entity, technical assistance; and

"(iii) demonstrates that there were not sufficiently suitable applications from eligible entities to use the funds to be transferred.".

SEC. 11110. NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.

(a) IN GENERAL.—Section 117 of title 23, United States Code, is amended—

(1) in the section heading, by inserting "**multimodal**" before "**freight**";

(2) in subsection (a)(2)—

(A) in subparagraph (A), by inserting "in and across rural and urban areas" after "people";

(B) in subparagraph (C), by inserting "or freight" after "highway";

(C) in subparagraph (E), by inserting "or freight" after "highway"; and

(D) in subparagraph (F), by inserting ", including highways that support movement of energy equipment" after "security";

(3) in subsection (b), by adding at the end the following: "(3) GRANT ADMINISTRATION.—The Secretary may—

"(A) retain not more than a total of 2 percent of the funds made available to carry out this section for the National Surface Transportation and Innovative Finance Bureau to review applications for grants under this section; and

"(B) transfer portions of the funds retained under subparagraph (A) to the relevant Administrators to fund

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the award and oversight of grants provided under this section.";

(4) in subsection (c)(1)—

(A) by redesignating subparagraph (H) as subparagraph (I); and

(B) by inserting after subparagraph (G) the following:

"(H) A multistate corridor organization.";

(5) in subsection (d)—

(A) in paragraph (1)(A)—

(i) in clause (iii)(II), by striking "or" at the end;

(ii) in clause (iv), by striking "and" at the end; and

(iii) by adding at the end the following:

"(v) a wildlife crossing project;

"(vi) a surface transportation infrastructure project that—

"(I) is located within the boundaries of or functionally connected to an international border crossing area in the United States;

"(II) improves a transportation facility owned by a Federal, State, or local government entity; and

"(III) increases throughput efficiency of the border crossing described in subclause (I), including—

"(aa) a project to add lanes;

"(bb) a project to add technology; and

"(cc) other surface transportation improvements;

"(vii) a project for a marine highway corridor designated by the Secretary under section 55601(c) of title 46 (including an inland waterway corridor), if the Secretary determines that the project—

"(I) is functionally connected to the National Highway Freight Network; and

"(II) is likely to reduce on-road mobile source emissions; or

"(viii) a highway, bridge, or freight project carried out on the National Multimodal Freight Network established under section 70103 of title 49; and"; and

(B) in paragraph (2)(A), in the matter preceding clause (i)—

(i) by striking "$600,000,000" and inserting "30 percent"; and

(ii) by striking "fiscal years 2016 through 2020, in the aggregate," and inserting "each of fiscal years 2022 through 2026";

(6) in subsection (e)—

(A) in paragraph (1), by striking "10 percent" and inserting "not less than 15 percent";

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

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"(C) the effect of the proposed project on safety on freight corridors with significant hazards, such as high winds, heavy snowfall, flooding, rockslides, mudslides, wildfire, wildlife crossing onto the roadway, or steep grades."; and

(C) by adding at the end the following:

"(4) REQUIREMENT.—Of the amounts reserved under paragraph (1), not less than 30 percent shall be used for projects in rural areas (as defined in subsection (i)(3))."

(7) in subsection (f)(2), by inserting "(including a project to replace or rehabilitate a culvert, or to reduce stormwater runoff for the purpose of improving habitat for aquatic species)" after "environmental mitigation";

(8) in subsection (h)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(4) enhancement of freight resilience to natural hazards or disasters, including high winds, heavy snowfall, flooding, rockslides, mudslides, wildfire, wildlife crossing onto the roadway, or steep grades;

"(5) whether the project will improve the shared transportation corridor of a multistate corridor organization, if applicable; and

"(6) prioritizing projects located in States in which neither the State nor an eligible entity in that State has been awarded a grant under this section.";

(9) in subsection (i)(2), by striking "other grants under this section" and inserting "grants under subsection (e)";

(10) in subsection (j)—

(A) by striking the subsection designation and heading and all that follows through "The Federal share" in paragraph (1) and inserting the following:

"(j) FEDERAL ASSISTANCE.—

"(1) FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) or for a grant under subsection (q), the Federal share";

(B) in paragraph (1), by adding at the end the following:

"(B) SMALL PROJECTS.—In the case of a project described in subsection (e)(1), the Federal share of the cost of the project shall be 80 percent."; and

(C) in paragraph (2)—

(i) by striking "Federal assistance other" and inserting "Except for grants under subsection (q), Federal assistance other"; and

(ii) by striking "except that the total Federal" and inserting the following: "except that—

"(A) for a State with a population density of not more than 80 persons per square mile of land area, based on the 2010 census, the maximum share of the total Federal assistance provided for a project receiving a grant under this section shall be the applicable share under section 120(b); and

"(B) for a State not described in subparagraph (A), the total Federal";

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(11) by redesignating subsections (k) through (n) as subsections (l), (m), (n), and (p), respectively;

(12) by inserting after subsection (j) the following:

"(k) EFFICIENT USE OF NON-FEDERAL FUNDS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law and subject to approval by the Secretary under paragraph (2)(B), in the case of any grant for a project under this section, during the period beginning on the date on which the grant recipient is selected and ending on the date on which the grant agreement is signed—

"(A) the grant recipient may obligate and expend non-Federal funds with respect to the project for which the grant is provided; and

"(B) any non-Federal funds obligated or expended in accordance with subparagraph (A) shall be credited toward the non-Federal cost share for the project for which the grant is provided.

"(2) REQUIREMENTS.—

"(A) APPLICATION.—In order to obligate and expend non-Federal funds under paragraph (1), the grant recipient shall submit to the Secretary a request to obligate and expend non-Federal funds under that paragraph, including—

"(i) a description of the activities the grant recipient intends to fund;

"(ii) a justification for advancing the activities described in clause (i), including an assessment of the effects to the project scope, schedule, and budget if the request is not approved; and

"(iii) the level of risk of the activities described in clause (i).

"(B) APPROVAL.—The Secretary shall approve or disapprove each request submitted under subparagraph (A).

"(C) COMPLIANCE WITH APPLICABLE REQUIREMENTS.—Any non-Federal funds obligated or expended under paragraph (1) shall comply with all applicable requirements, including any requirements included in the grant agreement.

"(3) EFFECT.—The obligation or expenditure of any non-Federal funds in accordance with this subsection shall not—

"(A) affect the signing of a grant agreement or other applicable grant procedures with respect to the applicable grant;

"(B) create an obligation on the part of the Federal Government to repay any non-Federal funds if the grant agreement is not signed; or

"(C) affect the ability of the recipient of the grant to obligate or expend non-Federal funds to meet the non-Federal cost share for the project for which the grant is provided after the period described in paragraph (1).";

(13) in subsection (n) (as so redesignated), by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Not later than 60 days before the date on which a grant is provided for a project under this section, the Secretary shall submit to the Committees on Commerce, Science, and Transportation and Environment and Public Works of the Senate and the Committee on Transportation

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and Infrastructure of the House of Representatives a report describing the proposed grant, including—

"(A) an evaluation and justification for the applicable project; and

"(B) a description of the amount of the proposed grant award.";

(14) by inserting after subsection (n) (as so redesignated) the following:

"(o) APPLICANT NOTIFICATION.—

"(1) IN GENERAL.—Not later than 60 days after the date on which a grant recipient for a project under this section is selected, the Secretary shall provide to each eligible applicant not selected for that grant a written notification that the eligible applicant was not selected.

"(2) INCLUSION.—A written notification under paragraph (1) shall include an offer for a written or telephonic debrief by the Secretary that will provide—

"(A) detail on the evaluation of the application of the eligible applicant; and

"(B) an explanation of and guidance on the reasons the application was not selected for a grant under this section.

"(3) RESPONSE.—

"(A) IN GENERAL.—Not later than 30 days after the eligible applicant receives a written notification under paragraph (1), if the eligible applicant opts to receive a debrief described in paragraph (2), the eligible applicant shall notify the Secretary that the eligible applicant is requesting a debrief.

"(B) DEBRIEF.—If the eligible applicant submits a request for a debrief under subparagraph (A), the Secretary shall provide the debrief by not later than 60 days after the date on which the Secretary receives the request for a debrief."; and

(15) by striking subsection (p) (as so redesignated) and inserting the following:

"(p) REPORTS.—

"(1) ANNUAL REPORT.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, not later than 30 days after the date on which the Secretary selects a project for funding under this section, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the reasons for selecting the project, based on any criteria established by the Secretary in accordance with this section.

"(B) INCLUSIONS.—The report submitted under subparagraph (A) shall specify each criterion established by the Secretary that the project meets.

"(C) AVAILABILITY.—The Secretary shall make available on the website of the Department of Transportation the report submitted under subparagraph (A).

"(D) APPLICABILITY.—This paragraph applies to all projects described in subparagraph (A) that the Secretary selects on or after October 1, 2021.

"(2) COMPTROLLER GENERAL.—

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"(A) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the establishment, solicitation, selection, and justification process with respect to the funding of projects under this section.

"(B) REPORT.—Not later than 1 year after the date of enactment of the Surface Transportation Reauthorization Act of 2021 and annually thereafter, the Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes, for each project selected to receive funding under this section—

"(i) the process by which each project was selected;

"(ii) the factors that went into the selection of each project; and

"(iii) the justification for the selection of each project based on any criteria established by the Secretary in accordance with this section.

"(3) INSPECTOR GENERAL.—Not later than 1 year after the date of enactment of the Surface Transportation Reauthorization Act of 2021 and annually thereafter, the Inspector General of the Department of Transportation shall—

"(A) conduct an assessment of the establishment, solicitation, selection, and justification process with respect to the funding of projects under this section; and

"(B) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report that describes the findings of the Inspector General of the Department of Transportation with respect to the assessment conducted under subparagraph (A).

"(q) STATE INCENTIVES PILOT PROGRAM.—

"(1) ESTABLISHMENT.—There is established a pilot program to award grants to eligible applicants for projects eligible for grants under this section (referred to in this subsection as the 'pilot program').

"(2) PRIORITY.—In awarding grants under the pilot program, the Secretary shall give priority to an application that offers a greater non-Federal share of the cost of a project relative to other applications under the pilot program.

"(3) FEDERAL SHARE.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, the Federal share of the cost of a project assisted with a grant under the pilot program may not exceed 50 percent.

"(B) NO FEDERAL INVOLVEMENT.—

"(i) IN GENERAL.—For grants awarded under the pilot program, except as provided in clause (ii), an eligible applicant may not use Federal assistance to satisfy the non-Federal share of the cost under subparagraph (A).

"(ii) EXCEPTION.—An eligible applicant may use funds from a secured loan (as defined in section 601(a)) to satisfy the non-Federal share of the cost under subparagraph (A) if the loan is repayable from non-Federal funds.

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"(4) RESERVATION.—

"(A) IN GENERAL.—Of the amounts made available to provide grants under this section, the Secretary shall reserve for each fiscal year $150,000,000 to provide grants under the pilot program.

"(B) UNUTILIZED AMOUNTS.—In any fiscal year during which applications under this subsection are insufficient to effect an award or allocation of the entire amount reserved under subparagraph (A), the Secretary shall use the unutilized amounts to provide other grants under this section.

"(5) SET-ASIDES.—

"(A) SMALL PROJECTS.—

"(i) IN GENERAL.—Of the amounts reserved under paragraph (4)(A), the Secretary shall reserve for each fiscal year not less than 10 percent for projects eligible for a grant under subsection (e).

"(ii) REQUIREMENT.—For a grant awarded from the amount reserved under clause (i)—

"(I) the requirements of subsection (e) shall apply; and

"(II) the requirements of subsection (g) shall not apply.

"(B) RURAL PROJECTS.—

"(i) IN GENERAL.—Of the amounts reserved under paragraph (4)(A), the Secretary shall reserve for each fiscal year not less than 25 percent for projects eligible for a grant under subsection (i).

"(ii) REQUIREMENT.—For a grant awarded from the amount reserved under clause (i), the requirements of subsection (i) shall apply.

"(6) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall submit to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the administration of the pilot program, including—

"(A) the number, types, and locations of eligible applicants that have applied for grants under the pilot program;

"(B) the number, types, and locations of grant recipients under the pilot program;

"(C) an assessment of whether implementation of the pilot program has incentivized eligible applicants to offer a greater non-Federal share for grants under the pilot program; and

"(D) any recommendations for modifications to the pilot program.

"(r) MULTISTATE CORRIDOR ORGANIZATION DEFINED.—For purposes of this section, the term 'multistate corridor organization' means an organization of a group of States developed through cooperative agreements, coalitions, or other arrangements to promote regional cooperation, planning, and shared project implementation for programs and projects to improve transportation system management and operations for a shared transportation corridor.

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"(s) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available from the Highway Trust Fund, there are authorized to be appropriated to carry out this section, to remain available for a period of 3 fiscal years following the fiscal year for which the amounts are appropriated—

"(1) $1,000,000,000 for fiscal year 2022;
"(2) $1,100,000,000 for fiscal year 2023;
"(3) $1,200,000,000 for fiscal year 2024;
"(4) $1,300,000,000 for fiscal year 2025; and
"(5) $1,400,000,000 for fiscal year 2026.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 117 and inserting the following:

"117. Nationally significant multimodal freight and highway projects.".

(c) EFFICIENT USE OF NON-FEDERAL FUNDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of a grant described in paragraph (2), section 117(k) of title 23, United States Code, shall apply to the grant as if the grant was a grant provided under that section.

(2) GRANT DESCRIBED.—A grant referred to in paragraph (1) is a grant that is—

(A) provided under a competitive discretionary grant program administered by the Federal Highway Administration;

(B) for a project eligible under title 23, United States Code; and

(C) in an amount greater than $5,000,000.

SEC. 11111. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Section 148 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (4)(B)—

(i) in clause (i), by inserting "that provides for the safety of all road users, as appropriate, including a multimodal roundabout" after "improvement";

(ii) in clause (vi), by inserting "or a grade separation project" after "devices";

(iii) by striking clause (viii) and inserting the following:

"(viii) Construction or installation of features, measures, and road designs to calm traffic and reduce vehicle speeds.";

(iv) by striking clause (xxvi) and inserting the following:

"(xxvi) Installation or upgrades of traffic control devices for pedestrians and bicyclists, including pedestrian hybrid beacons and the addition of bicycle movement phases to traffic signals."; and

(v) by striking clauses (xxvii) and (xxviii) and inserting the following:

"(xxvii) Roadway improvements that provide separation between pedestrians and motor vehicles or between bicyclists and motor vehicles, including medians, pedestrian crossing islands, protected bike lanes, and protected intersection features.

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"(xxviii) A pedestrian security feature designed to slow or stop a motor vehicle.

"(xxix) A physical infrastructure safety project not described in clauses (i) through (xxviii).";

(B) by redesignating paragraphs (9) through (12) as paragraphs (10), (12), (13), and (14), respectively;

(C) by inserting after paragraph (8) the following:

"(9) SAFE SYSTEM APPROACH.—The term 'safe system approach' means a roadway design—

"(A) that emphasizes minimizing the risk of injury or fatality to road users; and

"(B) that—

"(i) takes into consideration the possibility and likelihood of human error;

"(ii) accommodates human injury tolerance by taking into consideration likely accident types, resulting impact forces, and the ability of the human body to withstand impact forces; and

"(iii) takes into consideration vulnerable road users.";

(D) by inserting after paragraph (10) (as so redesignated) the following:

"(11) SPECIFIED SAFETY PROJECT.—

"(A) IN GENERAL.—The term 'specified safety project' means a project carried out for the purpose of safety under any other section of this title that is consistent with the State strategic highway safety plan.

"(B) INCLUSION.—The term 'specified safety project' includes a project that—

"(i) promotes public awareness and informs the public regarding highway safety matters (including safety for motorcyclists, bicyclists, pedestrians, individuals with disabilities, and other road users);

"(ii) facilitates enforcement of traffic safety laws;

"(iii) provides infrastructure and infrastructure-related equipment to support emergency services;

"(iv) conducts safety-related research to evaluate experimental safety countermeasures or equipment; or

"(v) supports safe routes to school noninfrastructure-related activities described in section 208(g)(2).";

(E) in paragraph (13) (as so redesignated)—

(i) by redesignating subparagraphs (G), (H), and (I) as subparagraphs (H), (I), and (J), respectively; and

(ii) by inserting after subparagraph (F) the following;

"(G) includes a vulnerable road user safety assessment;"; and

(F) by adding at the end the following:

"(15) VULNERABLE ROAD USER.—The term 'vulnerable road user' means a nonmotorist—

"(A) with a fatality analysis reporting system person attribute code that is included in the definition of the term 'number of non-motorized fatalities' in section 490.205 of title 23, Code of Federal Regulations (or successor regulations); or

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"(B) described in the term 'number of non-motorized serious injuries' in that section.

"(16) VULNERABLE ROAD USER SAFETY ASSESSMENT.—The term 'vulnerable road user safety assessment' means an assessment of the safety performance of the State with respect to vulnerable road users and the plan of the State to improve the safety of vulnerable road users as described in subsection (l).";

(2) in subsection (c)—

(A) in paragraph (1)(A), by striking "subsections (a)(11)" and inserting "subsections (a)(13)"; and

(B) in paragraph (2)—

(i) in subparagraph (A)(vi), by inserting "and to differentiate the safety data for vulnerable road users, including bicyclists, motorcyclists, and pedestrians, from other road users" after "crashes";

(ii) in subparagraph (B)(i), by striking "(including motorcyclists), bicyclists, pedestrians," and inserting ", vulnerable road users (including motorcyclists, bicyclists, pedestrians),"; and

(iii) in subparagraph (D)—

(I) in clause (iv), by striking "and" at the end;

(II) in clause (v), by striking the semicolon at the end and inserting "; and"; and

(III) by adding at the end the following:

"(vi) improves the ability of the State to differentiate the fatalities and serious injuries of vulnerable road users, including bicyclists, motorcyclists, and pedestrians, from other road users;";

(3) in subsection (d)(2)(B)(i), by striking "subsection (a)(11)" and inserting "subsection (a)(13)";

(4) in subsection (e), by adding at the end the following:

"(3) FLEXIBLE FUNDING FOR SPECIFIED SAFETY PROJECTS.—

"(A) IN GENERAL.—To advance the implementation of a State strategic highway safety plan, a State may use not more than 10 percent of the amounts apportioned to the State under section 104(b)(3) for a fiscal year to carry out specified safety projects.

"(B) RULE OF CONSTRUCTION.—Nothing in this paragraph requires a State to revise any State process, plan, or program in effect on the date of enactment of this paragraph.

"(C) EFFECT OF PARAGRAPH.—

"(i) REQUIREMENTS.—A project carried out under this paragraph shall be subject to all requirements under this section that apply to a highway safety improvement project.

"(ii) OTHER APPORTIONED PROGRAMS.—Nothing in this paragraph prohibits the use of funds made available under other provisions of this title for a specified safety project that is a noninfrastructure project.";

(5) in subsection (g), by adding at the end the following:

"(3) VULNERABLE ROAD USER SAFETY.—If the total annual fatalities of vulnerable road users in a State represents not less than 15 percent of the total annual crash fatalities in the State, that State shall be required to obligate not less than 15 percent of the amounts apportioned to the State under

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section 104(b)(3) for the following fiscal year for highway safety improvement projects to address the safety of vulnerable road users."; and

(6) by adding at the end the following:

"(l) VULNERABLE ROAD USER SAFETY ASSESSMENT.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, each State shall complete a vulnerable road user safety assessment.

"(2) CONTENTS.—A vulnerable road user safety assessment under paragraph (1) shall include—

"(A) a quantitative analysis of vulnerable road user fatalities and serious injuries that—

"(i) includes data such as location, roadway functional classification, design speed, speed limit, and time of day;

"(ii) considers the demographics of the locations of fatalities and serious injuries, including race, ethnicity, income, and age; and

"(iii) based on the data, identifies areas as 'high-risk' to vulnerable road users; and

"(B) a program of projects or strategies to reduce safety risks to vulnerable road users in areas identified as high-risk under subparagraph (A)(iii).

"(3) USE OF DATA.—In carrying out a vulnerable road user safety assessment under paragraph (1), a State shall use data from the most recent 5-year period for which data is available.

"(4) REQUIREMENTS.—In carrying out a vulnerable road user safety assessment under paragraph (1), a State shall—

"(A) take into consideration a safe system approach; and

"(B) consult with local governments, metropolitan planning organizations, and regional transportation planning organizations that represent a high-risk area identified under paragraph (2)(A)(iii).

"(5) UPDATE.—A State shall update the vulnerable road user safety assessment of the State in accordance with the updates required to the State strategic highway safety plan under subsection (d).

"(6) REQUIREMENT FOR TRANSPORTATION SYSTEM ACCESS.—The program of projects developed under paragraph (2)(B) may not degrade transportation system access for vulnerable road users.

"(7) GUIDANCE.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall develop guidance for States to carry out this subsection.

"(B) CONSULTATION.—In developing the guidance under this paragraph, the Secretary shall consult with the States and relevant safety stakeholders.".

(b) HIGH-RISK RURAL ROADS.—

(1) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary shall update the study under section 1112(b)(1) of MAP–21 (23 U.S.C. 148 note; Public Law 112–141).

(2) PUBLICATION OF REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish on the website of the Department of Transportation an update

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to the report described in section 1112(b)(2) of MAP–21 (23 U.S.C. 148 note; Public Law 112–141).

(3) BEST PRACTICES MANUAL.—Not later than 180 days after the date on which the report is published under paragraph (2), the Secretary shall update the best practices manual described in section 1112(b)(3) of MAP–21 (23 U.S.C. 148 note; Public Law 112–141).

SEC. 11112. FEDERAL LANDS TRANSPORTATION PROGRAM.

Section 203(a) of title 23, United States Code, is amended—

(1) in paragraph (1)(D), by striking "$10,000,000" and inserting "$20,000,000"; and

(2) by adding at the end the following:

"(6) NATIVE PLANT MATERIALS.—In carrying out an activity described in paragraph (1), the entity carrying out the activity shall consider, to the maximum extent practicable—

"(A) the use of locally adapted native plant materials; and

"(B) designs that minimize runoff and heat generation.".

SEC. 11113. FEDERAL LANDS ACCESS PROGRAM.

(a) FEDERAL SHARE.—Section 201 of title 23, United States Code, is amended—

(1) in subsection (b)(7)(B), by striking "determined in accordance with section 120", and inserting "be up to 100 percent"; and

(2) in subsection (c)(8)(A), by striking "5 percent" and inserting "20 percent".

(b) FEDERAL LANDS ACCESS PROGRAM.—Section 204(a) of title 23, United States Code, is amended—

(1) in paragraph (1)(A)—

(A) in the matter preceding clause (i), by inserting "context-sensitive solutions," after "restoration,";

(B) in clause (i), by inserting ", including interpretive panels in or adjacent to those areas" after "areas";

(C) in clause (v), by striking "and" at the end;

(D) by redesignating clause (vi) as clause (ix); and

(E) by inserting after clause (v) the following:

"(vi) contextual wayfinding markers;

"(vii) landscaping;

"(viii) cooperative mitigation of visual blight, including screening or removal; and"; and

(2) by adding at the end the following:

"(6) NATIVE PLANT MATERIALS.—In carrying out an activity described in paragraph (1), the Secretary shall ensure that the entity carrying out the activity considers, to the maximum extent practicable—

"(A) the use of locally adapted native plant materials; and

"(B) designs that minimize runoff and heat generation.".

SEC. 11114. NATIONAL HIGHWAY FREIGHT PROGRAM.

Section 167 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) in paragraph (2), by striking "150 miles" and inserting "300 miles"; and

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(B) by adding at the end the following:

"(3) RURAL STATES.—Notwithstanding paragraph (2), a State with a population per square mile of area that is less than the national average, based on the 2010 census, may designate as critical rural freight corridors a maximum of 600 miles of highway or 25 percent of the primary highway freight system mileage in the State, whichever is greater.";

(2) in subsection (f)(4), by striking "75 miles" and inserting "150 miles"; and

(3) in subsection (i)(5)(B)—

(A) in the matter preceding clause (i), by striking "10 percent" and inserting "30 percent";

(B) in clause (i), by striking "and" at the end;

(C) in clause (ii), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(iii) for the modernization or rehabilitation of a lock and dam, if the Secretary determines that the project—

"(I) is functionally connected to the National Highway Freight Network; and

"(II) is likely to reduce on-road mobile source emissions; and

"(iv) on a marine highway corridor, connector, or crossing designated by the Secretary under section 55601(c) of title 46 (including an inland waterway corridor, connector, or crossing), if the Secretary determines that the project—

"(I) is functionally connected to the National Highway Freight Network; and

"(II) is likely to reduce on-road mobile source emissions.".

SEC. 11115. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

Section 149 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "subsection (d)" and inserting "subsections (d) and (m)(1)(B)(ii)"

(B) in paragraph (7), by inserting "shared micromobility (including bikesharing and shared scooter systems)," after "carsharing,";

(C) in paragraph (8)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting "replacements or" before "retrofits";

(II) by striking clause (i) and inserting the following:

"(i) verified technologies (as defined in section 791 of the Energy Policy Act of 2005 (42 U.S.C. 16131)) for motor vehicles (as defined in section 216 of the Clean Air Act (42 U.S.C. 7550)); or"; and

(III) in clause (ii)(II), by striking "or" at the end; and

(ii) in subparagraph (B), by inserting "replacements or" before "retrofits"; and

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(iii) by adding at the end the following:

"(C) the purchase of medium- or heavy-duty zero emission vehicles and related charging equipment;";

(D) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

"(10) if the project is for the modernization or rehabilitation of a lock and dam that—

"(A) is functionally connected to the Federal-aid highway system; and

"(B) the Secretary determines is likely to contribute to the attainment or maintenance of a national ambient air quality standard; or

"(11) if the project is on a marine highway corridor, connector, or crossing designated by the Secretary under section 55601(c) of title 46 (including an inland waterway corridor, connector, or crossing) that—

"(A) is functionally connected to the Federal-aid highway system; and

"(B) the Secretary determines is likely to contribute to the attainment or maintenance of a national ambient air quality standard.";

(2) in subsection (c), by adding at the end the following:

"(4) LOCKS AND DAMS; MARINE HIGHWAYS.—For each fiscal year, a State may not obligate more than 10 percent of the funds apportioned to the State under section 104(b)(4) for projects described in paragraphs (10) and (11) of subsection (b).";

(3) in subsection (f)(4)(A), by inserting "and nonroad vehicles and nonroad engines used in construction projects or port-related freight operations" after "motor vehicles";

(4) in subsection (g)—

(A) in paragraph (1)(B)—

(i) in the subparagraph heading, by inserting "REPLACEMENT OR" before "RETROFIT";

(ii) by striking "The term 'diesel retrofit'" and inserting "The term 'diesel replacement or retrofit'"; and

(iii) by inserting "or retrofit" after "replacement";

(B) in paragraph (2), in the matter preceding subparagraph (A), by inserting "replacement or" before "retrofit"; and

(C) in paragraph (3), by inserting "replacements or" before "retrofits";

(5) in subsection (k)(1), by striking "that reduce such fine particulate matter emissions in such area, including diesel retrofits." and inserting "that—

"(A) reduce such fine particulate matter emissions in such area, including diesel replacements or retrofits; and

"(B) to the extent practicable, prioritize benefits to disadvantaged communities or low-income populations living in, or immediately adjacent to, such area.";

(6) in subsection (l), by adding at the following:

"(3) ASSISTANCE TO METROPOLITAN PLANNING ORGANIZATIONS.—

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"(A) IN GENERAL.—On the request of a metropolitan planning organization, the Secretary may assist the metropolitan planning organization tracking progress made in minority or low-income populations as part of a performance plan under this subsection.

"(B) SAVINGS PROVISION.—Nothing in this paragraph provides the Secretary the authority—

"(i) to change the performance measures under section 150(c)(5) or the performance targets established under section 134(h)(2) or 150(d); or

"(ii) to establish any other Federal requirement."; and

(7) by striking subsection (m) and inserting the following: "(m) OPERATING ASSISTANCE.—

"(1) IN GENERAL.—A State may obligate funds apportioned under section 104(b)(4) in an area of the State that is otherwise eligible for obligations of such funds for operating costs—

"(A) under chapter 53 of title 49; or

"(B) on—

"(i) a system for which CMAQ funding was eligible, made available, obligated, or expended in fiscal year 2012; or

"(ii) a State-supported Amtrak route with a valid cost-sharing agreement under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note; Public Law 110–432) and no current nonattainment areas under subsection (d).

"(2) NO TIME LIMITATION.—Operating assistance provided under paragraph (1) shall have no imposed time limitation if the operating assistance is for—

"(A) a route described in subparagraph (B) of that paragraph; or

"(B) a transit system that is located in—

"(i) a non-urbanized area; or

"(ii) an urbanized area with a population of 200,000 or fewer.".

SEC. 11116. ALASKA HIGHWAY.

Section 218 of title 23, United States Code, is amended to read as follows:

"§ 218. Alaska Highway

"(a) Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska Highway from the Alaskan border at Beaver Creek, Yukon Territory, to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to Haines, Alaska, the Secretary may provide for the necessary reconstruction of the highway using funds awarded through an applicable competitive grant program, if the highway meets all applicable eligibility requirements for the program, except for the specific requirements established by the agreement for the Alaska Highway Project between the Government of the United States and the Government of Canada. In addition to the funds described in the previous sentence, notwithstanding any other provision of law and on agreement with the State of Alaska, the Secretary is authorized to expend on such highway or the Alaska Marine Highway System

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any Federal-aid highway funds apportioned to the State of Alaska under this title at a Federal share of 100 per centum. No expenditures shall be made for the construction of the portion of such highways that are in Canada unless an agreement is in place between the Government of Canada and the Government of the United States (including an agreement in existence on the date of enactment of the Surface Transportation Reauthorization Act of 2021) that provides, in part, that the Canadian Government—

"(1) will provide, without participation of funds authorized under this title, all necessary right-of-way for the reconstruction of such highways;

"(2) will not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons;

"(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada;

"(4) will continue to grant reciprocal recognition of vehicle registration and driver's licenses in accordance with agreements between the United States and Canada; and

"(5) will maintain such highways after their completion in proper condition adequately to serve the needs of present and future traffic.

"(b) The survey and construction work undertaken in Canada pursuant to this section shall be under the general supervision of the Secretary.

"(c) For purposes of this section, the term 'Alaska Marine Highway System' includes all existing or planned transportation facilities and equipment in Alaska, including the lease, purchase, or construction of vessels, terminals, docks, floats, ramps, staging areas, parking lots, bridges and approaches thereto, and necessary roads.

"(d) Notwithstanding any other provision of law, a project assisted under this section in the State of Alaska shall be treated as a project on a Federal-aid highway under chapter 1.".

SEC. 11117. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.

(a) IN GENERAL.—Section 129(c) of title 23, United States Code, is amended in the matter preceding paragraph (1) by striking "the construction of ferry boats and ferry terminal facilities, whether toll or free," and inserting "the construction of ferry boats and ferry terminal facilities (including ferry maintenance facilities), whether toll or free, and the procurement of transit vehicles used exclusively as an integral part of an intermodal ferry trip,".

(b) DIESEL FUEL FERRY VESSELS.—

(1) IN GENERAL.—Notwithstanding section 147(b), in the case of a project to replace or retrofit a diesel fuel ferry vessel that provides substantial emissions reductions, the Federal share of the cost of the project may be up to 85 percent, as determined by the State.

(2) SUNSET.—The authority provided by paragraph (1) shall terminate on September 30, 2025.

SEC. 11118. BRIDGE INVESTMENT PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 123 the following:

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"§ 124. Bridge investment program

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE PROJECT.—

"(A) IN GENERAL.—The term 'eligible project' means a project to replace, rehabilitate, preserve, or protect 1 or more bridges on the National Bridge Inventory under section 144(b).

"(B) INCLUSIONS.—The term 'eligible project' includes—

"(i) a bundle of projects described in subparagraph (A), regardless of whether the bundle of projects meets the requirements of section 144(j)(5); and

"(ii) a project to replace or rehabilitate culverts for the purpose of improving flood control and improved habitat connectivity for aquatic species.

"(2) LARGE PROJECT.—The term 'large project' means an eligible project with total eligible project costs of greater than $100,000,000.

"(3) PROGRAM.—The term 'program' means the bridge investment program established by subsection (b)(1).

"(b) ESTABLISHMENT OF BRIDGE INVESTMENT PROGRAM.—

"(1) IN GENERAL.—There is established a bridge investment program to provide financial assistance for eligible projects under this section.

"(2) GOALS.—The goals of the program shall be—

"(A) to improve the safety, efficiency, and reliability of the movement of people and freight over bridges;

"(B) to improve the condition of bridges in the United States by reducing—

"(i) the number of bridges—

"(I) in poor condition; or

"(II) in fair condition and at risk of falling into poor condition within the next 3 years;

"(ii) the total person miles traveled over bridges—

"(I) in poor condition; or

"(II) in fair condition and at risk of falling into poor condition within the next 3 years;

"(iii) the number of bridges that—

"(I) do not meet current geometric design standards; or

"(II) cannot meet the load and traffic requirements typical of the regional transportation network; and

"(iv) the total person miles traveled over bridges that—

"(I) do not meet current geometric design standards; or

"(II) cannot meet the load and traffic requirements typical of the regional transportation network; and

"(C) to provide financial assistance that leverages and encourages non-Federal contributions from sponsors and stakeholders involved in the planning, design, and construction of eligible projects.

"(c) GRANT AUTHORITY.—

"(1) IN GENERAL.—In carrying out the program, the Secretary may award grants, on a competitive basis, in accordance with this section.

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"(2) GRANT AMOUNTS.—Except as otherwise provided, a grant under the program shall be—

"(A) in the case of a large project, in an amount that is—

"(i) adequate to fully fund the project (in combination with other financial resources identified in the application); and

"(ii) not less than $50,000,000; and

"(B) in the case of any other eligible project, in an amount that is—

"(i) adequate to fully fund the project (in combination with other financial resources identified in the application); and

"(ii) not less than $2,500,000.

"(3) MAXIMUM AMOUNT.—Except as otherwise provided, for an eligible project receiving assistance under the program, the amount of assistance provided by the Secretary under this section, as a share of eligible project costs, shall be—

"(A) in the case of a large project, not more than 50 percent; and

"(B) in the case of any other eligible project, not more than 80 percent.

"(4) FEDERAL SHARE.—

"(A) MAXIMUM FEDERAL INVOLVEMENT.—Federal assistance other than a grant under the program may be used to satisfy the non-Federal share of the cost of a project for which a grant is made, except that the total Federal assistance provided for a project receiving a grant under the program may not exceed the Federal share for the project under section 120.

"(B) OFF-SYSTEM BRIDGES.—In the case of an eligible project for an off-system bridge (as defined in section 133(f)(1))—

"(i) Federal assistance other than a grant under the program may be used to satisfy the non-Federal share of the cost of a project; and

"(ii) notwithstanding subparagraph (A), the total Federal assistance provided for the project shall not exceed 90 percent of the total eligible project costs.

"(C) FEDERAL LAND MANAGEMENT AGENCIES AND TRIBAL GOVERNMENTS.—Notwithstanding any other provision of law, Federal funds other than Federal funds made available under this section may be used to pay the remaining share of the cost of a project under the program by a Federal land management agency or a Tribal government or consortium of Tribal governments.

"(5) CONSIDERATIONS.—

"(A) IN GENERAL.—In awarding grants under the program, the Secretary shall consider—

"(i) in the case of a large project, the ratings assigned under subsection (g)(5)(A);

"(ii) in the case of an eligible project other than a large project, the quality rating assigned under subsection (f)(3)(A)(ii);

"(iii) the average daily person and freight throughput supported by the eligible project;

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"(iv) the number and percentage of bridges within the same State as the eligible project that are in poor condition;

"(v) the extent to which the eligible project demonstrates cost savings by bundling multiple bridge projects;

"(vi) in the case of an eligible project of a Federal land management agency, the extent to which the grant would reduce a Federal liability or Federal infrastructure maintenance backlog;

"(vii) geographic diversity among grant recipients, including the need for a balance between the needs of rural and urban communities; and

"(viii) the extent to which a bridge that would be assisted with a grant—

"(I) is, without that assistance—

"(aa) at risk of falling into or remaining in poor condition; or

"(bb) in fair condition and at risk of falling into poor condition within the next 3 years;

"(II) does not meet current geometric design standards based on—

"(aa) the current use of the bridge; or

"(bb) load and traffic requirements typical of the regional corridor or local network in which the bridge is located; or

"(III) does not meet current seismic design standards.

"(B) REQUIREMENT.—The Secretary shall—

"(i) give priority to an application for an eligible project that is located within a State for which—

"(I) 2 or more applications for eligible projects within the State were submitted for the current fiscal year and an average of 2 or more applications for eligible projects within the State were submitted in prior fiscal years of the program; and

"(II) fewer than 2 grants have been awarded for eligible projects within the State under the program;

"(ii) during the period of fiscal years 2022 through 2026, for each State described in clause (i), select—

"(I) not fewer than 1 large project that the Secretary determines is justified under the evaluation under subsection (g)(4); or

"(II) 2 eligible projects that are not large projects that the Secretary determines are justified under the evaluation under subsection (f)(3); and

"(iii) not be required to award a grant for an eligible project that the Secretary does not determine is justified under an evaluation under subsection (f)(3) or (g)(4).

"(6) CULVERT LIMITATION.—Not more than 5 percent of the amounts made available for each fiscal year for grants under the program may be used for eligible projects that consist solely of culvert replacement or rehabilitation.

"(d) ELIGIBLE ENTITY.—The Secretary may make a grant under the program to any of the following:

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"(1) A State or a group of States.

"(2) A metropolitan planning organization that serves an urbanized area (as designated by the Bureau of the Census) with a population of over 200,000.

"(3) A unit of local government or a group of local governments.

"(4) A political subdivision of a State or local government.

"(5) A special purpose district or public authority with a transportation function.

"(6) A Federal land management agency.

"(7) A Tribal government or a consortium of Tribal governments.

"(8) A multistate or multijurisdictional group of entities described in paragraphs (1) through (7).

"(e) ELIGIBLE PROJECT REQUIREMENTS.—The Secretary may make a grant under the program only to an eligible entity for an eligible project that—

"(1) in the case of a large project, the Secretary recommends for funding in the annual report on funding recommendations under subsection (g)(6), except as provided in subsection (g)(1)(B);

"(2) is reasonably expected to begin construction not later than 18 months after the date on which funds are obligated for the project; and

"(3) is based on the results of preliminary engineering.

"(f) COMPETITIVE PROCESS AND EVALUATION OF ELIGIBLE PROJECTS OTHER THAN LARGE PROJECTS.—

"(1) COMPETITIVE PROCESS.—

"(A) IN GENERAL.—The Secretary shall—

"(i) for the first fiscal year for which funds are made available for obligation under the program, not later than 60 days after the date on which the template under subparagraph (B)(i) is developed, and in subsequent fiscal years, not later than 60 days after the date on which amounts are made available for obligation under the program, solicit grant applications for eligible projects other than large projects; and

"(ii) not later than 120 days after the date on which the solicitation under clause (i) expires, conduct evaluations under paragraph (3).

"(B) REQUIREMENTS.—In carrying out subparagraph (A), the Secretary shall—

"(i) develop a template for applicants to use to summarize project needs and benefits, including benefits described in paragraph (3)(B)(i); and

"(ii) enable applicants to use data from the National Bridge Inventory under section 144(b) to populate templates described in clause (i), as applicable.

"(2) APPLICATIONS.—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.

"(3) EVALUATION.—

"(A) IN GENERAL.—Prior to providing a grant under this subsection, the Secretary shall—

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"(i) conduct an evaluation of each eligible project for which an application is received under this subsection; and

"(ii) assign a quality rating to the eligible project on the basis of the evaluation under clause (i).

"(B) REQUIREMENTS.—In carrying out an evaluation under subparagraph (A), the Secretary shall—

"(i) consider information on project benefits submitted by the applicant using the template developed under paragraph (1)(B)(i), including whether the project will generate, as determined by the Secretary—

"(I) costs avoided by the prevention of closure or reduced use of the bridge to be improved by the project;

"(II) in the case of a bundle of projects, benefits from executing the projects as a bundle compared to as individual projects;

"(III) safety benefits, including the reduction of accidents and related costs;

"(IV) person and freight mobility benefits, including congestion reduction and reliability improvements;

"(V) national or regional economic benefits;

"(VI) benefits from long-term resiliency to extreme weather events, flooding, or other natural disasters;

"(VII) benefits from protection (as described in section 133(b)(10)), including improving seismic or scour protection;

"(VIII) environmental benefits, including wildlife connectivity;

"(IX) benefits to nonvehicular and public transportation users;

"(X) benefits of using—

"(aa) innovative design and construction techniques; or

"(bb) innovative technologies; or

"(XI) reductions in maintenance costs, including, in the case of a federally-owned bridge, cost savings to the Federal budget; and

"(ii) consider whether and the extent to which the benefits, including the benefits described in clause (i), are more likely than not to outweigh the total project costs.

"(g) COMPETITIVE PROCESS, EVALUATION, AND ANNUAL REPORT FOR LARGE PROJECTS.—

"(1) IN GENERAL.—

"(A) APPLICATIONS.—The Secretary shall establish an annual date by which an eligible entity submitting an application for a large project shall submit to the Secretary such information as the Secretary may require, including information described in paragraph (2), in order for a large project to be considered for a recommendation by the Secretary for funding in the next annual report under paragraph (6).

"(B) FIRST FISCAL YEAR.—Notwithstanding subparagraph (A), for the first fiscal year for which funds are

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made available for obligation for grants under the program, the Secretary may establish a date by which an eligible entity submitting an application for a large project shall submit to the Secretary such information as the Secretary may require, including information described in paragraph (2), in order for a large project to be considered for immediate execution of a grant agreement.

"(2) INFORMATION REQUIRED.—The information referred to in paragraph (1) includes—

"(A) all necessary information required for the Secretary to evaluate the large project; and

"(B) information sufficient for the Secretary to determine that—

"(i) the large project meets the applicable requirements under this section; and

"(ii) there is a reasonable likelihood that the large project will continue to meet the requirements under this section.

"(3) DETERMINATION; NOTICE.—On making a determination that information submitted to the Secretary under paragraph (1) is sufficient, the Secretary shall provide a written notice of that determination to—

"(A) the eligible entity that submitted the application;

"(B) the Committee on Environment and Public Works of the Senate; and

"(C) the Committee on Transportation and Infrastructure of the House of Representatives.

"(4) EVALUATION.—The Secretary may recommend a large project for funding in the annual report under paragraph (6), or, in the case of the first fiscal year for which funds are made available for obligation for grants under the program, immediately execute a grant agreement for a large project, only if the Secretary evaluates the proposed project and determines that the project is justified because the project—

"(A) addresses a need to improve the condition of the bridge, as determined by the Secretary, consistent with the goals of the program under subsection (b)(2);

"(B) will generate, as determined by the Secretary—

"(i) costs avoided by the prevention of closure or reduced use of the bridge to be improved by the project;

"(ii) in the case of a bundle of projects, benefits from executing the projects as a bundle compared to as individual projects;

"(iii) safety benefits, including the reduction of accidents and related costs;

"(iv) person and freight mobility benefits, including congestion reduction and reliability improvements;

"(v) national or regional economic benefits;

"(vi) benefits from long-term resiliency to extreme weather events, flooding, or other natural disasters;

"(vii) benefits from protection (as described in section 133(b)(10)), including improving seismic or scour protection;

"(viii) environmental benefits, including wildlife connectivity;

"(ix) benefits to nonvehicular and public transportation users;

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"(x) benefits of using—

"(I) innovative design and construction techniques; or

"(II) innovative technologies; or

"(xi) reductions in maintenance costs, including, in the case of a federally-owned bridge, cost savings to the Federal budget;

"(C) is cost effective based on an analysis of whether the benefits and avoided costs described in subparagraph (B) are expected to outweigh the project costs;

"(D) is supported by other Federal or non-Federal financial commitments or revenues adequate to fund ongoing maintenance and preservation; and

"(E) is consistent with the objectives of an applicable asset management plan of the project sponsor, including a State asset management plan under section 119(e) in the case of a project on the National Highway System that is sponsored by a State.

"(5) RATINGS.—

"(A) IN GENERAL.—The Secretary shall develop a methodology to evaluate and rate a large project on a 5-point scale (the points of which include 'high', 'medium-high', 'medium', 'medium-low', and 'low') for each of—

"(i) paragraph (4)(B);

"(ii) paragraph (4)(C); and

"(iii) paragraph (4)(D).

"(B) REQUIREMENT.—To be considered justified and receive a recommendation for funding in the annual report under paragraph (6), a project shall receive a rating of not less than 'medium' for each rating required under subparagraph (A).

"(C) INTERIM METHODOLOGY.—In the first fiscal year for which funds are made available for obligation for grants under the program, the Secretary may establish an interim methodology to evaluate and rate a large project for each of—

"(i) paragraph (4)(B);

"(ii) paragraph (4)(C); and

"(iii) paragraph (4)(D).

"(6) ANNUAL REPORT ON FUNDING RECOMMENDATIONS FOR LARGE PROJECTS.—

"(A) IN GENERAL.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Environment and Public Works and Appropriations of the Senate a report that includes—

"(i) a list of large projects that have requested a recommendation for funding under a new grant agreement from funds anticipated to be available to carry out this subsection in the next fiscal year;

"(ii) the evaluation under paragraph (4) and ratings under paragraph (5) for each project referred to in clause (i);

"(iii) the grant amounts that the Secretary recommends providing to large projects in the next fiscal year, including—

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"(I) scheduled payments under previously signed multiyear grant agreements under subsection (j);

"(II) payments for new grant agreements, including single-year grant agreements and multiyear grant agreements; and

"(III) a description of how amounts anticipated to be available for the program from the Highway Trust Fund for that fiscal year will be distributed; and

"(iv) for each project for which the Secretary recommends a new multiyear grant agreement under subsection (j), the proposed payout schedule for the project.

"(B) LIMITATIONS.—

"(i) IN GENERAL.—The Secretary shall not recommend in an annual report under this paragraph a new multiyear grant agreement provided from funds from the Highway Trust Fund unless the Secretary determines that the project can be completed using funds that are anticipated to be available from the Highway Trust Fund in future fiscal years.

"(ii) GENERAL FUND PROJECTS.—The Secretary—

"(I) may recommend for funding in an annual report under this paragraph a large project using funds from the general fund of the Treasury; but

"(II) shall not execute a grant agreement for that project unless—

"(aa) funds other than from the Highway Trust Fund have been made available for the project; and

"(bb) the Secretary determines that the project can be completed using funds other than from the Highway Trust Fund that are anticipated to be available in future fiscal years.

"(C) CONSIDERATIONS.—In selecting projects to recommend for funding in the annual report under this paragraph, or, in the case of the first fiscal year for which funds are made available for obligation for grants under the program, projects for immediate execution of a grant agreement, the Secretary shall—

"(i) consider the amount of funds available in future fiscal years for multiyear grant agreements as described in subparagraph (B); and

"(ii) assume the availability of funds in future fiscal years for multiyear grant agreements that extend beyond the period of authorization based on the amount made available for large projects under the program in the last fiscal year of the period of authorization.

"(D) PROJECT DIVERSITY.—In selecting projects to recommend for funding in the annual report under this paragraph, the Secretary shall ensure diversity among projects recommended based on—

"(i) the amount of the grant requested; and

"(ii) grants for an eligible project for 1 bridge compared to an eligible project that is a bundle of projects.

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"(h) ELIGIBLE PROJECT COSTS.—A grant received for an eligible project under the program may be used for—

"(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities;

"(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements directly related to improving system performance; and

"(3) expenses related to the protection (as described in section 133(b)(10)) of a bridge, including seismic or scour protection.

"(i) TIFIA PROGRAM.—On the request of an eligible entity carrying out an eligible project, the Secretary may use amounts awarded to the entity to pay subsidy and administrative costs necessary to provide to the entity Federal credit assistance under chapter 6 with respect to the eligible project for which the grant was awarded.

"(j) MULTIYEAR GRANT AGREEMENTS FOR LARGE PROJECTS.—

"(1) IN GENERAL.—A large project that receives a grant under the program in an amount of not less than $100,000,000 may be carried out through a multiyear grant agreement in accordance with this subsection.

"(2) REQUIREMENTS.—A multiyear grant agreement for a large project described in paragraph (1) shall—

"(A) establish the terms of participation by the Federal Government in the project;

"(B) establish the maximum amount of Federal financial assistance for the project in accordance with paragraphs (3) and (4) of subsection (c);

"(C) establish a payout schedule for the project that provides for disbursement of the full grant amount by not later than 4 fiscal years after the fiscal year in which the initial amount is provided;

"(D) determine the period of time for completing the project, even if that period extends beyond the period of an authorization; and

"(E) attempt to improve timely and efficient management of the project, consistent with all applicable Federal laws (including regulations).

"(3) SPECIAL FINANCIAL RULES.—

"(A) IN GENERAL.—A multiyear grant agreement under this subsection—

"(i) shall obligate an amount of available budget authority specified in law; and

"(ii) may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

"(B) STATEMENT OF CONTINGENT COMMITMENT.—The agreement shall state that the contingent commitment is not an obligation of the Federal Government.

"(C) INTEREST AND OTHER FINANCING COSTS.—

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"(i) IN GENERAL.—Interest and other financing costs of carrying out a part of the project within a reasonable time shall be considered a cost of carrying out the project under a multiyear grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing.

"(ii) CERTIFICATION.—The applicant shall certify to the Secretary that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

"(4) ADVANCE PAYMENT.—Notwithstanding any other provision of law, an eligible entity carrying out a large project under a multiyear grant agreement—

"(A) may use funds made available to the eligible entity under this title for eligible project costs of the large project until the amount specified in the multiyear grant agreement for the project for that fiscal year becomes available for obligation; and

"(B) if the eligible entity uses funds as described in subparagraph (A), the funds used shall be reimbursed from the amount made available under the multiyear grant agreement for the project.

"(k) UNDERTAKING PARTS OF PROJECTS IN ADVANCE UNDER LETTERS OF NO PREJUDICE.—

"(1) IN GENERAL.—The Secretary may pay to an applicant all eligible project costs under the program, including costs for an activity for an eligible project incurred prior to the date on which the project receives funding under the program if—

"(A) before the applicant carries out the activity, the Secretary approves through a letter to the applicant the activity in the same manner as the Secretary approves other activities as eligible under the program;

"(B) a record of decision, a finding of no significant impact, or a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued for the eligible project; and

"(C) the activity is carried out without Federal assistance and in accordance with all applicable procedures and requirements.

"(2) INTEREST AND OTHER FINANCING COSTS.—

"(A) IN GENERAL.—For purposes of paragraph (1), the cost of carrying out an activity for an eligible project includes the amount of interest and other financing costs, including any interest earned and payable on bonds, to the extent interest and other financing costs are expended in carrying out the activity for the eligible project, except that interest and other financing costs may not be more than the cost of the most favorable financing terms reasonably available for the eligible project at the time of borrowing.

"(B) CERTIFICATION.—The applicant shall certify to the Secretary that the applicant has shown reasonable diligence in seeking the most favorable financing terms under subparagraph (A).

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"(3) NO OBLIGATION OR INFLUENCE ON RECOMMENDATIONS.—An approval by the Secretary under paragraph (1)(A) shall not—

"(A) constitute an obligation of the Federal Government; or

"(B) alter or influence any evaluation under subsection (f)(3)(A)(i) or (g)(4) or any recommendation by the Secretary for funding under the program.

"(l) FEDERALLY-OWNED BRIDGES.—

"(1) DIVESTITURE CONSIDERATION.—In the case of a bridge owned by a Federal land management agency for which that agency applies for a grant under the program, the agency—

"(A) shall consider options to divest the bridge to a State or local entity after completion of the project; and

"(B) may apply jointly with the State or local entity to which the bridge may be divested.

"(2) TREATMENT.—Notwithstanding any other provision of law, section 129 shall apply to a bridge that was previously owned by a Federal land management agency and has been transferred to a non-Federal entity under paragraph (1) in the same manner as if the bridge was never federally owned.

"(m) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under this chapter.

"(n) CONGRESSIONAL NOTIFICATION.—Not later than 30 days before making a grant for an eligible project under the program, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a written notification of the proposed grant that includes—

"(1) an evaluation and justification for the eligible project; and

"(2) the amount of the proposed grant.

"(o) REPORTS.—

"(1) ANNUAL REPORT.—Not later than August 1 of each fiscal year, the Secretary shall make available on the website of the Department of Transportation an annual report that lists each eligible project for which a grant has been provided under the program during the fiscal year.

"(2) GAO ASSESSMENT AND REPORT.—Not later than 3 years after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Comptroller General of the United States shall—

"(A) conduct an assessment of the administrative establishment, solicitation, selection, and justification process with respect to the funding of grants under the program; and

"(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes—

"(i) the adequacy and fairness of the process under which each eligible project that received a grant under the program was selected; and

"(ii) the justification and criteria used for the selection of each eligible project.

"(p) LIMITATION.—

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"(1) LARGE PROJECTS.—Of the amounts made available out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section for each of fiscal years 2022 through 2026, not less than 50 percent, in aggregate, shall be used for large projects.

"(2) UNUTILIZED AMOUNTS.—If, in fiscal year 2026, the Secretary determines that grants under the program will not allow for the requirement under paragraph (1) to be met, the Secretary shall use the unutilized amounts to make other grants under the program during that fiscal year.

"(q) TRIBAL TRANSPORTATION FACILITY BRIDGE SET ASIDE.—

"(1) IN GENERAL.—Of the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a fiscal year to carry out this section, the Secretary shall use, to carry out section 202(d)—

"(A) $16,000,000 for fiscal year 2022;
"(B) $18,000,000 for fiscal year 2023;
"(C) $20,000,000 for fiscal year 2024;
"(D) $22,000,000 for fiscal year 2025; and
"(E) $24,000,000 for fiscal year 2026.

"(2) TREATMENT.—For purposes of section 201, funds made available for section 202(d) under paragraph (1) shall be considered to be part of the tribal transportation program.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 123 the following:

"124. Bridge investment program.".

SEC. 11119. SAFE ROUTES TO SCHOOL.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 207 the following:

"§ 208. Safe routes to school

"(a) DEFINITIONS.—In this section:

"(1) IN THE VICINITY OF SCHOOLS.—The term 'in the vicinity of schools', with respect to a school, means the approximately 2-mile area within bicycling and walking distance of the school.

"(2) PRIMARY, MIDDLE, AND HIGH SCHOOLS.—The term 'primary, middle, and high schools' means schools providing education from kindergarten through 12th grade.

"(b) ESTABLISHMENT.—Subject to the requirements of this section, the Secretary shall establish and carry out a safe routes to school program for the benefit of children in primary, middle, and high schools.

"(c) PURPOSES.—The purposes of the program established under subsection (b) shall be—

"(1) to enable and encourage children, including those with disabilities, to walk and bicycle to school;

"(2) to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and

"(3) to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

"(d) APPORTIONMENT OF FUNDS.—

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"(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), amounts made available to carry out this section for a fiscal year shall be apportioned among the States so that each State receives the amount equal to the proportion that—

"(A) the total student enrollment in primary, middle, and high schools in each State; bears to

"(B) the total student enrollment in primary, middle, and high schools in all States.

"(2) MINIMUM APPORTIONMENT.—No State shall receive an apportionment under this section for a fiscal year of less than $1,000,000.

"(3) SET-ASIDE FOR ADMINISTRATIVE EXPENSES.—Before apportioning under this subsection amounts made available to carry out this section for a fiscal year, the Secretary shall set aside not more than $3,000,000 of those amounts for the administrative expenses of the Secretary in carrying out this section.

"(4) DETERMINATION OF STUDENT ENROLLMENTS.—Determinations under this subsection relating to student enrollments shall be made by the Secretary.

"(e) ADMINISTRATION OF AMOUNTS.—Amounts apportioned to a State under this section shall be administered by the State department of transportation.

"(f) ELIGIBLE RECIPIENTS.—Amounts apportioned to a State under this section shall be used by the State to provide financial assistance to State, local, Tribal, and regional agencies, including nonprofit organizations, that demonstrate an ability to meet the requirements of this section.

"(g) ELIGIBLE PROJECTS AND ACTIVITIES.—

"(1) INFRASTRUCTURE-RELATED PROJECTS.—

"(A) IN GENERAL.—Amounts apportioned to a State under this section may be used for the planning, design, and construction of infrastructure-related projects that will substantially improve the ability of students to walk and bicycle to school, including sidewalk improvements, traffic calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities, off-street bicycle and pedestrian facilities, secure bicycle parking facilities, and traffic diversion improvements in the vicinity of schools.

"(B) LOCATION OF PROJECTS.—Infrastructure-related projects under subparagraph (A) may be carried out on any public road or any bicycle or pedestrian pathway or trail in the vicinity of schools.

"(2) NONINFRASTRUCTURE-RELATED ACTIVITIES.—

"(A) IN GENERAL.—In addition to projects described in paragraph (1), amounts apportioned to a State under this section may be used for noninfrastructure-related activities to encourage walking and bicycling to school, including public awareness campaigns and outreach to press and community leaders, traffic education and enforcement in the vicinity of schools, student sessions on bicycle and pedestrian safety, health, and environment, and funding for training, volunteers, and managers of safe routes to school programs.

"(B) ALLOCATION.—Not less than 10 percent and not more than 30 percent of the amount apportioned to a

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State under this section for a fiscal year shall be used for noninfrastructure-related activities under this paragraph.

"(3) SAFE ROUTES TO SCHOOL COORDINATOR.—Each State shall use a sufficient amount of the apportionment of the State for each fiscal year to fund a full-time position of coordinator of the safe routes to school program of the State.

"(h) CLEARINGHOUSE.—

"(1) IN GENERAL.—The Secretary shall make grants to a national nonprofit organization engaged in promoting safe routes to schools—

"(A) to operate a national safe routes to school clearinghouse;

"(B) to develop information and educational programs on safe routes to school; and

"(C) to provide technical assistance and disseminate techniques and strategies used for successful safe routes to school programs.

"(2) FUNDING.—The Secretary shall carry out this subsection using amounts set aside for administrative expenses under subsection (d)(3).

"(i) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under chapter 1.".

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 2 of title 23, United States Code, is amended by inserting after the item relating to section 207 the following:

"208. Safe routes to school.".

(2) Section 1404 of SAFETEA–LU (23 U.S.C. 402 note; Public Law 109–59) is repealed.

(3) The table of contents in section 1(b) of SAFETEA–LU (Public Law 109–59; 119 Stat. 1144) is amended by striking the item relating to section 1404.

SEC. 11120. HIGHWAY USE TAX EVASION PROJECTS.

Section 143(b)(2)(A) of title 23, United States Code, is amended by striking "fiscal years 2016 through 2020" and inserting "fiscal years 2022 through 2026".

SEC. 11121. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

Section 147 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section—

"(1) $110,000,000 for fiscal year 2022;
"(2) $112,000,000 for fiscal year 2023;
"(3) $114,000,000 for fiscal year 2024;
"(4) $116,000,000 for fiscal year 2025; and
"(5) $118,000,000 for fiscal year 2026.".

SEC. 11122. VULNERABLE ROAD USER RESEARCH.

(a) DEFINITIONS.—In this subsection:

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(1) ADMINISTRATOR.—The term "Administrator" means the Secretary, acting through the Administrator of the Federal Highway Administration.

(2) VULNERABLE ROAD USER.—The term "vulnerable road user" has the meaning given the term in section 148(a) of title 23, United States Code.

(b) ESTABLISHMENT OF RESEARCH PLAN.—The Administrator shall establish a research plan to prioritize research on roadway designs, the development of safety countermeasures to minimize fatalities and serious injuries to vulnerable road users, and the promotion of bicycling and walking, including research relating to—

(1) roadway safety improvements, including traffic calming techniques and vulnerable road user accommodations appropriate in a suburban arterial context;

(2) the impacts of traffic speeds, and access to low-traffic stress corridors, on safety and rates of bicycling and walking;

(3) tools to evaluate the impact of transportation improvements on projected rates and safety of bicycling and walking; and

(4) other research areas to be determined by the Administrator.

(c) VULNERABLE ROAD USER ASSESSMENTS.—The Administrator shall—

(1) review each vulnerable road user safety assessment submitted by a State under section 148(l) of title 23, United States Code, and other relevant sources of data to determine what, if any, standard definitions and methods should be developed through guidance to enable a State to collect pedestrian injury and fatality data; and

(2) in the first progress update under subsection (d)(2), provide—

(A) the results of the determination described in paragraph (1); and

(B) the recommendations of the Secretary with respect to the collection and reporting of data on the safety of vulnerable road users.

(d) SUBMISSION; PUBLICATION.—

(1) SUBMISSION OF PLAN.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the research plan described in subsection (b).

(2) PROGRESS UPDATES.—Not later than 2 years after the date of enactment of this Act, and biannually thereafter, the Administrator shall submit to the Committees described in paragraph (1)—

(A) updates on the progress and findings of the research conducted pursuant to the plan described in subsection (b); and

(B) in the first submission under this paragraph, the results and recommendations described in subsection (c)(2).

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SEC. 11123. WILDLIFE CROSSING SAFETY.

(a) DECLARATION OF POLICY.—Section 101(b)(3)(D) of title 23, United States Code, is amended, in the matter preceding clause (i), by inserting "resilient," after "efficient,".

(b) WILDLIFE CROSSINGS PILOT PROGRAM.—

(1) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 171. Wildlife crossings pilot program

"(a) FINDING.—Congress finds that greater adoption of wildlife-vehicle collision safety countermeasures is in the public interest because—

"(1) according to the report of the Federal Highway Administration entitled 'Wildlife-Vehicle Collision Reduction Study', there are more than 1,000,000 wildlife-vehicle collisions every year;

"(2) wildlife-vehicle collisions—

"(A) present a danger to—

"(i) human safety; and

"(ii) wildlife survival; and

"(B) represent a persistent concern that results in tens of thousands of serious injuries and hundreds of fatalities on the roadways of the United States; and

"(3) the total annual cost associated with wildlife-vehicle collisions has been estimated to be $8,388,000,000; and

"(4) wildlife-vehicle collisions are a major threat to the survival of species, including birds, reptiles, mammals, and amphibians.

"(b) ESTABLISHMENT.—The Secretary shall establish a competitive wildlife crossings pilot program (referred to in this section as the 'pilot program') to provide grants for projects that seek to achieve—

"(1) a reduction in the number of wildlife-vehicle collisions; and

"(2) in carrying out the purpose described in paragraph (1), improved habitat connectivity for terrestrial and aquatic species.

"(c) ELIGIBLE ENTITIES.—An entity eligible to apply for a grant under the pilot program is—

"(1) a State highway agency, or an equivalent of that agency;

"(2) a metropolitan planning organization (as defined in section 134(b));

"(3) a unit of local government;

"(4) a regional transportation authority;

"(5) a special purpose district or public authority with a transportation function, including a port authority;

"(6) an Indian tribe (as defined in section 207(m)(1)), including a Native village and a Native Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602));

"(7) a Federal land management agency; or

"(8) a group of any of the entities described in paragraphs (1) through (7).

"(d) APPLICATIONS.—

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"(1) IN GENERAL.—To be eligible to receive a grant under the pilot program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(2) REQUIREMENT.—If an application under paragraph (1) is submitted by an eligible entity other than an eligible entity described in paragraph (1) or (7) of subsection (c), the application shall include documentation that the State highway agency, or an equivalent of that agency, of the State in which the eligible entity is located was consulted during the development of the application.

"(3) GUIDANCE.—To enhance consideration of current and reliable data, eligible entities may obtain guidance from an agency in the State with jurisdiction over fish and wildlife.

"(e) CONSIDERATIONS.—In selecting grant recipients under the pilot program, the Secretary shall take into consideration the following:

"(1) Primarily, the extent to which the proposed project of an eligible entity is likely to protect motorists and wildlife by reducing the number of wildlife-vehicle collisions and improve habitat connectivity for terrestrial and aquatic species.

"(2) Secondarily, the extent to which the proposed project of an eligible entity is likely to accomplish the following:

"(A) Leveraging Federal investment by encouraging non-Federal contributions to the project, including projects from public-private partnerships.

"(B) Supporting local economic development and improvement of visitation opportunities.

"(C) Incorporation of innovative technologies, including advanced design techniques and other strategies to enhance efficiency and effectiveness in reducing wildlife-vehicle collisions and improving habitat connectivity for terrestrial and aquatic species.

"(D) Provision of educational and outreach opportunities.

"(E) Monitoring and research to evaluate, compare effectiveness of, and identify best practices in, selected projects.

"(F) Any other criteria relevant to reducing the number of wildlife-vehicle collisions and improving habitat connectivity for terrestrial and aquatic species, as the Secretary determines to be appropriate, subject to the condition that the implementation of the pilot program shall not be delayed in the absence of action by the Secretary to identify additional criteria under this subparagraph.

"(f) USE OF FUNDS.—

"(1) IN GENERAL.—The Secretary shall ensure that a grant received under the pilot program is used for a project to reduce wildlife-vehicle collisions.

"(2) GRANT ADMINISTRATION.—

"(A) IN GENERAL.—A grant received under the pilot program shall be administered by—

"(i) in the case of a grant to a Federal land management agency or an Indian tribe (as defined in section 207(m)(1), including a Native village and a Native Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C.

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1602))), the Federal Highway Administration, through an agreement; and

"(ii) in the case of a grant to an eligible entity other than an eligible entity described in clause (i), the State highway agency, or an equivalent of that agency, for the State in which the project is to be carried out.

"(B) PARTNERSHIPS.—

"(i) IN GENERAL.—A grant received under the pilot program may be used to provide funds to eligible partners of the project for which the grant was received described in clause (ii), in accordance with the terms of the project agreement.

"(ii) ELIGIBLE PARTNERS DESCRIBED.—The eligible partners referred to in clause (i) include—

"(I) a metropolitan planning organization (as defined in section 134(b));

"(II) a unit of local government;

"(III) a regional transportation authority;

"(IV) a special purpose district or public authority with a transportation function, including a port authority;

"(V) an Indian tribe (as defined in section 207(m)(1)), including a Native village and a Native Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602));

"(VI) a Federal land management agency;

"(VII) a foundation, nongovernmental organization, or institution of higher education;

"(VIII) a Federal, Tribal, regional, or State government entity; and

"(IX) a group of any of the entities described in subclauses (I) through (VIII).

"(3) COMPLIANCE.—An eligible entity that receives a grant under the pilot program and enters into a partnership described in paragraph (2) shall establish measures to verify that an eligible partner that receives funds from the grant complies with the conditions of the pilot program in using those funds.

"(g) REQUIREMENT.—The Secretary shall ensure that not less than 60 percent of the amounts made available for grants under the pilot program each fiscal year are for projects located in rural areas.

"(h) ANNUAL REPORT TO CONGRESS.—

"(1) IN GENERAL.—Not later than December 31 of each calendar year, the Secretary shall submit to Congress, and make publicly available, a report describing the activities under the pilot program for the fiscal year that ends during that calendar year.

"(2) CONTENTS.—The report under paragraph (1) shall include—

"(A) a detailed description of the activities carried out under the pilot program;

"(B) an evaluation of the effectiveness of the pilot program in meeting the purposes described in subsection (b); and

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"(C) policy recommendations to improve the effectiveness of the pilot program.

"(i) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under this chapter.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 170 the following:

"171. Wildlife crossings pilot program.".

(c) WILDLIFE VEHICLE COLLISION REDUCTION AND HABITAT CONNECTIVITY IMPROVEMENT.—

(1) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by subsection (b)(1)), is amended by adding at the end the following:

"§ 172. Wildlife-vehicle collision reduction and habitat connectivity improvement

"(a) STUDY.—

"(1) IN GENERAL.—The Secretary shall conduct a study (referred to in this subsection as the 'study') of the state, as of the date of the study, of the practice of methods to reduce collisions between motorists and wildlife (referred to in this section as 'wildlife-vehicle collisions').

"(2) CONTENTS.—

"(A) AREAS OF STUDY.—The study shall—

"(i) update and expand on, as appropriate—

"(I) the report entitled 'Wildlife Vehicle Collision Reduction Study: 2008 Report to Congress'; and

"(II) the document entitled 'Wildlife Vehicle Collision Reduction Study: Best Practices Manual' and dated October 2008; and

"(ii) include—

"(I) an assessment, as of the date of the study, of—

"(aa) the causes of wildlife-vehicle collisions;

"(bb) the impact of wildlife-vehicle collisions on motorists and wildlife; and

"(cc) the impacts of roads and traffic on habitat connectivity for terrestrial and aquatic species; and

"(II) solutions and best practices for—

"(aa) reducing wildlife-vehicle collisions; and

"(bb) improving habitat connectivity for terrestrial and aquatic species.

"(B) METHODS.—In carrying out the study, the Secretary shall—

"(i) conduct a thorough review of research and data relating to—

"(I) wildlife-vehicle collisions; and

"(II) habitat fragmentation that results from transportation infrastructure;

"(ii) survey current practices of the Department of Transportation and State departments of transportation to reduce wildlife-vehicle collisions; and

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"(iii) consult with—

"(I) appropriate experts in the field of wildlife-vehicle collisions; and

"(II) appropriate experts on the effects of roads and traffic on habitat connectivity for terrestrial and aquatic species.

"(3) REPORT.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall submit to Congress a report on the results of the study.

"(B) CONTENTS.—The report under subparagraph (A) shall include—

"(i) a description of—

"(I) the causes of wildlife-vehicle collisions;

"(II) the impacts of wildlife-vehicle collisions; and

"(III) the impacts of roads and traffic on—

"(aa) species listed as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

"(bb) species identified by States as species of greatest conservation need;

"(cc) species identified in State wildlife plans; and

"(dd) medium and small terrestrial and aquatic species;

"(ii) an economic evaluation of the costs and benefits of installing highway infrastructure and other measures to mitigate damage to terrestrial and aquatic species, including the effect on jobs, property values, and economic growth to society, adjacent communities, and landowners;

"(iii) recommendations for preventing wildlife-vehicle collisions, including recommended best practices, funding resources, or other recommendations for addressing wildlife-vehicle collisions; and

"(iv) guidance, developed in consultation with Federal land management agencies and State departments of transportation, State fish and wildlife agencies, and Tribal governments that agree to participate, for developing, for each State that agrees to participate, a voluntary joint statewide transportation and wildlife action plan—

"(I) to address wildlife-vehicle collisions; and

"(II) to improve habitat connectivity for terrestrial and aquatic species.

"(b) WORKFORCE DEVELOPMENT AND TECHNICAL TRAINING.—

"(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall, based on the study conducted under subsection (a), develop a series of in-person and online workforce development and technical training courses—

"(A) to reduce wildlife-vehicle collisions; and

"(B) to improve habitat connectivity for terrestrial and aquatic species.

"(2) AVAILABILITY.—The Secretary shall—

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"(A) make the series of courses developed under paragraph (1) available for transportation and fish and wildlife professionals; and

"(B) update the series of courses not less frequently than once every 2 years.

"(c) STANDARDIZATION OF WILDLIFE COLLISION AND CARCASS DATA.—

"(1) STANDARDIZED METHODOLOGY.—

"(A) IN GENERAL.—The Secretary, acting through the Administrator of the Federal Highway Administration (referred to in this subsection as the 'Secretary'), shall develop a quality standardized methodology for collecting and reporting spatially accurate wildlife collision and carcass data for the National Highway System, considering the practicability of the methodology with respect to technology and cost.

"(B) METHODOLOGY.—In developing the standardized methodology under subparagraph (A), the Secretary shall—

"(i) survey existing methodologies and sources of data collection, including the Fatality Analysis Reporting System, the General Estimates System of the National Automotive Sampling System, and the Highway Safety Information System; and

"(ii) to the extent practicable, identify and correct limitations of those existing methodologies and sources of data collection.

"(C) CONSULTATION.—In developing the standardized methodology under subparagraph (A), the Secretary shall consult with—

"(i) the Secretary of the Interior;

"(ii) the Secretary of Agriculture, acting through the Chief of the Forest Service;

"(iii) Tribal, State, and local transportation and wildlife authorities;

"(iv) metropolitan planning organizations (as defined in section 134(b));

"(v) members of the American Association of State Highway Transportation Officials;

"(vi) members of the Association of Fish and Wildlife Agencies;

"(vii) experts in the field of wildlife-vehicle collisions;

"(viii) nongovernmental organizations; and

"(ix) other interested stakeholders, as appropriate.

"(2) STANDARDIZED NATIONAL DATA SYSTEM WITH VOLUNTARY TEMPLATE IMPLEMENTATION.—The Secretary shall—

"(A) develop a template for State implementation of a standardized national wildlife collision and carcass data system for the National Highway System that is based on the standardized methodology developed under paragraph (1); and

"(B) encourage the voluntary implementation of the template developed under subparagraph (A).

"(3) REPORTS.—

"(A) METHODOLOGY.—The Secretary shall submit to Congress a report describing the standardized methodology

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developed under paragraph (1) not later than the later of—

"(i) the date that is 18 months after the date of enactment of the Surface Transportation Reauthorization Act of 2021; and

"(ii) the date that is 180 days after the date on which the Secretary completes the development of the standardized methodology.

"(B) IMPLEMENTATION.—Not later than 4 years after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall submit to Congress a report describing—

"(i) the status of the voluntary implementation of the standardized methodology developed under paragraph (1) and the template developed under paragraph (2)(A);

"(ii) whether the implementation of the standardized methodology developed under paragraph (1) and the template developed under paragraph (2)(A) has impacted efforts by States, units of local government, and other entities—

"(I) to reduce the number of wildlife-vehicle collisions; and

"(II) to improve habitat connectivity;

"(iii) the degree of the impact described in clause (ii); and

"(iv) the recommendations of the Secretary, including recommendations for further study aimed at reducing motorist collisions involving wildlife and improving habitat connectivity for terrestrial and aquatic species on the National Highway System, if any.

"(d) NATIONAL THRESHOLD GUIDANCE.—The Secretary shall—

"(1) establish guidance, to be carried out by States on a voluntary basis, that contains a threshold for determining whether a highway shall be evaluated for potential mitigation measures to reduce wildlife-vehicle collisions and increase habitat connectivity for terrestrial and aquatic species, taking into consideration—

"(A) the number of wildlife-vehicle collisions on the highway that pose a human safety risk;

"(B) highway-related mortality and the effects of traffic on the highway on—

"(i) species listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

"(ii) species identified by a State as species of greatest conservation need;

"(iii) species identified in State wildlife plans; and

"(iv) medium and small terrestrial and aquatic species; and

"(C) habitat connectivity values for terrestrial and aquatic species and the barrier effect of the highway on the movements and migrations of those species.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by subsection (b)(2))

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is amended by inserting after the item relating to section 171 the following:

"172. Wildlife-vehicle collision reduction and habitat connectivity improvement.".

(d) WILDLIFE CROSSINGS STANDARDS.—Section 109(c)(2) of title 23, United States Code, is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

"(F) the publication of the Federal Highway Administration entitled 'Wildlife Crossing Structure Handbook: Design and Evaluation in North America' and dated March 2011; and".

(e) WILDLIFE HABITAT CONNECTIVITY AND NATIONAL BRIDGE AND TUNNEL INVENTORY AND INSPECTION STANDARDS.—Section 144 of title 23, United States Code, is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by inserting ", resilience," after "safety";

(B) in subparagraph (D), by striking "and" at the end;

(C) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(F) to ensure adequate passage of aquatic and terrestrial species, where appropriate.";

(2) in subsection (b)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) determine if the replacement or rehabilitation of bridges and tunnels should include measures to enable safe and unimpeded movement for terrestrial and aquatic species."; and

(3) in subsection (i), by adding at the end the following:

"(3) REQUIREMENT.—The first revision under paragraph (2) after the date of enactment of the Surface Transportation Reauthorization Act of 2021 shall include techniques to assess passage of aquatic and terrestrial species and habitat restoration potential.".

SEC. 11124. CONSOLIDATION OF PROGRAMS.

Section 1519(a) of MAP–21 (Public Law 112–141; 126 Stat. 574; 129 Stat. 1423) is amended, in the matter preceding paragraph (1), by striking "fiscal years 2016 through 2020" and inserting "fiscal years 2022 through 2026".

SEC. 11125. GAO REPORT.

(a) IN GENERAL.—Section 1433 of the FAST Act (23 U.S.C. 101 note; Public Law 114–94) is repealed.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the FAST Act (Public Law 114–94; 129 Stat. 1312) is amended by striking the item relating to section 1433.

SEC. 11126. TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.

Section 165 of title 23, United States Code, is amended—

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(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

"(1) for the Puerto Rico highway program under subsection (b)—

"(A) $173,010,000 shall be for fiscal year 2022;
"(B) $176,960,000 shall be for fiscal year 2023;
"(C) $180,120,000 shall be for fiscal year 2024;
"(D) $183,675,000 shall be for fiscal year 2025; and
"(E) $187,230,000 shall be for fiscal year 2026; and

"(2) for the territorial highway program under subsection (c)—

"(A) $45,990,000 shall be for fiscal year 2022;
"(B) $47,040,000 shall be for fiscal year 2023;
"(C) $47,880,000 shall be for fiscal year 2024;
"(D) $48,825,000 shall be for fiscal year 2025; and
"(E) $49,770,000 shall be for fiscal year 2026.";

(2) in subsection (b)(2)(C)(iii), by inserting "and preventative maintenance on the National Highway System" after "chapter 1"; and

(3) in subsection (c)(7), by striking "paragraphs (1) through (4) of section 133(c) and section 133(b)(12)" and inserting "paragraphs (1), (2), (3), and (5) of section 133(c) and section 133(b)(13)".

SEC. 11127. NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM.

Section 1123 of the FAST Act (23 U.S.C. 201 note; Public Law 114–94) is amended—

(1) in subsection (c)(3), by striking "$25,000,000" and all that follows through the period at the end and inserting "$12,500,000.";

(2) in subsection (g)—

(A) by striking the subsection designation and heading and all that follows through "The Federal" in paragraph (1) and inserting the following:

"(g) COST SHARE.—

"(1) FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal";

(B) in paragraph (1), by adding at the end the following:

"(B) TRIBAL PROJECTS.—In the case of a project on a tribal transportation facility (as defined in section 101(a) of title 23, United States Code), the Federal share of the cost of the project shall be 100 percent."; and

(C) in paragraph (2), by striking "other than those made available under title 23 or title 49, United States Code,"; and

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

"(h) USE OF FUNDS.—

"(1) IN GENERAL.—For each fiscal year, of the amounts made available to carry out this section—

"(A) 50 percent shall be used for eligible projects on Federal lands transportation facilities and Federal lands access transportation facilities (as those terms are defined in section 101(a) of title 23, United States Code); and

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"(B) 50 percent shall be used for eligible projects on tribal transportation facilities (as defined in section 101(a) of title 23, United States Code).

"(2) REQUIREMENT.—Not less than 1 eligible project carried out using the amount described in paragraph (1)(A) shall be in a unit of the National Park System with not less than 3,000,000 annual visitors.

"(3) AVAILABILITY.—Amounts made available to carry out this section shall remain available for a period of 3 fiscal years following the fiscal year for which the amounts are appropriated.".

SEC. 11128. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.

Section 1123(h) of MAP–21 (23 U.S.C. 202 note; Public Law 112–141) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) in paragraph (3) (as so redesignated), in the matter preceding subparagraph (A), by striking "paragraph (1)" and inserting "paragraphs (1) and (2)"; and

(3) by striking the subsection designation and heading and all that follows through the period at the end of paragraph (1) and inserting the following:

"(h) FUNDING.—

"(1) SET-ASIDE.—For each of fiscal years 2022 through 2026, of the amounts made available to carry out the tribal transportation program under section 202 of title 23, United States Code, for that fiscal year, the Secretary shall use $9,000,000 to carry out the program.

"(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated $30,000,000 out of the general fund of the Treasury to carry out the program for each of fiscal years 2022 through 2026.".

SEC. 11129. STANDARDS.

Section 109 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) by striking "(d) On any" and inserting the following:

"(d) MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.—

"(1) IN GENERAL.—On any";

(B) in paragraph (1) (as so designated), by striking "promote the safe" and inserting "promote the safety, inclusion, and mobility of all users"; and

(C) by adding at the end the following:

"(2) UPDATES.—Not later than 18 months after the date of enactment of the Surface Transportation Reauthorization Act of 2021 and not less frequently than every 4 years thereafter, the Secretary shall update the Manual on Uniform Traffic Control Devices.";

(2) in subsection (o)—

(A) by striking "Projects" and inserting:

"(A) IN GENERAL.—Projects"; and

(B) by inserting at the end the following:

"(B) LOCAL JURISDICTIONS.—Notwithstanding subparagraph (A), a local jurisdiction may use a roadway design guide recognized by the Federal Highway Administration and adopted by the local jurisdiction that is different from the roadway design guide used by the State in which

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the local jurisdiction is located for the design of projects on all roadways under the ownership of the local jurisdiction (other than a highway on the National Highway System) for which the local jurisdiction is the project sponsor, provided that the design complies with all other applicable Federal laws."; and

(3) by adding at the end the following:

"(s) ELECTRIC VEHICLE CHARGING STATIONS.—

"(1) STANDARDS.—Electric vehicle charging infrastructure installed using funds provided under this title shall provide, at a minimum—

"(A) non-proprietary charging connectors that meet applicable industry safety standards; and

"(B) open access to payment methods that are available to all members of the public to ensure secure, convenient, and equal access to the electric vehicle charging infrastructure that shall not be limited by membership to a particular payment provider.

"(2) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project to install electric vehicle charging infrastructure using funds provided under this title shall be treated as if the project is located on a Federal-aid highway.".

SEC. 11130. PUBLIC TRANSPORTATION.

(a) IN GENERAL.—Section 142(a) of title 23, United States Code, is amended by adding at the end the following:

"(3) BUS CORRIDORS.—In addition to the projects described in paragraphs (1) and (2), the Secretary may approve payment from sums apportioned under paragraph (2) or (7) of section 104(b) for carrying out a capital project for the construction of a bus rapid transit corridor or dedicated bus lanes, including the construction or installation of—

"(A) traffic signaling and prioritization systems;

"(B) redesigned intersections that are necessary for the establishment of a bus rapid transit corridor;

"(C) on-street stations;

"(D) fare collection systems;

"(E) information and wayfinding systems; and

"(F) depots.".

(b) TECHNICAL CORRECTION.—Section 142 of title 23, United States Code, is amended by striking subsection (i).

SEC. 11131. RESERVATION OF CERTAIN FUNDS.

(a) OPEN CONTAINER REQUIREMENTS.—Section 154(c)(2) of title 23, United States Code, is amended—

(1) in the paragraph heading, by striking "2012" and inserting "2022";

(2) by striking subparagraph (A) and inserting the following:

"(A) RESERVATION OF FUNDS.—

"(i) IN GENERAL.—On October 1, 2021, and each October 1 thereafter, in the case of a State described in clause (ii), the Secretary shall reserve an amount equal to 2.5 percent of the funds to be apportioned to the State on that date under each of paragraphs (1) and (2) of section 104(b) until the State certifies to the Secretary the means by which the State will

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use those reserved funds in accordance with subparagraphs (A) and (B) of paragraph (1), and paragraph (3).

"(ii) STATES DESCRIBED.—A State referred to in clause (i) is a State—

"(I) that has not enacted or is not enforcing an open container law described in subsection (b); and

"(II) for which the Secretary determined for the prior fiscal year that the State had not enacted or was not enforcing an open container law described in subsection (b).."; and

(3) in subparagraph (B), in the matter preceding clause (i), by striking "subparagraph (A)" and inserting "subparagraph (A)(i)".

(b) REPEAT INTOXICATED DRIVER LAWS.—Section 164(b)(2) of title 23, United States Code, is amended—

(1) in the paragraph heading, by striking "2012" and inserting "2022";

(2) by striking subparagraph (A) and inserting the following:

"(A) RESERVATION OF FUNDS.—

"(i) IN GENERAL.—On October 1, 2021, and each October 1 thereafter, in the case of a State described in clause (ii), the Secretary shall reserve an amount equal to 2.5 percent of the funds to be apportioned to the State on that date under each of paragraphs (1) and (2) of section 104(b) until the State certifies to the Secretary the means by which the State will use those reserved funds in accordance with subparagraphs (A) and (B) of paragraph (1), and paragraph (3).

"(ii) STATES DESCRIBED.—A State referred to in clause (i) is a State—

"(I) that has not enacted or is not enforcing a repeat intoxicated driver law; and

"(II) for which the Secretary determined for the prior fiscal year that the State had not enacted or was not enforcing a repeat intoxicated driver law."; and

(3) in subparagraph (B), in the matter preceding clause (i), by striking "subparagraph (A)" and inserting "subparagraph (A)(i)".

SEC. 11132. RURAL SURFACE TRANSPORTATION GRANT PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by section 11123(c)(1)), is amended by adding at the end the following:

"§ 173. Rural surface transportation grant program

"(a) DEFINITIONS.—In this section:

"(1) PROGRAM.—The term 'program' means the program established under subsection (b)(1).

"(2) RURAL AREA.—The term 'rural area' means an area that is outside an urbanized area with a population of over 200,000.

"(b) ESTABLISHMENT.—

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"(1) IN GENERAL.—The Secretary shall establish a rural surface transportation grant program to provide grants, on a competitive basis, to eligible entities to improve and expand the surface transportation infrastructure in rural areas.

"(2) GOALS.—The goals of the program shall be—

"(A) to increase connectivity;

"(B) to improve the safety and reliability of the movement of people and freight; and

"(C) to generate regional economic growth and improve quality of life.

"(3) GRANT ADMINISTRATION.—The Secretary may—

"(A) retain not more than a total of 2 percent of the funds made available to carry out the program and to review applications for grants under the program; and

"(B) transfer portions of the funds retained under subparagraph (A) to the relevant Administrators to fund the award and oversight of grants provided under the program.

"(c) ELIGIBLE ENTITIES.—The Secretary may make a grant under the program to—

"(1) a State;

"(2) a regional transportation planning organization;

"(3) a unit of local government;

"(4) a Tribal government or a consortium of Tribal governments; and

"(5) a multijurisdictional group of entities described in paragraphs (1) through (4).

"(d) APPLICATIONS.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require.

"(e) ELIGIBLE PROJECTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may make a grant under the program only for a project that is—

"(A) a highway, bridge, or tunnel project eligible under section 119(d);

"(B) a highway, bridge, or tunnel project eligible under section 133(b);

"(C) a project eligible under section 202(a);

"(D) a highway freight project eligible under section 167(h)(5);

"(E) a highway safety improvement project, including a project to improve a high risk rural road (as those terms are defined in section 148(a));

"(F) a project on a publicly-owned highway or bridge that provides or increases access to an agricultural, commercial, energy, or intermodal facility that supports the economy of a rural area; or

"(G) a project to develop, establish, or maintain an integrated mobility management system, a transportation demand management system, or on-demand mobility services.

"(2) BUNDLING OF ELIGIBLE PROJECTS.—

"(A) IN GENERAL.—An eligible entity may bundle 2 or more similar eligible projects under the program that are—

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"(i) included as a bundled project in a statewide transportation improvement program under section 135; and

"(ii) awarded to a single contractor or consultant pursuant to a contract for engineering and design or construction between the contractor and the eligible entity.

"(B) ITEMIZATION.—Notwithstanding any other provision of law (including regulations), a bundling of eligible projects under this paragraph may be considered to be a single project, including for purposes of section 135.

"(f) ELIGIBLE PROJECT COSTS.—An eligible entity may use funds from a grant under the program for—

"(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

"(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

"(g) PROJECT REQUIREMENTS.—The Secretary may provide a grant under the program to an eligible project only if the Secretary determines that the project—

"(1) will generate regional economic, mobility, or safety benefits;

"(2) will be cost effective;

"(3) will contribute to the accomplishment of 1 or more of the national goals under section 150;

"(4) is based on the results of preliminary engineering; and

"(5) is reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project.

"(h) ADDITIONAL CONSIDERATIONS.—In providing grants under the program, the Secretary shall consider the extent to which an eligible project will—

"(1) improve the state of good repair of existing highway, bridge, and tunnel facilities;

"(2) increase the capacity or connectivity of the surface transportation system and improve mobility for residents of rural areas;

"(3) address economic development and job creation challenges, including energy sector job losses in energy communities as identified in the report released in April 2021 by the interagency working group established by section 218 of Executive Order 14008 (86 Fed. Reg. 7628 (February 1, 2021));

"(4) enhance recreational and tourism opportunities by providing access to Federal land, national parks, national forests, national recreation areas, national wildlife refuges, wilderness areas, or State parks;

"(5) contribute to geographic diversity among grant recipients;

"(6) utilize innovative project delivery approaches or incorporate transportation technologies;

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"(7) coordinate with projects to address broadband infrastructure needs; or

"(8) improve access to emergency care, essential services, healthcare providers, or drug and alcohol treatment and rehabilitation resources.

"(i) GRANT AMOUNT.—Except as provided in subsection (k)(1), a grant under the program shall be in an amount that is not less than $25,000,000.

"(j) FEDERAL SHARE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of a project carried out with a grant under the program may not exceed 80 percent.

"(2) FEDERAL SHARE FOR CERTAIN PROJECTS.—The Federal share of the cost of an eligible project that furthers the completion of a designated segment of the Appalachian Development Highway System under section 14501 of title 40, or addresses a surface transportation infrastructure need identified for the Denali access system program under section 309 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) shall be up to 100 percent, as determined by the State.

"(3) USE OF OTHER FEDERAL ASSISTANCE.—Federal assistance other than a grant under the program may be used to satisfy the non-Federal share of the cost of a project carried out with a grant under the program.

"(k) SET ASIDES.—

"(1) SMALL PROJECTS.—The Secretary shall use not more than 10 percent of the amounts made available for the program for each fiscal year to provide grants for eligible projects in an amount that is less than $25,000,000.

"(2) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.—The Secretary shall reserve 25 percent of the amounts made available for the program for each fiscal year for eligible projects that further the completion of designated routes of the Appalachian Development Highway System under section 14501 of title 40.

"(3) RURAL ROADWAY LANE DEPARTURES.—The Secretary shall reserve 15 percent of the amounts made available for the program for each fiscal year to provide grants for eligible projects located in States that have rural roadway fatalities as a result of lane departures that are greater than the average of rural roadway fatalities as a result of lane departures in the United States, based on the latest available data from the Secretary.

"(4) EXCESS FUNDING.—In any fiscal year in which qualified applications for grants under this subsection do not allow for the amounts reserved under paragraphs (1), (2), or (3) to be fully utilized, the Secretary shall use the unutilized amounts to make other grants under the program.

"(l) CONGRESSIONAL REVIEW.—

"(1) NOTIFICATION.—Not less than 60 days before providing a grant under the program, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

"(A) a list of all applications determined to be eligible for a grant by the Secretary;

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"(B) each application proposed to be selected for a grant, including a justification for the selection; and

"(C) proposed grant amounts.

"(2) COMMITTEE REVIEW.—Before the last day of the 60-day period described in paragraph (1), each Committee described in paragraph (1) shall review the list of proposed projects submitted by the Secretary.

"(3) CONGRESSIONAL DISAPPROVAL.—The Secretary may not make a grant or any other obligation or commitment to fund a project under the program if a joint resolution is enacted disapproving funding for the project before the last day of the 60-day period described in paragraph (1).

"(m) TRANSPARENCY.—

"(1) IN GENERAL.—Not later than 30 days after providing a grant for a project under the program, the Secretary shall provide to all applicants, and publish on the website of the Department of Transportation, the information described in subsection (l)(1).

"(2) BRIEFING.—The Secretary shall provide, on the request of an eligible entity, the opportunity to receive a briefing to explain any reasons the eligible entity was not selected to receive a grant under the program.

"(n) REPORTS.—

"(1) ANNUAL REPORT.—The Secretary shall make available on the website of the Department of Transportation at the end of each fiscal year an annual report that lists each project for which a grant has been provided under the program during that fiscal year.

"(2) COMPTROLLER GENERAL.—

"(A) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the administrative establishment, solicitation, selection, and justification process with respect to the awarding of grants under the program for each fiscal year.

"(B) REPORT.—Each fiscal year, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes, for the fiscal year—

"(i) the adequacy and fairness of the process by which each project was selected, if applicable; and

"(ii) the justification and criteria used for the selection of each project, if applicable.

"(o) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under this chapter.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 11123(c)(2)), is amended by inserting after the item relating to section 172 the following:

"173. Rural surface transportation grant program.".

SEC. 11133. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

Section 217 of title 23, United States Code, is amended—

(1) in subsection (a)—

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(A) by striking "pedestrian walkways and bicycle" and inserting "pedestrian walkways and bicycle and shared micromobility"; and

(B) by striking "safe bicycle use" and inserting "safe access for bicyclists and pedestrians";

(2) in subsection (d), by striking "a position" and inserting "up to 2 positions";

(3) in subsection (e), by striking "bicycles" each place it appears and inserting "pedestrians or bicyclists";

(4) in subsection (f), by striking "and a bicycle" and inserting "or a bicycle or shared micromobility"; and

(5) in subsection (j), by striking paragraph (2) and inserting the following:

"(2) ELECTRIC BICYCLE.—

"(A) IN GENERAL.—The term 'electric bicycle' means a bicycle—

"(i) equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts;

"(ii) that can safely share a bicycle transportation facility with other users of such facility; and

"(iii) that is a class 1 electric bicycle, class 2 electric bicycle, or class 3 electric bicycle.

"(B) CLASSES OF ELECTRIC BICYCLES.—

"(i) CLASS 1 ELECTRIC BICYCLE.—For purposes of subparagraph (A)(iii), the term 'class 1 electric bicycle' means an electric bicycle, other than a class 3 electric bicycle, equipped with a motor that—

"(I) provides assistance only when the rider is pedaling; and

"(II) ceases to provide assistance when the speed of the bicycle reaches or exceeds 20 miles per hour.

"(ii) CLASS 2 ELECTRIC BICYCLE.—For purposes of subparagraph (A)(iii), the term 'class 2 electric bicycle' means an electric bicycle equipped with a motor that—

"(I) may be used exclusively to propel the bicycle; and

"(II) is not capable of providing assistance when the speed of the bicycle reaches or exceeds 20 miles per hour.

"(iii) CLASS 3 ELECTRIC BICYCLE.—For purposes of subparagraph (A)(iii), the term 'class 3 electric bicycle' means an electric bicycle equipped with a motor that—

"(I) provides assistance only when the rider is pedaling; and

"(II) ceases to provide assistance when the speed of the bicycle reaches or exceeds 28 miles per hour.".

SEC. 11134. RECREATIONAL TRAILS PROGRAM.

Section 206 of title 23, United States Code, is amended by adding at the end the following:

"(j) USE OF OTHER APPORTIONED FUNDS.—Funds apportioned to a State under section 104(b) that are obligated for a recreational trail or a related project shall be administered as if the funds were made available to carry out this section.".

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SEC. 11135. UPDATES TO MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.

In carrying out the first update to the Manual on Uniform Traffic Control Devices under section 109(d)(2) of title 23, United States Code, to the greatest extent practicable, the Secretary shall include updates necessary to provide for—

(1) the protection of vulnerable road users (as defined in section 148(a) of title 23, United States Code);

(2) supporting the safe testing of automated vehicle technology and any preparation necessary for the safe integration of automated vehicles onto public streets;

(3) appropriate use of variable message signs to enhance public safety;

(4) the minimum retroreflectivity of traffic control devices and pavement markings; and

(5) any additional recommendations made by the National Committee on Uniform Traffic Control Devices that have not been incorporated into the Manual on Uniform Traffic Control Devices.

Subtitle B—Planning and Performance Management

SEC. 11201. TRANSPORTATION PLANNING.

(a) METROPOLITAN TRANSPORTATION PLANNING.—Section 134 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (3), by adding at the end the following:

"(D) CONSIDERATIONS.—In designating officials or representatives under paragraph (2) for the first time, subject to the bylaws or enabling statute of the metropolitan planning organization, the metropolitan planning organization shall consider the equitable and proportional representation of the population of the metropolitan planning area."; and

(B) in paragraph (7)—

(i) by striking "an existing metropolitan planning area" and inserting "an existing urbanized area (as defined by the Bureau of the Census)"; and

(ii) by striking "the existing metropolitan planning area" and inserting "the area";

(2) in subsection (g)—

(A) in paragraph (1), by striking "a metropolitan area" and inserting "an urbanized area (as defined by the Bureau of the Census)"; and

(B) by adding at the end the following:

"(4) COORDINATION BETWEEN MPOS.—If more than 1 metropolitan planning organization is designated within an urbanized area (as defined by the Bureau of the Census) under subsection (d)(7), the metropolitan planning organizations designated within the area shall ensure, to the maximum extent practicable, the consistency of any data used in the planning process, including information used in forecasting travel demand.

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"(5) SAVINGS CLAUSE.—Nothing in this subsection requires metropolitan planning organizations designated within a single urbanized area to jointly develop planning documents, including a unified long-range transportation plan or unified TIP.";

(3) in subsection (i)(6), by adding at the end the following:

"(D) USE OF TECHNOLOGY.—A metropolitan planning organization may use social media and other web-based tools—

"(i) to further encourage public participation; and

"(ii) to solicit public feedback during the transportation planning process."; and

(4) in subsection (p), by striking "paragraphs (5)(D) and (6) of section 104(b) of this title" and inserting "section 104(b)(6)".

(b) STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.—Section 135(f)(3) of title 23, United States Code, is amended by adding at the end the following:

"(C) USE OF TECHNOLOGY.—A State may use social media and other web-based tools—

"(i) to further encourage public participation; and

"(ii) to solicit public feedback during the transportation planning process.".

(c) CONFORMING AMENDMENT.—Section 135(i) of title 23, United States Code, is amended by striking "paragraphs (5)(D) and (6) of section 104(b) of this title" and inserting "section 104(b)(6)".

(d) HOUSING COORDINATION.—Section 134 of title 23, United States Code, is amended—

(1) in subsection (a)(1), by inserting "better connect housing and employment," after "urbanized areas";

(2) in subsection (g)(3)(A), by inserting "housing," after "economic development,";

(3) in subsection (h)(1)(E), by inserting ", housing," after "growth";

(4) in subsection (i)—

(A) in paragraph (4)(B)—

(i) by redesignating clauses (iii) through (vi) as clauses (iv) through (vii), respectively; and

(ii) by inserting after clause (ii) the following:

"(iii) assumed distribution of population and housing;"; and

(B) in paragraph (6)(A), by inserting "affordable housing organizations," after "disabled,"; and

(5) in subsection (k)—

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(B) by inserting after paragraph (3) the following:

"(4) HOUSING COORDINATION PROCESS.—

"(A) IN GENERAL.—Within a metropolitan planning area serving a transportation management area, the transportation planning process under this section may address the integration of housing, transportation, and economic development strategies through a process that provides for effective integration, based on a cooperatively developed and implemented strategy, of new and existing transportation facilities eligible for funding under this title and chapter 53 of title 49.

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"(B) COORDINATION IN INTEGRATED PLANNING PROCESS.—In carrying out the process described in subparagraph (A), a metropolitan planning organization may—

"(i) consult with—

"(I) State and local entities responsible for land use, economic development, housing, management of road networks, or public transportation; and

"(II) other appropriate public or private entities; and

"(ii) coordinate, to the extent practicable, with applicable State and local entities to align the goals of the process with the goals of any comprehensive housing affordability strategies established within the metropolitan planning area pursuant to section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) and plans developed under section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1).

"(C) HOUSING COORDINATION PLAN.—

"(i) IN GENERAL.—A metropolitan planning organization serving a transportation management area may develop a housing coordination plan that includes projects and strategies that may be considered in the metropolitan transportation plan of the metropolitan planning organization.

"(ii) CONTENTS.—A plan described in clause (i) may—

"(I) develop regional goals for the integration of housing, transportation, and economic development strategies to—

"(aa) better connect housing and employment while mitigating commuting times;

"(bb) align transportation improvements with housing needs, such as housing supply shortages, and proposed housing development;

"(cc) align planning for housing and transportation to address needs in relationship to household incomes within the metropolitan planning area;

"(dd) expand housing and economic development within the catchment areas of existing transportation facilities and public transportation services when appropriate, including higher-density development, as locally determined;

"(ee) manage effects of growth of vehicle miles traveled experienced in the metropolitan planning area related to housing development and economic development;

"(ff) increase share of households with sufficient and affordable access to the transportation networks of the metropolitan planning area;

"(II) identify the location of existing and planned housing and employment, and transportation options that connect housing and employment; and

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"(III) include a comparison of transportation plans to land use management plans, including zoning plans, that may affect road use, public transportation ridership, and housing development.".

SEC. 11202. FISCAL CONSTRAINT ON LONG-RANGE TRANSPORTATION PLANS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall amend section 450.324(f)(11)(v) of title 23, Code of Federal Regulations, to ensure that the outer years of a metropolitan transportation plan are defined as "beyond the first 4 years".

SEC. 11203. STATE HUMAN CAPITAL PLANS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by section 11132(a)), is amended by adding at the end the following:

"§ 174. State human capital plans

"(a) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall encourage each State to develop a voluntary plan, to be known as a 'human capital plan', that provides for the immediate and long-term personnel and workforce needs of the State with respect to the capacity of the State to deliver transportation and public infrastructure eligible under this title.

"(b) PLAN CONTENTS.—

"(1) IN GENERAL.—A human capital plan developed by a State under subsection (a) shall, to the maximum extent practicable, take into consideration—

"(A) significant transportation workforce trends, needs, issues, and challenges with respect to the State;

"(B) the human capital policies, strategies, and performance measures that will guide the transportation-related workforce investment decisions of the State;

"(C) coordination with educational institutions, industry, organized labor, workforce boards, and other agencies or organizations to address the human capital transportation needs of the State;

"(D) a workforce planning strategy that identifies current and future human capital needs, including the knowledge, skills, and abilities needed to recruit and retain skilled workers in the transportation industry;

"(E) a human capital management strategy that is aligned with the transportation mission, goals, and organizational objectives of the State;

"(F) an implementation system for workforce goals focused on addressing continuity of leadership and knowledge sharing across the State;

"(G) an implementation system that addresses workforce competency gaps, particularly in mission-critical occupations;

"(H) in the case of public-private partnerships or other alternative project delivery methods to carry out the transportation program of the State, a description of workforce needs—

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"(i) to ensure that the transportation mission, goals, and organizational objectives of the State are fully carried out; and

"(ii) to ensure that procurement methods provide the best public value;

"(I) a system for analyzing and evaluating the performance of the State department of transportation with respect to all aspects of human capital management policies, programs, and activities; and

"(J) the manner in which the plan will improve the ability of the State to meet the national policy in support of performance management established under section 150.

"(2) PLANNING PERIOD.—If a State develops a human capital plan under subsection (a), the plan shall address a 5-year forecast period.

"(c) PLAN UPDATES.—If a State develops a human capital plan under subsection (a), the State shall update the plan not less frequently than once every 5 years.

"(d) RELATIONSHIP TO LONG-RANGE PLAN.—

"(1) IN GENERAL.—Subject to paragraph (2), a human capital plan developed by a State under subsection (a) may be developed separately from, or incorporated into, the long-range statewide transportation plan required under section 135.

"(2) EFFECT OF SECTION.—Nothing in this section requires a State, or authorizes the Secretary to require a State, to incorporate a human capital plan into the long-range statewide transportation plan required under section 135.

"(e) PUBLIC AVAILABILITY.—Each State that develops a human capital plan under subsection (a) shall make a copy of the plan available to the public in a user-friendly format on the website of the State department of transportation.

"(f) SAVINGS PROVISION.—Nothing in this section prevents a State from carrying out transportation workforce planning—

"(1) not described in this section; or

"(2) not in accordance with this section.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 11132(b)), is amended by inserting after the item relating to section 173 the following:

"174. State human capital plans.".

SEC. 11204. PRIORITIZATION PROCESS PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means any of the following:

(A) A metropolitan planning organization that serves an area with a population of over 200,000.

(B) A State.

(2) METROPOLITAN PLANNING ORGANIZATION.—The term "metropolitan planning organization" has the meaning given the term in section 134(b) of title 23, United States Code.

(3) PRIORITIZATION PROCESS PILOT PROGRAM.—The term "prioritization process pilot program" means the pilot program established under subsection (b)(1).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish and solicit applications for a prioritization process pilot program.

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(2) PURPOSE.—The purpose of the prioritization process pilot program shall be to support data-driven approaches to planning that, on completion, can be evaluated for public benefit.

(c) PILOT PROGRAM ADMINISTRATION.—

(1) IN GENERAL.—An eligible entity participating in the prioritization process pilot program shall—

(A) use priority objectives that are developed—

(i) in the case of an urbanized area with a population of over 200,000, by the metropolitan planning organization that serves the area, in consultation with the State;

(ii) in the case of an urbanized area with a population of 200,000 or fewer, by the State in consultation with all metropolitan planning organizations in the State; and

(iii) through a public process that provides an opportunity for public input;

(B) assess and score projects and strategies on the basis of—

(i) the contribution and benefits of the project or strategy to each priority objective developed under subparagraph (A);

(ii) the cost of the project or strategy relative to the contribution and benefits assessed and scored under clause (i); and

(iii) public support;

(C) use the scores assigned under subparagraph (B) to guide project selection in the development of the transportation plan and transportation improvement program; and

(D) ensure that the public—

(i) has opportunities to provide public comment on projects before decisions are made on the transportation plan and the transportation improvement program; and

(ii) has access to clear reasons why each project or strategy was selected or not selected.

(2) REQUIREMENTS.—An eligible entity that receives a grant under the prioritization process pilot program shall use the funds as described in each of the following, as applicable:

(A) METROPOLITAN TRANSPORTATION PLANNING.—In the case of a metropolitan planning organization that serves an area with a population of over 200,000, the entity shall—

(i) develop and implement a publicly accessible, transparent prioritization process for the selection of projects for inclusion on the transportation plan for the metropolitan planning area under section 134(i) of title 23, United States Code, and section 5303(i) of title 49, United States Code, which shall—

(I) include criteria identified by the metropolitan planning organization, which may be weighted to reflect the priority objectives developed under paragraph (1)(A), that the metropolitan planning organization has determined support—

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(aa) factors described in section 134(h) of title 23, United States Code, and section 5303(h) of title 49, United States Code;

(bb) targets for national performance measures under section 150(b) of title 23, United States Code;

(cc) applicable transportation goals in the metropolitan planning area or State set by the applicable transportation agency; and

(dd) priority objectives developed under paragraph (1)(A);

(II) evaluate the outcomes for each proposed project on the basis of the benefits of the proposed project with respect to each of the criteria described in subclause (I) relative to the cost of the proposed project; and

(III) use the evaluation under subclause (II) to create a ranked list of proposed projects; and

(ii) with respect to the priority list under section 134(j)(2)(A) of title 23 and section 5303(j)(2)(A) of title 49, United States Code, include projects according to the rank of the project under clause (i)(III), except as provided in subparagraph (D).

(B) STATEWIDE TRANSPORTATION PLANNING.—In the case of a State, the State shall—

(i) develop and implement a publicly accessible, transparent process for the selection of projects for inclusion on the long-range statewide transportation plan under section 135(f) of title 23, United States Code, which shall—

(I) include criteria identified by the State, which may be weighted to reflect statewide priorities, that the State has determined support—

(aa) factors described in section 135(d) of title 23, United States Code, and section 5304(d) of title 49, United States Code;

(bb) national transportation goals under section 150(b) of title 23, United States Code;

(cc) applicable transportation goals in the State; and

(dd) the priority objectives developed under paragraph (1)(A);

(II) evaluate the outcomes for each proposed project on the basis of the benefits of the proposed project with respect to each of the criteria described in subclause (I) relative to the cost of the proposed project; and

(III) use the evaluation under subclause (II) to create a ranked list of proposed projects; and

(ii) with respect to the statewide transportation improvement program under section 135(g) of title 23, United States Code, and section 5304(g) of title 49, United States Code, include projects according to the rank of the project under clause (i)(III), except as provided in subparagraph (D).

(C) ADDITIONAL TRANSPORTATION PLANNING.—If the eligible entity has implemented, and has in effect, the

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requirements under subparagraph (A) or (B), as applicable, the eligible entity may use any remaining funds from a grant provided under the pilot program for any transportation planning purpose.

(D) EXCEPTIONS TO PRIORITY RANKING.—In the case of any project that the eligible entity chooses to include or not include in the transportation improvement program under section 134(j) of title 23, United States Code, or the statewide transportation improvement program under section 135(g) of title 23, United States Code, as applicable, in a manner that is contrary to the priority ranking for that project established under subparagraph (A)(i)(III) or (B)(i)(III), the eligible entity shall make publicly available an explanation for the decision, including—

(i) a review of public comments regarding the project;

(ii) an evaluation of public support for the project;

(iii) an assessment of geographic balance of projects of the eligible entity; and

(iv) the number of projects of the eligible entity in economically distressed areas.

(3) MAXIMUM AMOUNT.—The maximum amount of a grant under the prioritization process pilot program is $2,000,000.

(d) APPLICATIONS.—To be eligible to participate in the prioritization process pilot program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

SEC. 11205. TRAVEL DEMAND DATA AND MODELING.

(a) DEFINITION OF METROPOLITAN PLANNING ORGANIZATION.—In this section, the term "metropolitan planning organization" has the meaning given the term in section 134(b) of title 23, United States Code.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and not less frequently than once every 5 years thereafter, the Secretary shall carry out a study that—

(A) gathers travel data and travel demand forecasts from a representative sample of States and metropolitan planning organizations;

(B) uses the data and forecasts gathered under subparagraph (A) to compare travel demand forecasts with the observed data, including—

(i) traffic counts;

(ii) travel mode share and public transit ridership; and

(iii) vehicle occupancy measures; and

(C) uses the information described in subparagraphs (A) and (B)—

(i) to develop best practices or guidance for States and metropolitan planning organizations to use in forecasting travel demand for future investments in transportation improvements;

(ii) to evaluate the impact of transportation investments, including new roadway capacity, on travel

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behavior and travel demand, including public transportation ridership, induced highway travel, and congestion;

(iii) to support more accurate travel demand forecasting by States and metropolitan planning organizations; and

(iv) to enhance the capacity of States and metropolitan planning organizations—

(I) to forecast travel demand; and

(II) to track observed travel behavior responses, including induced travel, to changes in transportation capacity, pricing, and land use patterns.

(2) SECRETARIAL SUPPORT.—The Secretary shall seek opportunities to support the transportation planning processes under sections 134 and 135 of title 23, United States Code, through the provision of data to States and metropolitan planning organizations to improve the quality of plans, models, and forecasts described in this subsection.

(3) EVALUATION TOOL.—The Secretary shall develop a publicly available multimodal web-based tool for the purpose of enabling States and metropolitan planning organizations to evaluate the effect of investments in highway and public transportation projects on the use and conditions of all transportation assets within the State or area served by the metropolitan planning organization, as applicable.

SEC. 11206. INCREASING SAFE AND ACCESSIBLE TRANSPORTATION OPTIONS.

(a) DEFINITION OF COMPLETE STREETS STANDARDS OR POLICIES.—In this section, the term "Complete Streets standards or policies" means standards or policies that ensure the safe and adequate accommodation of all users of the transportation system, including pedestrians, bicyclists, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles.

(b) FUNDING REQUIREMENT.—Notwithstanding any other provision of law, each State and metropolitan planning organization shall use to carry out 1 or more activities described in subsection (c)—

(1) in the case of a State, not less than 2.5 percent of the amounts made available to the State to carry out section 505 of title 23, United States Code; and

(2) in the case of a metropolitan planning organization, not less than 2.5 percent of the amounts made available to the metropolitan planning organization under section 104(d) of title 23, United States Code.

(c) ACTIVITIES DESCRIBED.—An activity referred to in subsection (b) is an activity to increase safe and accessible options for multiple travel modes for people of all ages and abilities, which, if permissible under applicable State and local laws, may include—

(1) adoption of Complete Streets standards or policies;

(2) development of a Complete Streets prioritization plan that identifies a specific list of Complete Streets projects to improve the safety, mobility, or accessibility of a street;

(3) development of transportation plans—

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(A) to create a network of active transportation facilities, including sidewalks, bikeways, or pedestrian and bicycle trails, to connect neighborhoods with destinations such as workplaces, schools, residences, businesses, recreation areas, healthcare and child care services, or other community activity centers;

(B) to integrate active transportation facilities with public transportation service or improve access to public transportation;

(C) to create multiuse active transportation infrastructure facilities, including bikeways or pedestrian and bicycle trails, that make connections within or between communities;

(D) to increase public transportation ridership; and

(E) to improve the safety of bicyclists and pedestrians;

(4) regional and megaregional planning to address travel demand and capacity constraints through alternatives to new highway capacity, including through intercity passenger rail; and

(5) development of transportation plans and policies that support transit-oriented development.

(d) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this section shall be 80 percent, unless the Secretary determines that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share.

(e) STATE FLEXIBILITY.—A State or metropolitan planning organization, with the approval of the Secretary, may opt out of the requirements of this section if the State or metropolitan planning organization demonstrates to the Secretary, by not later than 30 days before the Secretary apportions funds for a fiscal year under section 104, that the State or metropolitan planning organization—

(1) has Complete Streets standards and policies in place; and

(2) has developed an up-to-date Complete Streets prioritization plan as described in subsection (c)(2).

Subtitle C—Project Delivery and Process Improvement

SEC. 11301. CODIFICATION OF ONE FEDERAL DECISION.

(a) IN GENERAL.—Section 139 of title 23, United States Code, is amended—

(1) in the section heading, by striking "**decisionmaking**" and inserting "**decisionmaking and One Federal Decision**";

(2) in subsection (a)—

(A) by redesignating paragraphs (2) through (8) as paragraphs (4), (5), (6), (8), (9), (10), and (11), respectively;

(B) by inserting after paragraph (1) the following:

"(2) AUTHORIZATION.—The term 'authorization' means any environmental license, permit, approval, finding, or other administrative decision related to the environmental review process that is required under Federal law to site, construct, or reconstruct a project.

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"(3) ENVIRONMENTAL DOCUMENT.—The term 'environmental document' includes an environmental assessment, finding of no significant impact, notice of intent, environmental impact statement, or record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).";

(C) in subparagraph (B) of paragraph (5) (as so redesignated), by striking "process for and completion of any environmental permit" and inserting "process and schedule, including a timetable for and completion of any environmental permit"; and

(D) by inserting after paragraph (6) (as so redesignated) the following:

"(7) MAJOR PROJECT.—

"(A) IN GENERAL.—The term 'major project' means a project for which—

"(i) multiple permits, approvals, reviews, or studies are required under a Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(ii) the project sponsor has identified the reasonable availability of funds sufficient to complete the project;

"(iii) the project is not a covered project (as defined in section 41001 of the FAST Act (42 U.S.C. 4370m)); and

"(iv)(I) the head of the lead agency has determined that an environmental impact statement is required; or

"(II) the head of the lead agency has determined that an environmental assessment is required, and the project sponsor requests that the project be treated as a major project.

"(B) CLARIFICATION.—In this section, the term 'major project' does not have the same meaning as the term 'major project' as described in section 106(h).";

(3) in subsection (b)(1)—

(A) by inserting ", including major projects," after "all projects"; and

(B) by inserting "as requested by a project sponsor and" after "applied,";

(4) in subsection (c)—

(A) in paragraph (6)—

(i) in subparagraph (B), by striking "and" at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(D) to calculate annually the average time taken by the lead agency to complete all environmental documents for each project during the previous fiscal year."; and

(B) by adding at the end the following:

"(7) PROCESS IMPROVEMENTS FOR PROJECTS.—

"(A) IN GENERAL.—The Secretary shall review—

"(i) existing practices, procedures, rules, regulations, and applicable laws to identify impediments to meeting the requirements applicable to projects under this section; and

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"(ii) best practices, programmatic agreements, and potential changes to internal departmental procedures that would facilitate an efficient environmental review process for projects.

"(B) CONSULTATION.—In conducting the review under subparagraph (A), the Secretary shall consult, as appropriate, with the heads of other Federal agencies that participate in the environmental review process.

"(C) REPORT.—Not later than 2 years after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

"(i) the results of the review under subparagraph (A); and

"(ii) an analysis of whether additional funding would help the Secretary meet the requirements applicable to projects under this section.";

(5) in subsection (d)—

(A) in paragraph (8)—

(i) in the paragraph heading, by striking "NEPA" and inserting "ENVIRONMENTAL";

(ii) in subparagraph (A)—

(I) by inserting "and except as provided in subparagraph (D)" after "paragraph (7)";

(II) by striking "permits" and inserting "authorizations"; and

(III) by striking "single environment document" and inserting "single environmental document for each kind of environmental document";

(iii) in subparagraph (B)(i)—

(I) by striking "an environmental document" and inserting "environmental documents"; and

(II) by striking "permits issued" and inserting "authorizations"; and

(iv) by adding at the end the following:

"(D) EXCEPTIONS.—The lead agency may waive the application of subparagraph (A) with respect to a project if—

"(i) the project sponsor requests that agencies issue separate environmental documents;

"(ii) the obligations of a cooperating agency or participating agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have already been satisfied with respect to the project; or

"(iii) the lead agency determines that reliance on a single environmental document (as described in subparagraph (A)) would not facilitate timely completion of the environmental review process for the project."; and

(B) by adding at the end the following:

"(10) TIMELY AUTHORIZATIONS FOR MAJOR PROJECTS.—

"(A) DEADLINE.—Except as provided in subparagraph (C), all authorization decisions necessary for the construction of a major project shall be completed by not later

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than 90 days after the date of the issuance of a record of decision for the major project.

"(B) DETAIL.—The final environmental impact statement for a major project shall include an adequate level of detail to inform decisions necessary for the role of the participating agencies and cooperating agencies in the environmental review process.

"(C) EXTENSION OF DEADLINE.—The head of the lead agency may extend the deadline under subparagraph (A) if—

"(i) Federal law prohibits the lead agency or another agency from issuing an approval or permit within the period described in that subparagraph;

"(ii) the project sponsor requests that the permit or approval follow a different timeline; or

"(iii) an extension would facilitate completion of the environmental review and authorization process of the major project.";

(6) in subsection (g)(1)—

(A) in subparagraph (B)—

(i) in clause (ii)(IV), by striking "schedule for and cost of" and inserting "time required by an agency to conduct an environmental review and make decisions under applicable Federal law relating to a project (including the issuance or denial of a permit or license) and the cost of"; and

(ii) by adding at the end the following:

"(iii) MAJOR PROJECT SCHEDULE.—To the maximum extent practicable and consistent with applicable Federal law, in the case of a major project, the lead agency shall develop, in concurrence with the project sponsor, a schedule for the major project that is consistent with an agency average of not more than 2 years for the completion of the environmental review process for major projects, as measured from, as applicable—

"(I) the date of publication of a notice of intent to prepare an environmental impact statement to the record of decision; or

"(II) the date on which the head of the lead agency determines that an environmental assessment is required to a finding of no significant impact.";

(B) by striking subparagraph (D) and inserting the following:

"(D) MODIFICATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), the lead agency may lengthen or shorten a schedule established under subparagraph (B) for good cause.

"(ii) EXCEPTIONS.—

"(I) MAJOR PROJECTS.—In the case of a major project, the lead agency may lengthen a schedule under clause (i) for a cooperating Federal agency by not more than 1 year after the latest deadline established for the major project by the lead agency.

"(II) SHORTENED SCHEDULES.—The lead agency may not shorten a schedule under clause

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(i) if doing so would impair the ability of a cooperating Federal agency to conduct necessary analyses or otherwise carry out relevant obligations of the Federal agency for the project.";

(C) by redesignating subparagraph (E) as subparagraph (F); and

(D) by inserting after subparagraph (D) the following:

"(E) FAILURE TO MEET DEADLINE.—If a cooperating Federal agency fails to meet a deadline established under subparagraph (D)(ii)(I)—

"(i) the cooperating Federal agency shall submit to the Secretary a report that describes the reasons why the deadline was not met; and

"(ii) the Secretary shall—

"(I) transmit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of the report under clause (i); and

"(II) make the report under clause (i) publicly available on the internet.";

(7) in subsection (n), by adding at the end the following:

"(3) LENGTH OF ENVIRONMENTAL DOCUMENT.—

"(A) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subparagraph (B), to the maximum extent practicable, the text of the items described in paragraphs (4) through (6) of section 1502.10(a) of title 40, Code of Federal Regulations (or successor regulations), of an environmental impact statement for a project shall be 200 pages or fewer.

"(B) EXEMPTION.—An environmental impact statement for a project may exceed 200 pages, if the lead agency establishes a new page limit for the environmental impact statement for that project."; and

(8) by adding at the end the following:

"(p) ACCOUNTABILITY AND REPORTING FOR MAJOR PROJECTS.—

"(1) IN GENERAL.—The Secretary shall establish a performance accountability system to track each major project.

"(2) REQUIREMENTS.—The performance accountability system under paragraph (1) shall, for each major project, track, at a minimum—

"(A) the environmental review process for the major project, including the project schedule;

"(B) whether the lead agency, cooperating agencies, and participating agencies are meeting the schedule established for the environmental review process; and

"(C) the time taken to complete the environmental review process.

"(q) DEVELOPMENT OF CATEGORICAL EXCLUSIONS.—

"(1) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection, and every 4 years thereafter, the Secretary shall—

"(A) in consultation with the agencies described in paragraph (2), identify the categorical exclusions described in section 771.117 of title 23, Code of Federal Regulations (or successor regulations), that would accelerate delivery

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of a project if those categorical exclusions were available to those agencies;

"(B) collect existing documentation and substantiating information on the categorical exclusions described in subparagraph (A); and

"(C) provide to each agency described in paragraph (2)—

"(i) a list of the categorical exclusions identified under subparagraph (A); and

"(ii) the documentation and substantiating information under subparagraph (B).

"(2) AGENCIES DESCRIBED.—The agencies referred to in paragraph (1) are—

"(A) the Department of the Interior;

"(B) the Department of the Army;

"(C) the Department of Commerce;

"(D) the Department of Agriculture;

"(E) the Department of Energy;

"(F) the Department of Defense; and

"(G) any other Federal agency that has participated in an environmental review process for a project, as determined by the Secretary.

"(3) ADOPTION OF CATEGORICAL EXCLUSIONS.—

"(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary provides a list under paragraph (1)(C), an agency described in paragraph (2) shall publish a notice of proposed rulemaking to propose any categorical exclusions from the list applicable to the agency, subject to the condition that the categorical exclusion identified under paragraph (1)(A) meets the criteria for a categorical exclusion under section 1508.1 of title 40, Code of Federal Regulations (or successor regulations).

"(B) PUBLIC COMMENT.—In a notice of proposed rulemaking under subparagraph (A), the applicable agency may solicit comments on whether any of the proposed new categorical exclusions meet the criteria for a categorical exclusion under section 1508.1 of title 40, Code of Federal Regulations (or successor regulations).".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 139 and inserting the following:

"139. Efficient environmental reviews for project decisionmaking and One Federal Decision.".

SEC. 11302. WORK ZONE PROCESS REVIEWS.

The Secretary shall amend section 630.1008(e) of title 23, Code of Federal Regulations, to ensure that the work zone process review under that subsection is required not more frequently than once every 5 years.

SEC. 11303. TRANSPORTATION MANAGEMENT PLANS.

(a) IN GENERAL.—The Secretary shall amend section 630.1010(c) of title 23, Code of Federal Regulations, to ensure that only a project described in that subsection with a lane closure for 3 or more consecutive days shall be considered to be a significant project for purposes of that section.

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(b) NON-INTERSTATE PROJECTS.—Notwithstanding any other provision of law, a State shall not be required to develop or implement a transportation management plan (as described in section 630.1012 of title 23, Code of Federal Regulations (or successor regulations)) for a highway project not on the Interstate System if the project requires not more than 3 consecutive days of lane closures.

SEC. 11304. INTELLIGENT TRANSPORTATION SYSTEMS.

(a) IN GENERAL.—The Secretary shall develop guidance for using existing flexibilities with respect to the systems engineering analysis described in part 940 of title 23, Code of Federal Regulations (or successor regulations).

(b) IMPLEMENTATION.—The Secretary shall ensure that any guidance developed under subsection (a)—

(1) clearly identifies criteria for low-risk and exempt intelligent transportation systems projects, with a goal of minimizing unnecessary delay or paperwork burden;

(2) is consistently implemented by the Department nationwide; and

(3) is disseminated to Federal-aid recipients.

(c) SAVINGS PROVISION.—Nothing in this section prevents the Secretary from amending part 940 of title 23, Code of Federal Regulations (or successor regulations), to reduce State administrative burdens.

SEC. 11305. ALTERNATIVE CONTRACTING METHODS.

(a) ALTERNATIVE CONTRACTING METHODS FOR FEDERAL LAND MANAGEMENT AGENCIES AND TRIBAL GOVERNMENTS.—Section 201 of title 23, United States Code, is amended by adding at the end the following:

"(f) ALTERNATIVE CONTRACTING METHODS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law (including the Federal Acquisition Regulation), a contracting method available to a State under this title may be used by the Secretary, on behalf of—

"(A) a Federal land management agency, in using any funds pursuant to section 203, 204, or 308;

"(B) a Federal land management agency, in using any funds pursuant to section 1535 of title 31 for any of the eligible uses described in sections 203(a)(1) and 204(a)(1) and paragraphs (1) and (2) of section 308(a); or

"(C) a Tribal government, in using funds pursuant to section 202(b)(7)(D).

"(2) METHODS DESCRIBED.—The contracting methods referred to in paragraph (1) shall include, at a minimum—

"(A) project bundling;

"(B) bridge bundling;

"(C) design-build contracting;

"(D) 2-phase contracting;

"(E) long-term concession agreements; and

"(F) any method tested, or that could be tested, under an experimental program relating to contracting methods carried out by the Secretary.

"(3) EFFECT.—Nothing in this subsection—

"(A) affects the application of the Federal share for the project carried out with a contracting method under this subsection; or

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"(B) modifies the point of obligation of Federal salaries and expenses.".

(b) COOPERATION WITH FEDERAL AND STATE AGENCIES AND FOREIGN COUNTRIES.—Section 308(a) of title 23, United States Code, is amended by adding at the end the following:

"(4) ALTERNATIVE CONTRACTING METHODS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law (including the Federal Acquisition Regulation), in performing services under paragraph (1), the Secretary may use any contracting method available to a State under this title.

"(B) METHODS DESCRIBED.—The contracting methods referred to in subparagraph (A) shall include, at a minimum—

"(i) project bundling;

"(ii) bridge bundling;

"(iii) design-build contracting;

"(iv) 2-phase contracting;

"(v) long-term concession agreements; and

"(vi) any method tested, or that could be tested, under an experimental program relating to contracting methods carried out by the Secretary.".

(c) USE OF ALTERNATIVE CONTRACTING METHODS.—In carrying out an alternative contracting method under section 201(f) or 308(a)(4) of title 23, United States Code, the Secretary shall—

(1) in consultation with the applicable Federal land management agencies, establish clear procedures that are—

(A) applicable to the alternative contracting method; and

(B) to the maximum extent practicable, consistent with the requirements applicable to Federal procurement transactions;

(2) solicit input on the use of the alternative contracting method from the affected industry prior to using the method; and

(3) analyze and prepare an evaluation of the use of the alternative contracting method.

SEC. 11306. FLEXIBILITY FOR PROJECTS.

Section 1420 of the FAST Act (23 U.S.C. 101 note; Public Law 114–94) is amended—

(1) in subsection (a), by striking "and on request by a State, the Secretary may" in the matter preceding paragraph (1) and all that follows through the period at the end of paragraph (2) and inserting the following: ", on request by a State, and if in the public interest (as determined by the Secretary), the Secretary shall exercise all existing flexibilities under—

"(1) the requirements of title 23, United States Code; and

"(2) other requirements administered by the Secretary, in whole or in part."; and

(2) in subsection (b)(2)(A), by inserting "(including regulations)" after "environmental law".

SEC. 11307. IMPROVED FEDERAL-STATE STEWARDSHIP AND OVERSIGHT AGREEMENTS.

(a) DEFINITION OF TEMPLATE.—In this section, the term "template" means a template created by the Secretary for Federal-State stewardship and oversight agreements that—

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(1) includes all standard terms found in stewardship and oversight agreements, including any terms in an attachment to the agreement;

(2) is developed in accordance with section 106 of title 23, United States Code, or any other applicable authority; and

(3) may be developed with consideration of relevant regulations, guidance, or policies.

(b) REQUEST FOR COMMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register the template and a notice requesting public comment on ways to improve the template.

(2) COMMENT PERIOD.—The Secretary shall provide a period of not less than 60 days for public comment on the notice under paragraph (1).

(3) CERTAIN ISSUES.—The notice under paragraph (1) shall allow comment on any aspect of the template and shall specifically request public comment on—

(A) whether the template should be revised to delete standard terms requiring approval by the Secretary of the policies, procedures, processes, or manuals of the States, or other State actions, if Federal law (including regulations) does not specifically require an approval;

(B) opportunities to modify the template to allow adjustments to the review schedules for State practices or actions, including through risk-based approaches, program reviews, process reviews, or other means; and

(C) any other matters that the Secretary determines to be appropriate.

(c) NOTICE OF ACTION; UPDATES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, after considering the comments received in response to the Federal Register notice under subsection (b), the Secretary shall publish in the Federal Register a notice that—

(A) describes any proposed changes to be made, and any alternatives to such changes, to the template;

(B) addresses comments in response to which changes were not made to the template; and

(C) prescribes a schedule and a plan to execute a process for implementing the changes referred to in subparagraph (A).

(2) APPROVAL REQUIREMENTS.—In addressing comments under paragraph (1)(B), the Secretary shall include an explanation of the basis for retaining any requirement for approval of State policies, procedures, processes, or manuals, or other State actions, if Federal law (including regulations) does not specifically require the approval.

(3) IMPLEMENTATION.—

(A) IN GENERAL.—Not later than 60 days after the date on which the notice under paragraph (1) is published, the Secretary shall make changes to the template in accordance with—

(i) the changes described in the notice under paragraph (1)(A); and

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(ii) the schedule and plan described in the notice under paragraph (1)(C).

(B) UPDATES.—Not later than 1 year after the date on which the revised template under subparagraph (A) is published, the Secretary shall update existing agreements with States according to the template updated under subparagraph (A).

(d) INCLUSION OF NON-STANDARD TERMS.—Nothing in this section precludes the inclusion in a Federal-State stewardship and oversight agreement of non-standard terms to address a State-specific matter, including risk-based stewardship and Department oversight involvement in individual projects of division interest.

(e) COMPLIANCE WITH NON-STATUTORY TERMS.—

(1) IN GENERAL.—The Secretary shall not enforce or otherwise require a State to comply with approval requirements that are not required by Federal law (including regulations) in a Federal-State stewardship and oversight agreement.

(2) APPROVAL AUTHORITY.—Notwithstanding any other provision of law, the Secretary shall not assert approval authority over any matter in a Federal-State stewardship and oversight agreement reserved to States.

(f) FREQUENCY OF REVIEWS.—Section 106(g)(3) of title 23, United States Code, is amended—

(1) by striking "annual";

(2) by striking "The Secretary" and inserting the following:

"(A) IN GENERAL.—The Secretary"; and

(3) by adding at the end the following:

"(B) FREQUENCY.—

"(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Secretary shall carry out a review under subparagraph (A) not less frequently than once every 2 years.

"(ii) CONSULTATION WITH STATE.—The Secretary, after consultation with a State, may make a determination to carry out a review under subparagraph (A) for that State less frequently than provided under clause (i).

"(iii) CAUSE.—If the Secretary determines that there is a specific reason to require a review more frequently than provided under clause (i) with respect to a State, the Secretary may carry out a review more frequently than provided under that clause.".

SEC. 11308. GEOMATIC DATA.

(a) IN GENERAL.—The Secretary shall develop guidance for the acceptance and use of information obtained from a non-Federal entity through geomatic techniques, including remote sensing and land surveying, cartography, geographic information systems, global navigation satellite systems, photogrammetry, or other remote means.

(b) CONSIDERATIONS.—In carrying out this section, the Secretary shall ensure that acceptance or use of information described in subsection (a) meets the data quality and operational requirements of the Secretary.

(c) PUBLIC COMMENT.—Before issuing any final guidance under subsection (a), the Secretary shall provide to the public—

(1) notice of the proposed guidance; and

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(2) an opportunity to comment on the proposed guidance.

(d) SAVINGS CLAUSE.—Nothing in this section—

(1) requires the Secretary to accept or use information that the Secretary determines does not meet the guidance developed under this section; or

(2) changes the current statutory or regulatory requirements of the Department.

SEC. 11309. EVALUATION OF PROJECTS WITHIN AN OPERATIONAL RIGHT-OF-WAY.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by adding at the end the following:

"§ 331. Evaluation of projects within an operational right-of-way

"(a) DEFINITIONS.—

"(1) ELIGIBLE PROJECT OR ACTIVITY.—

"(A) IN GENERAL.—In this section, the term 'eligible project or activity' means a project or activity within an existing operational right-of-way (as defined in section 771.117(c)(22) of title 23, Code of Federal Regulations (or successor regulations))—

"(i)(I) eligible for assistance under this title; or

"(II) administered as if made available under this title;

"(ii) that is—

"(I) a preventive maintenance, preservation, or highway safety improvement project (as defined in section 148(a)); or

"(II) a new turn lane that the State advises in writing to the Secretary would assist public safety; and

"(iii) that—

"(I) is classified as a categorical exclusion under section 771.117 of title 23, Code of Federal Regulations (or successor regulations); or

"(II) if the project or activity does not receive assistance described in clause (i) would be considered a categorical exclusion if the project or activity received assistance described in clause (i).

"(B) EXCLUSION.—The term 'eligible project or activity' does not include a project to create a new travel lane.

"(2) PRELIMINARY EVALUATION.—The term 'preliminary evaluation', with respect to an application described in subsection (b)(1), means an evaluation that is customary or practicable for the relevant agency to complete within a 45-day period for similar applications.

"(3) RELEVANT AGENCY.—The term 'relevant agency' means a Federal agency, other than the Federal Highway Administration, with responsibility for review of an application from a State for a permit, approval, or jurisdictional determination for an eligible project or activity.

"(b) ACTION REQUIRED.—

"(1) IN GENERAL.—Subject to paragraph (2), not later than 45 days after the date of receipt of an application by a State for a permit, approval, or jurisdictional determination for an

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eligible project or activity, the head of the relevant agency shall—

"(A) make at least a preliminary evaluation of the application; and

"(B) notify the State of the results of the preliminary evaluation under subparagraph (A).

"(2) EXTENSION.—The head of the relevant agency may extend the review period under paragraph (1) by not more than 30 days if the head of the relevant agency provides to the State written notice that includes an explanation of the need for the extension.

"(3) FAILURE TO ACT.—If the head of the relevant agency fails to meet a deadline under paragraph (1) or (2), as applicable, the head of the relevant agency shall—

"(A) not later than 30 days after the date of the missed deadline, submit to the State, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes why the deadline was missed; and

"(B) not later than 14 days after the date on which a report is submitted under subparagraph (A), make publicly available, including on the internet, a copy of that report.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is amended by adding at the end the following:

"331. Evaluation of projects within an operational right-of-way.".

SEC. 11310. PRELIMINARY ENGINEERING.

(a) IN GENERAL.—Section 102 of title 23, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), in the second sentence, by striking "Nothing in this subsection" and inserting the following:

"(b) SAVINGS PROVISION.—Nothing in this section".

(b) CONFORMING AMENDMENT.—Section 144(j) of title 23, United States Code, is amended by striking paragraph (6).

SEC. 11311. EFFICIENT IMPLEMENTATION OF NEPA FOR FEDERAL LAND MANAGEMENT PROJECTS.

Section 203 of title 23, United States Code, is amended by adding at the end the following:

"(e) EFFICIENT IMPLEMENTATION OF NEPA.—

"(1) DEFINITIONS.—In this subsection:

"(A) ENVIRONMENTAL DOCUMENT.—The term 'environmental document' means an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(B) PROJECT.—The term 'project' means a highway project, public transportation capital project, or multimodal project that—

"(i) receives funds under this title; and

"(ii) is authorized under this section or section 204.

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"(C) PROJECT SPONSOR.—The term 'project sponsor' means the Federal land management agency that seeks or receives funds under this title for a project.

"(2) ENVIRONMENTAL REVIEW TO BE COMPLETED BY FEDERAL HIGHWAY ADMINISTRATION.—The Federal Highway Administration may prepare an environmental document pursuant to the implementing procedures of the Federal Highway Administration to comply with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if—

"(A) requested by a project sponsor; and

"(B) all areas of analysis required by the project sponsor can be addressed.

"(3) FEDERAL LAND MANAGEMENT AGENCIES ADOPTION OF EXISTING ENVIRONMENTAL REVIEW DOCUMENTS.—

"(A) IN GENERAL.—To the maximum extent practicable, if the Federal Highway Administration prepares an environmental document pursuant to paragraph (2), that environmental document shall address all areas of analysis required by a Federal land management agency.

"(B) INDEPENDENT EVALUATION.—Notwithstanding any other provision of law, a Federal land management agency shall not be required to conduct an independent evaluation to determine the adequacy of an environmental document prepared by the Federal Highway Administration pursuant to paragraph (2).

"(C) USE OF SAME DOCUMENT.—In authorizing or implementing a project, a Federal land management agency may use an environmental document previously prepared by the Federal Highway Administration for a project addressing the same or substantially the same action to the same extent that the Federal land management agency could adopt or use a document previously prepared by another Federal agency.

"(4) APPLICATION BY FEDERAL LAND MANAGEMENT AGENCIES OF CATEGORICAL EXCLUSIONS ESTABLISHED BY FEDERAL HIGHWAY ADMINISTRATION.—In carrying out requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a project, the project sponsor may use categorical exclusions designated under that Act in the implementing regulations of the Federal Highway Administration, subject to the conditions that—

"(A) the project sponsor makes a determination, in consultation with the Federal Highway Administration, that the categorical exclusion applies to the project;

"(B) the project satisfies the conditions for a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

"(C) the use of the categorical exclusion does not otherwise conflict with the implementing regulations of the project sponsor, except any list of the project sponsor that designates categorical exclusions.

"(5) MITIGATION COMMITMENTS.—The Secretary shall assist the Federal land management agency with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the Secretary in accordance with this subsection.".

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SEC. 11312. NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 REPORTING PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 156 the following:

"§ 157. National Environmental Policy Act of 1969 reporting program

"(a) DEFINITIONS.—In this section:

"(1) CATEGORICAL EXCLUSION.—The term 'categorical exclusion' has the meaning given the term in section 771.117(c) of title 23, Code of Federal Regulations (or a successor regulation).

"(2) DOCUMENTED CATEGORICAL EXCLUSION.—The term 'documented categorical exclusion' has the meaning given the term in section 771.117(d) of title 23, Code of Federal Regulations (or a successor regulation).

"(3) ENVIRONMENTAL ASSESSMENT.—The term 'environmental assessment' has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

"(4) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means a detailed statement required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

"(5) FEDERAL AGENCY.—The term 'Federal agency' includes a State that has assumed responsibility under section 327.

"(6) NEPA PROCESS.—The term 'NEPA process' means the entirety of the development and documentation of the analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the assessment and analysis of any impacts, alternatives, and mitigation of a proposed action, and any interagency participation and public involvement required to be carried out before the Secretary undertakes a proposed action.

"(7) PROPOSED ACTION.—The term 'proposed action' means an action (within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) under this title that the Secretary proposes to carry out.

"(8) REPORTING PERIOD.—The term 'reporting period' means the fiscal year prior to the fiscal year in which a report is issued under subsection (b).

"(9) SECRETARY.—The term 'Secretary' includes the governor or head of an applicable State agency of a State that has assumed responsibility under section 327.

"(b) REPORT ON NEPA DATA.—

"(1) IN GENERAL.—The Secretary shall carry out a process to track, and annually submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing, the information described in paragraph (3).

"(2) TIME TO COMPLETE.—For purposes of paragraph (3), the NEPA process—

"(A) for an environmental impact statement—

"(i) begins on the date on which the Notice of Intent is published in the Federal Register; and

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"(ii) ends on the date on which the Secretary issues a record of decision, including, if necessary, a revised record of decision; and

"(B) for an environmental assessment—

"(i) begins on the date on which the Secretary makes a determination to prepare an environmental assessment; and

"(ii) ends on the date on which the Secretary issues a finding of no significant impact or determines that preparation of an environmental impact statement is necessary.

"(3) INFORMATION DESCRIBED.—The information referred to in paragraph (1) is, with respect to the Department of Transportation—

"(A) the number of proposed actions for which a categorical exclusion was issued during the reporting period;

"(B) the number of proposed actions for which a documented categorical exclusion was issued by the Department of Transportation during the reporting period;

"(C) the number of proposed actions pending on the date on which the report is submitted for which the issuance of a documented categorical exclusion by the Department of Transportation is pending;

"(D) the number of proposed actions for which an environmental assessment was issued by the Department of Transportation during the reporting period;

"(E) the length of time the Department of Transportation took to complete each environmental assessment described in subparagraph (D);

"(F) the number of proposed actions pending on the date on which the report is submitted for which an environmental assessment is being drafted by the Department of Transportation;

"(G) the number of proposed actions for which an environmental impact statement was completed by the Department of Transportation during the reporting period;

"(H) the length of time that the Department of Transportation took to complete each environmental impact statement described in subparagraph (G);

"(I) the number of proposed actions pending on the date on which the report is submitted for which an environmental impact statement is being drafted; and

"(J) for the proposed actions reported under subparagraphs (F) and (I), the percentage of those proposed actions for which—

"(i) funding has been identified; and

"(ii) all other Federal, State, and local activities that are required to allow the proposed action to proceed are completed.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 156 the following:

"157. National Environmental Policy Act of 1969 reporting program.".

SEC. 11313. SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM WRITTEN AGREEMENTS.

Section 327 of title 23, United States Code, is amended—

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(1) in subsection (a)(2)(G), by inserting ", including the payment of fees awarded under section 2412 of title 28" before the period at the end;

(2) in subsection (c)—

(A) by striking paragraph (5) and inserting the following:

"(5) except as provided under paragraph (7), have a term of not more than 5 years;";

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) for any State that has participated in a program under this section (or under a predecessor program) for at least 10 years, have a term of 10 years.";

(3) in subsection (g)(1)—

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

(B) in subparagraph (C), by striking "annual";

(C) by redesignating subparagraph (C) as subparagraph (D); and

(D) by inserting after subparagraph (B) the following:

"(C) in the case of an agreement period of greater than 5 years pursuant to subsection (c)(7), conduct an audit covering the first 5 years of the agreement period; and"; and

(4) by adding at the end the following:

"(m) AGENCY DEEMED TO BE FEDERAL AGENCY.—A State agency that is assigned a responsibility under an agreement under this section shall be deemed to be an agency for the purposes of section 2412 of title 28.".

SEC. 11314. STATE ASSUMPTION OF RESPONSIBILITY FOR CATEGORICAL EXCLUSIONS.

Section 326(c)(3) of title 23, United States Code, is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) except as provided under subparagraph (C), shall have a term of not more than 3 years;";

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(C) shall have a term of 5 years, in the case of a State that has assumed the responsibility for categorical exclusions under this section for not fewer than 10 years.".

SEC. 11315. EARLY UTILITY RELOCATION PRIOR TO TRANSPORTATION PROJECT ENVIRONMENTAL REVIEW.

Section 123 of title 23, United States Code, is amended to read as follows:

"§ 123. Relocation of utility facilities

"(a) DEFINITIONS.—In this section:

"(1) COST OF RELOCATION.—The term 'cost of relocation' includes the entire amount paid by a utility properly attributable to the relocation of a utility facility, minus any increase in the value of the new facility and any salvage value derived from the old facility.

"(2) EARLY UTILITY RELOCATION PROJECT.—The term 'early utility relocation project' means utility relocation activities

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identified by the State for performance before completion of the environmental review process for the transportation project.

"(3) ENVIRONMENTAL REVIEW PROCESS.—The term 'environmental review process' has the meaning given the term in section 139(a).

"(4) TRANSPORTATION PROJECT.—The term 'transportation project' means a project.

"(5) UTILITY FACILITY.—The term 'utility facility' means any privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, stormwater not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, that directly or indirectly serves the public.

"(6) UTILITY RELOCATION ACTIVITY.—The term 'utility relocation activity' means an activity necessary for the relocation of a utility facility, including preliminary and final design, surveys, real property acquisition, materials acquisition, and construction.

"(b) REIMBURSEMENT TO STATES.—

"(1) IN GENERAL.—If a State pays for the cost of relocation of a utility facility necessitated by the construction of a transportation project, Federal funds may be used to reimburse the State for the cost of relocation in the same proportion as Federal funds are expended on the transportation project.

"(2) LIMITATION.—Federal funds shall not be used to reimburse a State under this section if the payment to the utility—

"(A) violates the law of the State; or

"(B) violates a legal contract between the utility and the State.

"(3) REQUIREMENT.—A reimbursement under paragraph (1) shall be made only if the State demonstrates to the satisfaction of the Secretary that the State paid the cost of the utility relocation activity from funds of the State with respect to transportation projects for which Federal funds are obligated subsequent to April 16, 1958, for work, including utility relocation activities.

"(4) REIMBURSEMENT ELIGIBILITY FOR EARLY RELOCATION PRIOR TO TRANSPORTATION PROJECT ENVIRONMENTAL REVIEW PROCESS.—

"(A) IN GENERAL.—In addition to the requirements under paragraphs (1) through (3), a State may carry out, at the expense of the State, an early utility relocation project for a transportation project before completion of the environmental review process for the transportation project.

"(B) REQUIREMENTS FOR REIMBURSEMENT.—Funds apportioned to a State under this title may be used to pay the costs incurred by the State for an early utility relocation project only if the State demonstrates to the Secretary, and the Secretary finds that—

"(i) the early utility relocation project is necessary to accommodate a transportation project;

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"(ii) the State provides adequate documentation to the Secretary of eligible costs incurred by the State for the early utility relocation project;

"(iii) before the commencement of the utility relocation activities, an environmental review process was completed for the early utility relocation project that resulted in a finding that the early utility relocation project—

"(I) would not result in significant adverse environmental impacts; and

"(II) would comply with other applicable Federal environmental requirements;

"(iv) the early utility relocation project did not influence—

"(I) the environmental review process for the transportation project;

"(II) the decision relating to the need to construct the transportation project; or

"(III) the selection of the transportation project design or location;

"(v) the early utility relocation project complies with all applicable provisions of law, including regulations issued pursuant to this title;

"(vi) the early utility relocation project follows applicable financial procedures and requirements, including documentation of eligible costs and the requirements under section 109(l), but not including requirements applicable to authorization and obligation of Federal funds;

"(vii) the transportation project for which the early utility relocation project was necessitated was included in the applicable transportation improvement program under section 134 or 135;

"(viii) before the cost incurred by a State is approved for Federal participation, environmental compliance pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been completed for the transportation project for which the early utility relocation project was necessitated; and

"(ix) the transportation project that necessitated the utility relocation activity is approved for construction.

"(C) SAVINGS PROVISION.—Nothing in this paragraph affects other eligibility requirements or authorities for Federal participation in payment of costs incurred for utility relocation activities.

"(c) APPLICABILITY OF OTHER PROVISIONS.—Nothing in this section affects the applicability of other requirements that would otherwise apply to an early utility relocation project, including any applicable requirements under—

"(1) section 138;

"(2) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), including regulations under part 24 of title 49, Code of Federal Regulations (or successor regulations);

"(3) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); or

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"(4) an environmental review process.".

SEC. 11316. STREAMLINING OF SECTION 4(F) REVIEWS.

Section 138(a) of title 23, United States Code, is amended—

(1) in the fourth sentence, by striking "In carrying out" and inserting the following:

"(4) STUDIES.—In carrying out";

(2) in the third sentence—

(A) by striking "such land, and (2) such program" and inserting the following: "the land; and

"(B) the program";

(B) by striking "unless (1) there is" and inserting the following: "unless—

"(A) there is"; and

(C) by striking "After the" and inserting the following: "(3) REQUIREMENT.—After the";

(3) in the second sentence—

(A) by striking "The Secretary of Transportation" and inserting the following:

"(2) COOPERATION AND CONSULTATION.—

"(A) IN GENERAL.—The Secretary"; and

(B) by adding at the end the following:

"(B) TIMELINE FOR APPROVALS.—

"(i) IN GENERAL.—The Secretary shall—

"(I) provide an evaluation under this section to the Secretaries described in subparagraph (A); and

"(II) provide a period of 30 days for receipt of comments.

"(ii) ASSUMED ACCEPTANCE.—If the Secretary does not receive comments by 15 days after the deadline under clause (i)(II), the Secretary shall assume a lack of objection and proceed with the action.

"(C) EFFECT.—Nothing in subparagraph (B) affects—

"(i) the requirements under—

"(I) subsections (b) through (f); or

"(II) the consultation process under section 306108 of title 54; or

"(ii) programmatic section 4(f) evaluations, as described in regulations issued by the Secretary."; and

(4) in the first sentence, by striking "It is declared to be" and inserting the following:

"(1) IN GENERAL.—It is".

SEC. 11317. CATEGORICAL EXCLUSION FOR PROJECTS OF LIMITED FEDERAL ASSISTANCE.

Section 1317(1) of MAP–21 (23 U.S.C. 109 note; Public Law 112–141) is amended—

(1) in subparagraph (A), by striking "$5,000,000" and inserting "$6,000,000"; and

(2) in subparagraph (B), by striking "$30,000,000" and inserting "$35,000,000".

SEC. 11318. CERTAIN GATHERING LINES LOCATED ON FEDERAL LAND AND INDIAN LAND.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—

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(A) IN GENERAL.—The term "Federal land" means land the title to which is held by the United States.

(B) EXCLUSIONS.—The term "Federal land" does not include—

(i) a unit of the National Park System;

(ii) a unit of the National Wildlife Refuge System;

(iii) a component of the National Wilderness Preservation System;

(iv) a wilderness study area within the National Forest System; or

(v) Indian land.

(2) GATHERING LINE AND ASSOCIATED FIELD COMPRESSION OR PUMPING UNIT.—

(A) IN GENERAL.—The term "gathering line and associated field compression or pumping unit" means—

(i) a pipeline that is installed to transport oil, natural gas and related constituents, or produced water from 1 or more wells drilled and completed to produce oil or gas; and

(ii) if necessary, 1 or more compressors or pumps to raise the pressure of the transported oil, natural gas and related constituents, or produced water to higher pressures necessary to enable the oil, natural gas and related constituents, or produced water to flow into pipelines and other facilities.

(B) INCLUSIONS.—The term "gathering line and associated field compression or pumping unit" includes a pipeline or associated compression or pumping unit that is installed to transport oil or natural gas from a processing plant to a common carrier pipeline or facility.

(C) EXCLUSIONS.—The term "gathering line and associated field compression or pumping unit" does not include a common carrier pipeline.

(3) INDIAN LAND.—The term "Indian land" means land the title to which is held by—

(A) the United States in trust for an Indian Tribe or an individual Indian; or

(B) an Indian Tribe or an individual Indian subject to a restriction by the United States against alienation.

(4) PRODUCED WATER.—The term "produced water" means water produced from an oil or gas well bore that is not a fluid prepared at, or transported to, the well site to resolve a specific oil or gas well bore or reservoir condition.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) CERTAIN GATHERING LINES.—

(1) IN GENERAL.—Subject to paragraph (2), the issuance of a sundry notice or right-of-way for a gathering line and associated field compression or pumping unit that is located on Federal land or Indian land and that services any oil or gas well may be considered by the Secretary to be an action that is categorically excluded (as defined in section 1508.1 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act)) for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the gathering line and associated field compression or pumping unit—

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(A) are within a field or unit for which an approved land use plan or an environmental document prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analyzed transportation of oil, natural gas, or produced water from 1 or more oil or gas wells in the field or unit as a reasonably foreseeable activity;

(B) are located adjacent to or within—

(i) any existing disturbed area; or

(ii) an existing corridor for a right-of-way; and

(C) would reduce—

(i) in the case of a gathering line and associated field compression or pumping unit transporting methane, the total quantity of methane that would otherwise be vented, flared, or unintentionally emitted from the field or unit; or

(ii) in the case of a gathering line and associated field compression or pumping unit not transporting methane, the vehicular traffic that would otherwise service the field or unit.

(2) APPLICABILITY.—Paragraph (1) shall apply to Indian land, or a portion of Indian land—

(A) to which the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applies; and

(B) for which the Indian Tribe with jurisdiction over the Indian land submits to the Secretary a written request that paragraph (1) apply to that Indian land (or portion of Indian land).

(c) EFFECT ON OTHER LAW.—Nothing in this section—

(1) affects or alters any requirement—

(A) relating to prior consent under—

(i) section 2 of the Act of February 5, 1948 (62 Stat. 18, chapter 45; 25 U.S.C. 324); or

(ii) section 16(e) of the Act of June 18, 1934 (48 Stat. 987, chapter 576; 102 Stat. 2939; 114 Stat. 47; 25 U.S.C. 5123(e)) (commonly known as the "Indian Reorganization Act");

(B) under section 306108 of title 54, United States Code; or

(C) under any other Federal law (including regulations) relating to Tribal consent for rights-of-way across Indian land; or

(2) makes the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to land to which that Act otherwise would not apply.

SEC. 11319. ANNUAL REPORT.

(a) DEFINITION OF COVERED PROJECT.—In this section, the term "covered project" means a project or activity carried out with funds provided by the Department, including a project carried out under title 23 or 49, United States Code—

(1) that is more than 5 years behind schedule; or

(2) for which the total amount spent on the project or activity is not less than $1,000,000,000 more than the original cost estimate for the project or activity.

(b) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall

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submit to Congress a report on covered projects of the Department, which shall include, for each covered project—

(1) a brief description of the covered project, including—

(A) the purpose of the covered project;

(B) each location in which the covered project is carried out;

(C) the contract or award number of the covered project, if applicable;

(D) the year in which the covered project was initiated;

(E) the Federal share of the total cost of the covered project; and

(F) each primary contractor, subcontractor, grant recipient, and subgrantee recipient of the covered project;

(2) an explanation of any change to the original scope of the covered project, including by the addition or narrowing of the initial requirements of the covered project;

(3) the original expected date for completion of the covered project;

(4) the current expected date for completion of the covered project;

(5) the original cost estimate for the covered project, as adjusted to reflect increases in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics;

(6) the current cost estimate for the covered project, as adjusted to reflect increases in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics;

(7) an explanation for a delay in completion or an increase in the original cost estimate for the covered project, including, where applicable, any impact of insufficient or delayed appropriations; and

(8) the amount of and rationale for any award, incentive fee, or other type of bonus, if any, awarded for the covered project.

Subtitle D—Climate Change

SEC. 11401. GRANTS FOR CHARGING AND FUELING INFRASTRUCTURE.

(a) PURPOSE.—The purpose of this section is to establish a grant program to strategically deploy publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure along designated alternative fuel corridors or in certain other locations that will be accessible to all drivers of electric vehicles, hydrogen vehicles, propane vehicles, and natural gas vehicles.

(b) GRANT PROGRAM.—Section 151 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Not later than 1 year after the date of enactment of the FAST Act, the Secretary shall" and inserting "The Secretary shall periodically"; and

(B) by striking "to improve the mobility" and inserting "to support changes in the transportation sector that help achieve a reduction in greenhouse gas emissions and improve the mobility";

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(2) in subsection (b)(2), by inserting "previously designated by the Federal Highway Administration or" before "designated by";

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

"(d) REDESIGNATION.—

"(1) INITIAL REDESIGNATION.—Not later than 180 days after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall update and redesignate the corridors under subsection (a).

"(2) SUBSEQUENT REDESIGNATION.—The Secretary shall establish a recurring process to regularly update and redesignate the corridors under subsection (a).";

(4) in subsection (e)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2)—

(i) by striking "establishes an aspirational goal of achieving" and inserting "describes efforts, including through funds awarded through the grant program under subsection (f), that will aid efforts to achieve"; and

(ii) by striking "by the end of fiscal year 2020." and inserting "; and"; and

(C) by adding at the end the following:

"(3) summarizes best practices and provides guidance, developed through consultation with the Secretary of Energy, for project development of electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure and natural gas fueling infrastructure at the State, Tribal, and local level to allow for the predictable deployment of that infrastructure."; and

(5) by adding at the end the following:

"(f) GRANT PROGRAM.—

"(1) DEFINITION OF PRIVATE ENTITY.—In this subsection, the term 'private entity' means a corporation, partnership, company, or nonprofit organization.

"(2) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall establish a grant program to award grants to eligible entities to carry out the activities described in paragraph (6).

"(3) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under this subsection is—

"(A) a State or political subdivision of a State;

"(B) a metropolitan planning organization;

"(C) a unit of local government;

"(D) a special purpose district or public authority with a transportation function, including a port authority;

"(E) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));

"(F) a territory of the United States;

"(G) an authority, agency, or instrumentality of, or an entity owned by, 1 or more entities described in subparagraphs (A) through (F); or

"(H) a group of entities described in subparagraphs (A) through (G).

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"(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require, including—

"(A) a description of how the eligible entity has considered—

"(i) public accessibility of charging or fueling infrastructure proposed to be funded with a grant under this subsection, including—

"(I) charging or fueling connector types and publicly available information on real-time availability; and

"(II) payment methods to ensure secure, convenient, fair, and equal access;

"(ii) collaborative engagement with stakeholders (including automobile manufacturers, utilities, infrastructure providers, technology providers, electric charging, hydrogen, propane, and natural gas fuel providers, metropolitan planning organizations, States, Indian tribes, and units of local governments, fleet owners, fleet managers, fuel station owners and operators, labor organizations, infrastructure construction and component parts suppliers, and multi-State and regional entities)—

"(I) to foster enhanced, coordinated, public-private or private investment in electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure;

"(II) to expand deployment of electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure;

"(III) to protect personal privacy and ensure cybersecurity; and

"(IV) to ensure that a properly trained workforce is available to construct and install electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure;

"(iii) the location of the station or fueling site, such as consideration of—

"(I) the availability of onsite amenities for vehicle operators, such as restrooms or food facilities;

"(II) access in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

"(III) height and fueling capacity requirements for facilities that charge or refuel large vehicles, such as semi-trailer trucks; and

"(IV) appropriate distribution to avoid redundancy and fill charging or fueling gaps;

"(iv) infrastructure installation that can be responsive to technology advancements, such as accommodating autonomous vehicles, vehicle-to-grid technology, and future charging methods; and

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"(v) the long-term operation and maintenance of the electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure, to avoid stranded assets and protect the investment of public funds in that infrastructure; and

"(B) an assessment of the estimated emissions that will be reduced through the use of electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure, which shall be conducted using the Alternative Fuel Life-Cycle Environmental and Economic Transportation (AFLEET) tool developed by Argonne National Laboratory (or a successor tool).

"(5) CONSIDERATIONS.—In selecting eligible entities to receive a grant under this subsection, the Secretary shall—

"(A) consider the extent to which the application of the eligible entity would—

"(i) improve alternative fueling corridor networks by—

"(I) converting corridor-pending corridors to corridor-ready corridors; or

"(II) in the case of corridor-ready corridors, providing redundancy—

"(aa) to meet excess demand for charging or fueling infrastructure; or

"(bb) to reduce congestion at existing charging or fueling infrastructure in high-traffic locations;

"(ii) meet current or anticipated market demands for charging or fueling infrastructure;

"(iii) enable or accelerate the construction of charging or fueling infrastructure that would be unlikely to be completed without Federal assistance;

"(iv) support a long-term competitive market for electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure that does not significantly impair existing electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure providers;

"(v) provide access to electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure in areas with a current or forecasted need; and

"(vi) deploy electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure for medium- and heavy-duty vehicles (including along the National Highway Freight Network established under section 167(c)) and in proximity to intermodal transfer stations;

"(B) ensure, to the maximum extent practicable, geographic diversity among grant recipients to ensure that electric vehicle charging infrastructure, hydrogen fueling

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infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure is available throughout the United States;

"(C) consider whether the private entity that the eligible entity contracts with under paragraph (6)—

"(i) submits to the Secretary the most recent year of audited financial statements; and

"(ii) has experience in installing and operating electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure; and

"(D) consider whether, to the maximum extent practicable, the eligible entity and the private entity that the eligible entity contracts with under paragraph (6) enter into an agreement—

"(i) to operate and maintain publicly available electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas infrastructure; and

"(ii) that provides a remedy and an opportunity to cure if the requirements described in clause (i) are not met.

"(6) USE OF FUNDS.—

"(A) IN GENERAL.—An eligible entity receiving a grant under this subsection shall only use the funds in accordance with this paragraph to contract with a private entity for acquisition and installation of publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure that is directly related to the charging or fueling of a vehicle.

"(B) LOCATION OF INFRASTRUCTURE.—Any publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure acquired and installed with a grant under this subsection shall be located along an alternative fuel corridor designated under this section, on the condition that any affected Indian tribes are consulted before the designation.

"(C) OPERATING ASSISTANCE.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), an eligible entity that receives a grant under this subsection may use a portion of the funds to provide to a private entity operating assistance for the first 5 years of operations after the installation of publicly available electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure while the facility transitions to independent system operations.

"(ii) INCLUSIONS.—Operating assistance under this subparagraph shall be limited to costs allocable to operating and maintaining the electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure and service.

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"(iii) LIMITATION.—Operating assistance under this subparagraph may not exceed the amount of a contract under subparagraph (A) to acquire and install publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure.

"(D) TRAFFIC CONTROL DEVICES.—

"(i) IN GENERAL.—Subject to this paragraph, an eligible entity that receives a grant under this subsection may use a portion of the funds to acquire and install traffic control devices located in the right-of-way to provide directional information to publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure acquired, installed, or operated with the grant.

"(ii) APPLICABILITY.—Clause (i) shall apply only to an eligible entity that—

"(I) receives a grant under this subsection; and

"(II) is using that grant for the acquisition and installation of publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure.

"(iii) LIMITATION ON AMOUNT.—The amount of funds used to acquire and install traffic control devices under clause (i) may not exceed the amount of a contract under subparagraph (A) to acquire and install publicly accessible charging or fueling infrastructure.

"(iv) NO NEW AUTHORITY CREATED.—Nothing in this subparagraph authorizes an eligible entity that receives a grant under this subsection to acquire and install traffic control devices if the entity is not otherwise authorized to do so.

"(E) REVENUE.—

"(i) IN GENERAL.—An eligible entity receiving a grant under this subsection and a private entity referred to in subparagraph (A) may enter into a cost-sharing agreement under which the private entity submits to the eligible entity a portion of the revenue from the electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure.

"(ii) USES OF REVENUE.—An eligible entity that receives revenue from a cost-sharing agreement under clause (i) may only use that revenue for a project that is eligible under this title.

"(7) CERTAIN FUELS.—The use of grants for propane fueling infrastructure under this subsection shall be limited to infrastructure for medium- and heavy-duty vehicles.

"(8) COMMUNITY GRANTS.—

"(A) IN GENERAL.—Notwithstanding paragraphs (4), (5), and (6), the Secretary shall reserve 50 percent of the amounts made available each fiscal year to carry out this section to provide grants to eligible entities in accordance with this paragraph.

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"(B) APPLICATIONS.—To be eligible to receive a grant under this paragraph, 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.

"(C) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under this paragraph is—

"(i) an entity described in paragraph (3); and

"(ii) a State or local authority with ownership of publicly accessible transportation facilities.

"(D) ELIGIBLE PROJECTS.—The Secretary may provide a grant under this paragraph for a project that is expected to reduce greenhouse gas emissions and to expand or fill gaps in access to publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure, including—

"(i) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

"(ii) the acquisition and installation of electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure that is directly related to the charging or fueling of a vehicle, including any related construction or reconstruction and the acquisition of real property directly related to the project, such as locations described in subparagraph (E), to expand access to electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure.

"(E) PROJECT LOCATIONS.—A project receiving a grant under this paragraph may be located on any public road or in other publicly accessible locations, such as parking facilities at public buildings, public schools, and public parks, or in publicly accessible parking facilities owned or managed by a private entity.

"(F) PRIORITY.—In providing grants under this paragraph, the Secretary shall give priority to projects that expand access to electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure within—

"(i) rural areas;

"(ii) low- and moderate-income neighborhoods; and

"(iii) communities with a low ratio of private parking spaces to households or a high ratio of multi-unit dwellings to single family homes, as determined by the Secretary.

"(G) ADDITIONAL CONSIDERATIONS.—In providing grants under this paragraph, the Secretary shall consider the extent to which the project—

"(i) contributes to geographic diversity among eligible entities, including achieving a balance between urban and rural communities; and

"(ii) meets current or anticipated market demands for charging or fueling infrastructure, including faster

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charging speeds with high-powered capabilities necessary to minimize the time to charge or refuel current and anticipated vehicles.

"(H) PARTNERING WITH PRIVATE ENTITIES.—An eligible entity that receives a grant under this paragraph may use the grant funds to contract with a private entity for the acquisition, construction, installation, maintenance, or operation of electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure that is directly related to the charging or fueling of a vehicle.

"(I) MAXIMUM GRANT AMOUNT.—The amount of a grant under this paragraph shall not be more than $15,000,000.

"(J) TECHNICAL ASSISTANCE.—Of the amounts reserved under subparagraph (A), the Secretary may use not more than 1 percent to provide technical assistance to eligible entities.

"(K) ADDITIONAL ACTIVITIES.—The recipient of a grant under this paragraph may use not more than 5 percent of the grant funds on educational and community engagement activities to develop and implement education programs through partnerships with schools, community organizations, and vehicle dealerships to support the use of zero-emission vehicles and associated infrastructure.

"(9) REQUIREMENTS.—

"(A) PROJECT TREATMENT.—Notwithstanding any other provision of law, any project funded by a grant under this subsection shall be treated as a project on a Federal-aid highway under this chapter.

"(B) SIGNS.—Any traffic control device or on-premises sign acquired, installed, or operated with a grant under this subsection shall comply with—

"(i) the Manual on Uniform Traffic Control Devices, if located in the right-of-way; and

"(ii) other provisions of Federal, State, and local law, as applicable.

"(10) FEDERAL SHARE.—

"(A) IN GENERAL.—The Federal share of the cost of a project carried out with a grant under this subsection shall not exceed 80 percent of the total project cost.

"(B) RESPONSIBILITY OF PRIVATE ENTITY.—As a condition of contracting with an eligible entity under paragraph (6) or (8), a private entity shall agree to pay the share of the cost of a project carried out with a grant under this subsection that is not paid by the Federal Government under subparagraph (A).

"(11) REPORT.—Not later than 3 years after the date of enactment of this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report on the progress and implementation of this subsection.".

SEC. 11402. REDUCTION OF TRUCK EMISSIONS AT PORT FACILITIES.

(a) ESTABLISHMENT OF PROGRAM.—

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(1) IN GENERAL.—The Secretary shall establish a program to reduce idling at port facilities, under which the Secretary shall—

(A) study how ports and intermodal port transfer facilities would benefit from increased opportunities to reduce emissions at ports, including through the electrification of port operations;

(B) study emerging technologies and strategies that may help reduce port-related emissions from idling trucks; and

(C) coordinate and provide funding to test, evaluate, and deploy projects that reduce port-related emissions from idling trucks, including through the advancement of port electrification and improvements in efficiency, focusing on port operations, including heavy-duty commercial vehicles, and other related projects.

(2) CONSULTATION.—In carrying out the program under this subsection, the Secretary may consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency.

(b) GRANTS.—

(1) IN GENERAL.—In carrying out subsection (a)(1)(C), the Secretary shall award grants to fund projects that reduce emissions at ports, including through the advancement of port electrification.

(2) COST SHARE.—A grant awarded under paragraph (1) shall not exceed 80 percent of the total cost of the project funded by the grant.

(3) COORDINATION.—In carrying out the grant program under this subsection, the Secretary shall—

(A) to the maximum extent practicable, leverage existing resources and programs of the Department and other relevant Federal agencies; and

(B) coordinate with other Federal agencies, as the Secretary determines to be appropriate.

(4) APPLICATION; SELECTION.—

(A) APPLICATION.—The Secretary shall solicit applications for grants under paragraph (1) at such time, in such manner, and containing such information as the Secretary determines to be necessary.

(B) SELECTION.—The Secretary shall make grants under paragraph (1) by not later than April 1 of each fiscal year for which funding is made available.

(5) REQUIREMENT.—Notwithstanding any other provision of law, any project funded by a grant under this subsection shall be treated as a project on a Federal-aid highway under chapter 1 of title 23, United States Code.

(c) REPORT.—Not later than 1 year after the date on which all of the projects funded with a grant under subsection (b) are completed, the Secretary shall submit to Congress a report that includes—

(1) the findings of the studies described in subparagraphs (A) and (B) of subsection (a)(1);

(2) the results of the projects that received a grant under subsection (b);

(3) any recommendations for workforce development and training opportunities with respect to port electrification; and

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(4) any policy recommendations based on the findings and results described in paragraphs (1) and (2).

SEC. 11403. CARBON REDUCTION PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by section 11203(a)), is amended by adding at the end the following:

"§ 175. Carbon reduction program

"(a) DEFINITIONS.—In this section:

"(1) METROPOLITAN PLANNING ORGANIZATION; URBANIZED AREA.—The terms 'metropolitan planning organization' and 'urbanized area' have the meaning given those terms in section 134(b).

"(2) TRANSPORTATION EMISSIONS.—The term 'transportation emissions' means carbon dioxide emissions from on-road highway sources of those emissions within a State.

"(3) TRANSPORTATION MANAGEMENT AREA.—The term 'transportation management area' means a transportation management area identified or designated by the Secretary under section 134(k)(1).

"(b) ESTABLISHMENT.—The Secretary shall establish a carbon reduction program to reduce transportation emissions.

"(c) ELIGIBLE PROJECTS.—

"(1) IN GENERAL.—Subject to paragraph (2), funds apportioned to a State under section 104(b)(7) may be obligated for projects to support the reduction of transportation emissions, including—

"(A) a project described in section 149(b)(4) to establish or operate a traffic monitoring, management, and control facility or program, including advanced truck stop electrification systems;

"(B) a public transportation project that is eligible for assistance under section 142;

"(C) a project described in section 101(a)(29) (as in effect on the day before the date of enactment of the FAST Act (Public Law 114–94; 129 Stat. 1312)), including the construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation;

"(D) a project described in section 503(c)(4)(E) for advanced transportation and congestion management technologies;

"(E) a project for the deployment of infrastructure-based intelligent transportation systems capital improvements and the installation of vehicle-to-infrastructure communications equipment, including retrofitting dedicated short-range communications (DSRC) technology deployed as part of an existing pilot program to cellular vehicle-to-everything (C–V2X) technology;

"(F) a project to replace street lighting and traffic control devices with energy-efficient alternatives;

"(G) the development of a carbon reduction strategy in accordance with subsection (d);

"(H) a project or strategy that is designed to support congestion pricing, shifting transportation demand to nonpeak hours or other transportation modes, increasing

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vehicle occupancy rates, or otherwise reducing demand for roads, including electronic toll collection, and travel demand management strategies and programs;

"(I) efforts to reduce the environmental and community impacts of freight movement;

"(J) a project to support deployment of alternative fuel vehicles, including—

"(i) the acquisition, installation, or operation of publicly accessible electric vehicle charging infrastructure or hydrogen, natural gas, or propane vehicle fueling infrastructure; and

"(ii) the purchase or lease of zero-emission construction equipment and vehicles, including the acquisition, construction, or leasing of required supporting facilities;

"(K) a project described in section 149(b)(8) for a diesel engine retrofit;

"(L) a project described in section 149(b)(5) that does not result in the construction of new capacity; and

"(M) a project that reduces transportation emissions at port facilities, including through the advancement of port electrification.

"(2) FLEXIBILITY.—In addition to the eligible projects under paragraph (1), a State may use funds apportioned under section 104(b)(7) for a project eligible under section 133(b) if the Secretary certifies that the State has demonstrated a reduction in transportation emissions—

"(A) as estimated on a per capita basis; and

"(B) as estimated on a per unit of economic output basis.

"(d) CARBON REDUCTION STRATEGY.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Surface Transportation Reauthorization Act of 2021, a State, in consultation with any metropolitan planning organization designated within the State, shall develop a carbon reduction strategy in accordance with this subsection.

"(2) REQUIREMENTS.—The carbon reduction strategy of a State developed under paragraph (1) shall—

"(A) support efforts to reduce transportation emissions;

"(B) identify projects and strategies to reduce transportation emissions, which may include projects and strategies for safe, reliable, and cost-effective options—

"(i) to reduce traffic congestion by facilitating the use of alternatives to single-occupant vehicle trips, including public transportation facilities, pedestrian facilities, bicycle facilities, and shared or pooled vehicle trips within the State or an area served by the applicable metropolitan planning organization, if any;

"(ii) to facilitate the use of vehicles or modes of travel that result in lower transportation emissions per person-mile traveled as compared to existing vehicles and modes; and

"(iii) to facilitate approaches to the construction of transportation assets that result in lower transportation emissions as compared to existing approaches;

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"(C) support the reduction of transportation emissions of the State;

"(D) at the discretion of the State, quantify the total carbon emissions from the production, transport, and use of materials used in the construction of transportation facilities within the State; and

"(E) be appropriate to the population density and context of the State, including any metropolitan planning organization designated within the State.

"(3) UPDATES.—The carbon reduction strategy of a State developed under paragraph (1) shall be updated not less frequently than once every 4 years.

"(4) REVIEW.—Not later than 90 days after the date on which a State submits a request for the approval of a carbon reduction strategy developed by the State under paragraph (1), the Secretary shall—

"(A) review the process used to develop the carbon reduction strategy; and

"(B)(i) certify that the carbon reduction strategy meets the requirements of paragraph (2); or

"(ii) deny certification of the carbon reduction strategy and specify the actions necessary for the State to take to correct the deficiencies in the process of the State in developing the carbon reduction strategy.

"(5) TECHNICAL ASSISTANCE.—At the request of a State, the Secretary shall provide technical assistance in the development of the carbon reduction strategy under paragraph (1).

"(e) SUBALLOCATION.—

"(1) IN GENERAL.—For each fiscal year, of the funds apportioned to the State under section 104(b)(7)—

"(A) 65 percent shall be obligated, in proportion to their relative shares of the population of the State—

"(i) in urbanized areas of the State with an urbanized area population of more than 200,000;

"(ii) in urbanized areas of the State with an urbanized population of not less than 50,000 and not more than 200,000;

"(iii) in urban areas of the State with a population of not less than 5,000 and not more than 49,999; and

"(iv) in other areas of the State with a population of less than 5,000; and

"(B) the remainder may be obligated in any area of the State.

"(2) METROPOLITAN AREAS.—Funds attributed to an urbanized area under paragraph (1)(A)(i) may be obligated in the metropolitan area established under section 134 that encompasses the urbanized area.

"(3) DISTRIBUTION AMONG URBANIZED AREAS OF OVER 50,000 POPULATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the amounts that a State is required to obligate under clauses (i) and (ii) of paragraph (1)(A) shall be obligated in urbanized areas described in those clauses based on the relative population of the areas.

"(B) OTHER FACTORS.—The State may obligate the funds described in subparagraph (A) based on other factors if—

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"(i) the State and the relevant metropolitan planning organizations jointly apply to the Secretary for the permission to base the obligation on other factors; and

"(ii) the Secretary grants the request.

"(4) COORDINATION IN URBANIZED AREAS.—Before obligating funds for an eligible project under subsection (c) in an urbanized area that is not a transportation management area, a State shall coordinate with any metropolitan planning organization that represents the urbanized area prior to determining which activities should be carried out under the project.

"(5) CONSULTATION IN RURAL AREAS.—Before obligating funds for an eligible project under subsection (c) in a rural area, a State shall consult with any regional transportation planning organization or metropolitan planning organization that represents the rural area prior to determining which activities should be carried out under the project.

"(6) OBLIGATION AUTHORITY.—

"(A) IN GENERAL.—A State that is required to obligate in an urbanized area with an urbanized area population of 50,000 or more under this subsection funds apportioned to the State under section 104(b)(7) shall make available during the period of fiscal years 2022 through 2026 an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

"(i) the aggregate amount of funds that the State is required to obligate in the area under this subsection during the period; and

"(ii) the ratio that—

"(I) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to

"(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

"(B) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with subparagraph (A).

"(f) FEDERAL SHARE.—The Federal share of the cost of a project carried out using funds apportioned to a State under section 104(b)(7) shall be determined in accordance with section 120.

"(g) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under this chapter.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 11203(b)) is amended by inserting after the item relating to section 174 the following:

"175. Carbon reduction program.".

SEC. 11404. CONGESTION RELIEF PROGRAM.

(a) IN GENERAL.—Section 129 of title 23, United States Code, is amended by adding at the end the following:

"(d) CONGESTION RELIEF PROGRAM.—

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"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following:

"(i) A State, for the purpose of carrying out a project in an urbanized area with a population of more than 1,000,000.

"(ii) A metropolitan planning organization, city, or municipality, for the purpose of carrying out a project in an urbanized area with a population of more than 1,000,000.

"(B) INTEGRATED CONGESTION MANAGEMENT SYSTEM.—The term 'integrated congestion management system' means a system for the integration of management and operations of a regional transportation system that includes, at a minimum, traffic incident management, work zone management, traffic signal timing, managed lanes, real-time traveler information, and active traffic management, in order to maximize the capacity of all facilities and modes across the applicable region.

"(C) PROGRAM.—The term 'program' means the congestion relief program established under paragraph (2).

"(2) ESTABLISHMENT.—The Secretary shall establish a congestion relief program to provide discretionary grants to eligible entities to advance innovative, integrated, and multimodal solutions to congestion relief in the most congested metropolitan areas of the United States.

"(3) PROGRAM GOALS.—The goals of the program are to reduce highway congestion, reduce economic and environmental costs associated with that congestion, including transportation emissions, and optimize existing highway capacity and usage of highway and transit systems through—

"(A) improving intermodal integration with highways, highway operations, and highway performance;

"(B) reducing or shifting highway users to off-peak travel times or to nonhighway travel modes during peak travel times; and

"(C) pricing of, or based on, as applicable—

"(i) parking;

"(ii) use of roadways, including in designated geographic zones; or

"(iii) congestion.

"(4) ELIGIBLE PROJECTS.—Funds from a grant under the program may be used for a project or an integrated collection of projects, including planning, design, implementation, and construction activities, to achieve the program goals under paragraph (3), including—

"(A) deployment and operation of an integrated congestion management system;

"(B) deployment and operation of a system that implements or enforces high occupancy vehicle toll lanes, cordon pricing, parking pricing, or congestion pricing;

"(C) deployment and operation of mobility services, including establishing account-based financial systems, commuter buses, commuter vans, express operations, paratransit, and on-demand microtransit; and

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"(D) incentive programs that encourage travelers to carpool, use nonhighway travel modes during peak period, or travel during nonpeak periods.

"(5) APPLICATION; SELECTION.—

"(A) APPLICATION.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(B) PRIORITY.—In providing grants under the program, the Secretary shall give priority to projects in urbanized areas that are experiencing a high degree of recurrent congestion.

"(C) FEDERAL SHARE.—The Federal share of the cost of a project carried out with a grant under the program shall not exceed 80 percent of the total project cost.

"(D) MINIMUM AWARD.—A grant provided under the program shall be not less than $10,000,000.

"(6) USE OF TOLLING.—

"(A) IN GENERAL.—Notwithstanding subsection (a)(1) and section 301 and subject to subparagraphs (B) and (C), the Secretary shall allow the use of tolls on the Interstate System as part of a project carried out with a grant under the program.

"(B) REQUIREMENTS.—The Secretary may only approve the use of tolls under subparagraph (A) if—

"(i) the eligible entity has authority under State, and if applicable, local, law to assess the applicable toll;

"(ii) the maximum toll rate for any vehicle class is not greater than the product obtained by multiplying—

"(I) the toll rate for any other vehicle class; and

"(II) 5;

"(iii) the toll rates are not charged or varied on the basis of State residency;

"(iv) the Secretary determines that the use of tolls will enable the eligible entity to achieve the program goals under paragraph (3) without a significant impact to safety or mobility within the urbanized area in which the project is located; and

"(v) the use of toll revenues complies with subsection (a)(3).

"(C) LIMITATION.—The Secretary may not approve the use of tolls on the Interstate System under the program in more than 10 urbanized areas.

"(7) FINANCIAL EFFECTS ON LOW-INCOME DRIVERS.—A project under the program—

"(A) shall include, if appropriate, an analysis of the potential effects of the project on low-income drivers; and

"(B) may include mitigation measures to deal with any potential adverse financial effects on low-income drivers.".

(b) HIGH OCCUPANCY VEHICLE USE OF CERTAIN TOLL FACILITIES.—Section 129(a) of title 23, United States Code, is amended—

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(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following:

"(10) HIGH OCCUPANCY VEHICLE USE OF CERTAIN TOLL FACILITIES.—Notwithstanding section 102(a), in the case of a toll facility that is on the Interstate System and that is constructed or converted after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the public authority with jurisdiction over the toll facility shall allow high occupancy vehicles, transit, and paratransit vehicles to use the facility at a discount rate or without charge, unless the public authority, in consultation with the Secretary, determines that the number of those vehicles using the facility reduces the travel time reliability of the facility.".

SEC. 11405. PROMOTING RESILIENT OPERATIONS FOR TRANSFORMATIVE, EFFICIENT, AND COST-SAVING TRANSPORTATION (PROTECT) PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by section 11403(a)), is amended by adding at the end the following:

"§ 176. Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) program

"(a) DEFINITIONS.—In this section:

"(1) EMERGENCY EVENT.—The term 'emergency event' means a natural disaster or catastrophic failure resulting in—

"(A) an emergency declared by the Governor of the State in which the disaster or failure occurred; or

"(B) an emergency or disaster declared by the President.

"(2) EVACUATION ROUTE.—The term 'evacuation route' means a transportation route or system that—

"(A) is owned, operated, or maintained by a Federal, State, Tribal, or local government;

"(B) is used—

"(i) to transport the public away from emergency events; or

"(ii) to transport emergency responders and recovery resources; and

"(C) is designated by the eligible entity with jurisdiction over the area in which the route is located for the purposes described in subparagraph (B).

"(3) PROGRAM.—The term 'program' means the program established under subsection (b)(1).

"(4) RESILIENCE IMPROVEMENT.—The term 'resilience improvement' means the use of materials or structural or nonstructural techniques, including natural infrastructure—

"(A) that allow a project—

"(i) to better anticipate, prepare for, and adapt to changing conditions and to withstand and respond to disruptions; and

"(ii) to be better able to continue to serve the primary function of the project during and after weather events and natural disasters for the expected life of the project; or

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"(B) that—

"(i) reduce the magnitude and duration of impacts of current and future weather events and natural disasters to a project; or

"(ii) have the absorptive capacity, adaptive capacity, and recoverability to decrease project vulnerability to current and future weather events or natural disasters.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation program' or the 'PROTECT program'.

"(2) PURPOSE.—The purpose of the program is to provide grants for resilience improvements through—

"(A) formula funding distributed to States to carry out subsection (c);

"(B) competitive planning grants to enable communities to assess vulnerabilities to current and future weather events and natural disasters and changing conditions, including sea level rise, and plan transportation improvements and emergency response strategies to address those vulnerabilities; and

"(C) competitive resilience improvement grants to protect—

"(i) surface transportation assets by making the assets more resilient to current and future weather events and natural disasters, such as severe storms, flooding, drought, levee and dam failures, wildfire, rockslides, mudslides, sea level rise, extreme weather, including extreme temperature, and earthquakes;

"(ii) communities through resilience improvements and strategies that allow for the continued operation or rapid recovery of surface transportation systems that—

"(I) serve critical local, regional, and national needs, including evacuation routes; and

"(II) provide access or service to hospitals and other medical or emergency service facilities, major employers, critical manufacturing centers, ports and intermodal facilities, utilities, and Federal facilities;

"(iii) coastal infrastructure, such as a tide gate to protect highways, that is at long-term risk to sea level rise; and

"(iv) natural infrastructure that protects and enhances surface transportation assets while improving ecosystem conditions, including culverts that ensure adequate flows in rivers and estuarine systems.

"(c) ELIGIBLE ACTIVITIES FOR APPORTIONED FUNDING.—

"(1) IN GENERAL.—Except as provided in paragraph (2), funds apportioned to the State under section 104(b)(8) shall be obligated for activities eligible under subparagraph (A), (B), or (C) of subsection (d)(4).

"(2) PLANNING SET-ASIDE.—Of the funds apportioned to a State under section 104(b)(8) for each fiscal year, not less

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than 2 percent shall be for activities described in subsection (d)(3).

"(3) REQUIREMENTS.—

"(A) PROJECTS IN CERTAIN AREAS.—If a project under this subsection is carried out, in whole or in part, within a base floodplain, the State shall—

"(i) identify the base floodplain in which the project is to be located and disclose that information to the Secretary; and

"(ii) indicate to the Secretary whether the State plans to implement 1 or more components of the risk mitigation plan under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) with respect to the area.

"(B) ELIGIBILITIES.—A State shall use funds apportioned to the State under section 104(b)(8) for—

"(i) a highway project eligible for assistance under this title;

"(ii) a public transportation facility or service eligible for assistance under chapter 53 of title 49; or

"(iii) a port facility, including a facility that—

"(I) connects a port to other modes of transportation;

"(II) improves the efficiency of evacuations and disaster relief; or

"(III) aids transportation.

"(C) SYSTEM RESILIENCE.—A project carried out by a State with funds apportioned to the State under section 104(b)(8) may include the use of natural infrastructure or the construction or modification of storm surge, flood protection, or aquatic ecosystem restoration elements that are functionally connected to a transportation improvement, such as—

"(i) increasing marsh health and total area adjacent to a highway right-of-way to promote additional flood storage;

"(ii) upgrades to and installation of culverts designed to withstand 100-year flood events;

"(iii) upgrades to and installation of tide gates to protect highways;

"(iv) upgrades to and installation of flood gates to protect tunnel entrances; and

"(v) improving functionality and resiliency of stormwater controls, including inventory inspections, upgrades to, and preservation of best management practices to protect surface transportation infrastructure.

"(D) FEDERAL COST SHARE.—

"(i) IN GENERAL.—Except as provided in subsection (e)(1), the Federal share of the cost of a project carried out using funds apportioned to the State under section 104(b)(8) shall not exceed 80 percent of the total project cost.

"(ii) NON-FEDERAL SHARE.—A State may use Federal funds other than Federal funds apportioned to the State under section 104(b)(8) to meet the non-

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Federal cost share requirement for a project under this subsection.

"(E) ELIGIBLE PROJECT COSTS.—

"(i) IN GENERAL.—Except as provided in clause (ii), eligible project costs for activities carried out by a State with funds apportioned to the State under section 104(b)(8) may include the costs of—

"(I) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

"(II) construction, reconstruction, rehabilitation, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, acquisition of equipment directly related to improving system performance, and operational improvements.

"(ii) ELIGIBLE PLANNING COSTS.—In the case of a planning activity described in subsection (d)(3) that is carried out by a State with funds apportioned to the State under section 104(b)(8), eligible costs may include development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, other preconstruction activities, and other activities consistent with carrying out the purposes of subsection (d)(3).

"(F) LIMITATIONS.—A State—

"(i) may use not more than 40 percent of the amounts apportioned to the State under section 104(b)(8) for the construction of new capacity; and

"(ii) may use not more than 10 percent of the amounts apportioned to the State under section 104(b)(8) for activities described in subparagraph (E)(i)(I).

"(d) COMPETITIVE AWARDS.—

"(1) IN GENERAL.—In addition to funds apportioned to States under section 104(b)(8) to carry out activities under subsection (c), the Secretary shall provide grants on a competitive basis under this subsection to eligible entities described in paragraph (2).

"(2) ELIGIBLE ENTITIES.—Except as provided in paragraph (4)(C), the Secretary may make a grant under this subsection to any of the following:

"(A) A State or political subdivision of a State.

"(B) A metropolitan planning organization.

"(C) A unit of local government.

"(D) A special purpose district or public authority with a transportation function, including a port authority.

"(E) An Indian tribe (as defined in section 207(m)(1)).

"(F) A Federal land management agency that applies jointly with a State or group of States.

"(G) A multi-State or multijurisdictional group of entities described in subparagraphs (A) through (F).

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"(3) PLANNING GRANTS.—Using funds made available under this subsection, the Secretary shall provide planning grants to eligible entities for the purpose of—

"(A) in the case of a State or metropolitan planning organization, developing a resilience improvement plan under subsection (e)(2);

"(B) resilience planning, predesign, design, or the development of data tools to simulate transportation disruption scenarios, including vulnerability assessments;

"(C) technical capacity building by the eligible entity to facilitate the ability of the eligible entity to assess the vulnerabilities of the surface transportation assets and community response strategies of the eligible entity under current conditions and a range of potential future conditions; or

"(D) evacuation planning and preparation.

"(4) RESILIENCE GRANTS.—

"(A) RESILIENCE IMPROVEMENT GRANTS.—

"(i) IN GENERAL.—Using funds made available under this subsection, the Secretary shall provide resilience improvement grants to eligible entities to carry out 1 or more eligible activities under clause (ii).

"(ii) ELIGIBLE ACTIVITIES.—

"(I) IN GENERAL.—An eligible entity may use a resilience improvement grant under this subparagraph for 1 or more construction activities to improve the ability of an existing surface transportation asset to withstand 1 or more elements of a weather event or natural disaster, or to increase the resilience of surface transportation infrastructure from the impacts of changing conditions, such as sea level rise, flooding, wildfires, extreme weather events, and other natural disasters.

"(II) INCLUSIONS.—An activity eligible to be carried out under this subparagraph includes—

"(aa) resurfacing, restoration, rehabilitation, reconstruction, replacement, improvement, or realignment of an existing surface transportation facility eligible for assistance under this title;

"(bb) the incorporation of natural infrastructure;

"(cc) the upgrade of an existing surface transportation facility to meet or exceed a design standard adopted by the Federal Highway Administration;

"(dd) the installation of mitigation measures that prevent the intrusion of floodwaters into surface transportation systems;

"(ee) strengthening systems that remove rainwater from surface transportation facilities;

"(ff) upgrades to and installation of structural stormwater controls;

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"(gg) a resilience project that addresses identified vulnerabilities described in the resilience improvement plan of the eligible entity, if applicable;

"(hh) relocating roadways in a base floodplain to higher ground above projected flood elevation levels, or away from slide prone areas;

"(ii) stabilizing slide areas or slopes;

"(jj) installing riprap;

"(kk) lengthening or raising bridges to increase waterway openings, including to respond to extreme weather;

"(ll) increasing the size or number of drainage structures;

"(mm) installing seismic retrofits on bridges;

"(nn) adding scour protection at bridges;

"(oo) adding scour, stream stability, coastal, and other hydraulic countermeasures, including spur dikes;

"(pp) vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, facilitate wildfire control, and provide erosion control; and

"(qq) any other protective features, including natural infrastructure, as determined by the Secretary.

"(iii) PRIORITY.—The Secretary shall prioritize a resilience improvement grant to an eligible entity if—

"(I) the Secretary determines—

"(aa) the benefits of the eligible activity proposed to be carried out by the eligible entity exceed the costs of the activity; and

"(bb) there is a need to address the vulnerabilities of surface transportation assets of the eligible entity with a high risk of, and impacts associated with, failure due to the impacts of weather events, natural disasters, or changing conditions, such as sea level rise, wildfires, and increased flood risk; or

"(II) the eligible activity proposed to be carried out by the eligible entity is included in the applicable resilience improvement plan under subsection (e)(2).

"(B) COMMUNITY RESILIENCE AND EVACUATION ROUTE GRANTS.—

"(i) IN GENERAL.—Using funds made available under this subsection, the Secretary shall provide community resilience and evacuation route grants to eligible entities to carry out 1 or more eligible activities under clause (ii).

"(ii) ELIGIBLE ACTIVITIES.—An eligible entity may use a community resilience and evacuation route grant under this subparagraph for 1 or more projects that strengthen and protect evacuation routes that are

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essential for providing and supporting evacuations caused by emergency events, including a project that—

"(I) is an eligible activity under subparagraph (A)(ii), if that eligible activity will improve an evacuation route;

"(II) ensures the ability of the evacuation route to provide safe passage during an evacuation and reduces the risk of damage to evacuation routes as a result of future emergency events, including restoring or replacing existing evacuation routes that are in poor condition or not designed to meet the anticipated demand during an emergency event, and including steps to protect routes from mud, rock, or other debris slides;

"(III) if the eligible entity notifies the Secretary that existing evacuation routes are not sufficient to adequately facilitate evacuations, including the transportation of emergency responders and recovery resources, expands the capacity of evacuation routes to swiftly and safely accommodate evacuations, including installation of—

"(aa) communications and intelligent transportation system equipment and infrastructure;

"(bb) counterflow measures; or

"(cc) shoulders;

"(IV) is for the construction of new or redundant evacuation routes, if the eligible entity notifies the Secretary that existing evacuation routes are not sufficient to adequately facilitate evacuations, including the transportation of emergency responders and recovery resources;

"(V) is for the acquisition of evacuation route or traffic incident management equipment or signage; or

"(VI) will ensure access or service to critical destinations, including hospitals and other medical or emergency service facilities, major employers, critical manufacturing centers, ports and intermodal facilities, utilities, and Federal facilities.

"(iii) PRIORITY.—The Secretary shall prioritize community resilience and evacuation route grants under this subparagraph for eligible activities that are cost-effective, as determined by the Secretary, taking into account—

"(I) current and future vulnerabilities to an evacuation route due to future occurrence or recurrence of emergency events that are likely to occur in the geographic area in which the evacuation route is located; and

"(II) projected changes in development patterns, demographics, and extreme weather events based on the best available evidence and analysis.

"(iv) CONSULTATION.—In providing grants for community resilience and evacuation routes under this subparagraph, the Secretary may consult with the

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Administrator of the Federal Emergency Management Agency, who may provide technical assistance to the Secretary and to eligible entities.

"(C) AT-RISK COASTAL INFRASTRUCTURE GRANTS.—

"(i) DEFINITION OF ELIGIBLE ENTITY.—In this subparagraph, the term 'eligible entity' means any of the following:

"(I) A State (including the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands) in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or 1 or more of the Great Lakes.

"(II) A political subdivision of a State described in subclause (I).

"(III) A metropolitan planning organization in a State described in subclause (I).

"(IV) A unit of local government in a State described in subclause (I).

"(V) A special purpose district or public authority with a transportation function, including a port authority, in a State described in subclause (I).

"(VI) An Indian tribe in a State described in subclause (I).

"(VII) A Federal land management agency that applies jointly with a State or group of States described in subclause (I).

"(VIII) A multi-State or multijurisdictional group of entities described in subclauses (I) through (VII).

"(ii) GRANTS.—Using funds made available under this subsection, the Secretary shall provide at-risk coastal infrastructure grants to eligible entities to carry out 1 or more eligible activities under clause (iii).

"(iii) ELIGIBLE ACTIVITIES.—An eligible entity may use an at-risk coastal infrastructure grant under this subparagraph for strengthening, stabilizing, hardening, elevating, relocating, or otherwise enhancing the resilience of highway and non-rail infrastructure, including bridges, roads, pedestrian walkways, and bicycle lanes, and associated infrastructure, such as culverts and tide gates to protect highways, that are subject to, or face increased long-term future risks of, a weather event, a natural disaster, or changing conditions, including coastal flooding, coastal erosion, wave action, storm surge, or sea level rise, in order to improve transportation and public safety and to reduce costs by avoiding larger future maintenance or rebuilding costs.

"(iv) CRITERIA.—The Secretary shall provide at-risk coastal infrastructure grants under this subparagraph for a project—

"(I) that addresses the risks from a current or future weather event or natural disaster, including coastal flooding, coastal erosion, wave action, storm surge, or sea level change; and

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"(II) that reduces long-term infrastructure costs by avoiding larger future maintenance or rebuilding costs.

"(v) COASTAL BENEFITS.—In addition to the criteria under clause (iv), for the purpose of providing at-risk coastal infrastructure grants under this subparagraph, the Secretary shall evaluate the extent to which a project will provide—

"(I) access to coastal homes, businesses, communities, and other critical infrastructure, including access by first responders and other emergency personnel; or

"(II) access to a designated evacuation route.

"(5) GRANT REQUIREMENTS.—

"(A) SOLICITATIONS FOR GRANTS.—In providing grants under this subsection, the Secretary shall conduct a transparent and competitive national solicitation process to select eligible projects to receive grants under paragraph (3) and subparagraphs (A), (B), and (C) of paragraph (4).

"(B) APPLICATIONS.—

"(i) IN GENERAL.—To be eligible to receive a grant under paragraph (3) or subparagraph (A), (B), or (C) of paragraph (4), an eligible entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines to be necessary.

"(ii) PROJECTS IN CERTAIN AREAS.—If a project is proposed to be carried out by the eligible entity, in whole or in part, within a base floodplain, the eligible entity shall—

"(I) as part of the application, identify the floodplain in which the project is to be located and disclose that information to the Secretary; and

"(II) indicate in the application whether, if selected, the eligible entity will implement 1 or more components of the risk mitigation plan under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) with respect to the area.

"(C) ELIGIBILITIES.—The Secretary may make a grant under paragraph (3) or subparagraph (A), (B), or (C) of paragraph (4) only for—

"(i) a highway project eligible for assistance under this title;

"(ii) a public transportation facility or service eligible for assistance under chapter 53 of title 49;

"(iii) a facility or service for intercity rail passenger transportation (as defined in section 24102 of title 49); or

"(iv) a port facility, including a facility that—

"(I) connects a port to other modes of transportation;

"(II) improves the efficiency of evacuations and disaster relief; or

"(III) aids transportation.

"(D) SYSTEM RESILIENCE.—A project for which a grant is provided under paragraph (3) or subparagraph (A), (B),

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or (C) of paragraph (4) may include the use of natural infrastructure or the construction or modification of storm surge, flood protection, or aquatic ecosystem restoration elements that the Secretary determines are functionally connected to a transportation improvement, such as—

"(i) increasing marsh health and total area adjacent to a highway right-of-way to promote additional flood storage;

"(ii) upgrades to and installing of culverts designed to withstand 100-year flood events;

"(iii) upgrades to and installation of tide gates to protect highways; and

"(iv) upgrades to and installation of flood gates to protect tunnel entrances.

"(E) FEDERAL COST SHARE.—

"(i) PLANNING GRANT.—The Federal share of the cost of a planning activity carried out using a planning grant under paragraph (3) shall be 100 percent.

"(ii) RESILIENCE GRANTS.—

"(I) IN GENERAL.—Except as provided in subclause (II) and subsection (e)(1), the Federal share of the cost of a project carried out using a grant under subparagraph (A), (B), or (C) of paragraph (4) shall not exceed 80 percent of the total project cost.

"(II) TRIBAL PROJECTS.—On the determination of the Secretary, the Federal share of the cost of a project carried out using a grant under subparagraph (A), (B), or (C) of paragraph (4) by an Indian tribe (as defined in section 207(m)(1)) may be up to 100 percent.

"(iii) NON-FEDERAL SHARE.—The eligible entity may use Federal funds other than Federal funds provided under this subsection to meet the non-Federal cost share requirement for a project carried out with a grant under this subsection.

"(F) ELIGIBLE PROJECT COSTS.—

"(i) RESILIENCE GRANT PROJECTS.—Eligible project costs for activities funded with a grant under subparagraph (A), (B), or (C) of paragraph (4) may include the costs of—

"(I) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

"(II) construction, reconstruction, rehabilitation, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, acquisition of equipment directly related to improving system performance, and operational improvements.

"(ii) PLANNING GRANTS.—Eligible project costs for activities funded with a grant under paragraph (3) may include the costs of development phase activities,

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including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, other preconstruction activities, and other activities consistent with carrying out the purposes of that paragraph.

"(G) LIMITATIONS.—

"(i) IN GENERAL.—An eligible entity that receives a grant under subparagraph (A), (B), or (C) of paragraph (4)—

"(I) may use not more than 40 percent of the amount of the grant for the construction of new capacity; and

"(II) may use not more than 10 percent of the amount of the grant for activities described in subparagraph (F)(i)(I).

"(ii) LIMIT ON CERTAIN ACTIVITIES.—For each fiscal year, not more than 25 percent of the total amount provided under this subsection may be used for projects described in subparagraph (C)(iii).

"(H) DISTRIBUTION OF GRANTS.—

"(i) IN GENERAL.—Subject to the availability of funds, an eligible entity may request and the Secretary may distribute funds for a grant under this subsection on a multiyear basis, as the Secretary determines to be necessary.

"(ii) RURAL SET-ASIDE.—Of the amounts made available to carry out this subsection for each fiscal year, the Secretary shall use not less than 25 percent for grants for projects located in areas that are outside an urbanized area with a population of over 200,000.

"(iii) TRIBAL SET-ASIDE.—Of the amounts made available to carry out this subsection for each fiscal year, the Secretary shall use not less than 2 percent for grants to Indian tribes (as defined in section 207(m)(1)).

"(iv) REALLOCATION.—For any fiscal year, if the Secretary determines that the amount described in clause (ii) or (iii) will not be fully utilized for the grant described in that clause, the Secretary may reallocate the unutilized funds to provide grants to other eligible entities under this subsection.

"(6) CONSULTATION.—In carrying out this subsection, the Secretary shall—

"(A) consult with the Assistant Secretary of the Army for Civil Works, the Administrator of the Environmental Protection Agency, the Secretary of the Interior, and the Secretary of Commerce; and

"(B) solicit technical support from the Administrator of the Federal Emergency Management Agency.

"(7) GRANT ADMINISTRATION.—The Secretary may—

"(A) retain not more than a total of 5 percent of the funds made available to carry out this subsection and to review applications for grants under this subsection; and

"(B) transfer portions of the funds retained under subparagraph (A) to the relevant Administrators to fund the award and oversight of grants provided under this subsection.

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"(e) RESILIENCE IMPROVEMENT PLAN AND LOWER NON-FEDERAL SHARE.—

"(1) FEDERAL SHARE REDUCTIONS.—

"(A) IN GENERAL.—A State that receives funds apportioned to the State under section 104(b)(8) or an eligible entity that receives a grant under subsection (d) shall have the non-Federal share of a project carried out with the funds or grant, as applicable, reduced by an amount described in subparagraph (B) if the State or eligible entity meets the applicable requirements under that subparagraph.

"(B) AMOUNT OF REDUCTIONS.—

"(i) RESILIENCE IMPROVEMENT PLAN.—Subject to clause (iii), the amount of the non-Federal share of the costs of a project carried out with funds apportioned to a State under section 104(b)(8) or a grant under subsection (d) shall be reduced by 7 percentage points if—

"(I) in the case of a State or an eligible entity that is a State or a metropolitan planning organization, the State or eligible entity has—

"(aa) developed a resilience improvement plan in accordance with this subsection; and

"(bb) prioritized the project on that resilience improvement plan; and

"(II) in the case of an eligible entity not described in subclause (I), the eligible entity is located in a State or an area served by a metropolitan planning organization that has—

"(aa) developed a resilience improvement plan in accordance with this subsection; and

"(bb) prioritized the project on that resilience improvement plan.

"(ii) INCORPORATION OF RESILIENCE IMPROVEMENT PLAN IN OTHER PLANNING.—Subject to clause (iii), the amount of the non-Federal share of the cost of a project carried out with funds under subsection (c) or a grant under subsection (d) shall be reduced by 3 percentage points if—

"(I) in the case of a State or an eligible entity that is a State or a metropolitan planning organization, the resilience improvement plan developed in accordance with this subsection has been incorporated into the metropolitan transportation plan under section 134 or the long-range statewide transportation plan under section 135, as applicable; and

"(II) in the case of an eligible entity not described in subclause (I), the eligible entity is located in a State or an area served by a metropolitan planning organization that incorporated a resilience improvement plan into the metropolitan transportation plan under section 134 or the long-range statewide transportation plan under section 135, as applicable.

"(iii) LIMITATIONS.—

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"(I) MAXIMUM REDUCTION.—A State or eligible entity may not receive a reduction under this paragraph of more than 10 percentage points for any single project carried out with funds under subsection (c) or a grant under subsection (d).

"(II) NO NEGATIVE NON-FEDERAL SHARE.—A reduction under this paragraph shall not reduce the non-Federal share of the costs of a project carried out with funds under subsection (c) or a grant under subsection (d) to an amount that is less than zero.

"(2) PLAN CONTENTS.—A resilience improvement plan referred to in paragraph (1)—

"(A) shall be for the immediate and long-range planning activities and investments of the State or metropolitan planning organization with respect to resilience of the surface transportation system within the boundaries of the State or metropolitan planning organization, as applicable;

"(B) shall demonstrate a systemic approach to surface transportation system resilience and be consistent with and complementary of the State and local mitigation plans required under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165);

"(C) shall include a risk-based assessment of vulnerabilities of transportation assets and systems to current and future weather events and natural disasters, such as severe storms, flooding, drought, levee and dam failures, wildfire, rockslides, mudslides, sea level rise, extreme weather, including extreme temperatures, and earthquakes;

"(D) may—

"(i) designate evacuation routes and strategies, including multimodal facilities, designated with consideration for individuals without access to personal vehicles;

"(ii) plan for response to anticipated emergencies, including plans for the mobility of—

"(I) emergency response personnel and equipment; and

"(II) access to emergency services, including for vulnerable or disadvantaged populations;

"(iii) describe the resilience improvement policies, including strategies, land-use and zoning changes, investments in natural infrastructure, or performance measures that will inform the transportation investment decisions of the State or metropolitan planning organization with the goal of increasing resilience;

"(iv) include an investment plan that—

"(I) includes a list of priority projects; and

"(II) describes how funds apportioned to the State under section 104(b)(8) or provided by a grant under the program would be invested and matched, which shall not be subject to fiscal constraint requirements; and

"(v) use science and data and indicate the source of data and methodologies; and

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"(E) shall, as appropriate—

"(i) include a description of how the plan will improve the ability of the State or metropolitan planning organization—

"(I) to respond promptly to the impacts of weather events and natural disasters; and

"(II) to be prepared for changing conditions, such as sea level rise and increased flood risk;

"(ii) describe the codes, standards, and regulatory framework, if any, adopted and enforced to ensure resilience improvements within the impacted area of proposed projects included in the resilience improvement plan;

"(iii) consider the benefits of combining hard surface transportation assets, and natural infrastructure, through coordinated efforts by the Federal Government and the States;

"(iv) assess the resilience of other community assets, including buildings and housing, emergency management assets, and energy, water, and communication infrastructure;

"(v) use a long-term planning period; and

"(vi) include such other information as the State or metropolitan planning organization considers appropriate.

"(3) NO NEW PLANNING REQUIREMENTS.—Nothing in this section requires a metropolitan planning organization or a State to develop a resilience improvement plan or to include a resilience improvement plan under the metropolitan transportation plan under section 134 or the long-range statewide transportation plan under section 135, as applicable, of the metropolitan planning organization or State.

"(f) MONITORING.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall—

"(A) establish, for the purpose of evaluating the effectiveness and impacts of projects carried out with a grant under subsection (d)—

"(i) subject to paragraph (2), transportation and any other metrics as the Secretary determines to be necessary; and

"(ii) procedures for monitoring and evaluating projects based on those metrics; and

"(B) select a representative sample of projects to evaluate based on the metrics and procedures established under subparagraph (A).

"(2) NOTICE.—Before adopting any metrics described in paragraph (1), the Secretary shall—

"(A) publish the proposed metrics in the Federal Register; and

"(B) provide to the public an opportunity for comment on the proposed metrics.

"(g) REPORTS.—

"(1) REPORTS FROM ELIGIBLE ENTITIES.—Not later than 1 year after the date on which a project carried out with a grant under subsection (d) is completed, the eligible entity that carried out the project shall submit to the Secretary a

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report on the results of the project and the use of the funds awarded.

"(2) REPORTS TO CONGRESS.—

"(A) ANNUAL REPORTS.—The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and publish on the website of the Department of Transportation, an annual report that describes the implementation of the program during the preceding calendar year, including—

"(i) each project for which a grant was provided under subsection (d);

"(ii) information relating to project applications received;

"(iii) the manner in which the consultation requirements were implemented under subsection (d);

"(iv) recommendations to improve the administration of subsection (d), including whether assistance from additional or fewer agencies to carry out the program is appropriate;

"(v) the period required to disburse grant funds to eligible entities based on applicable Federal coordination requirements; and

"(vi) a list of facilities that repeatedly require repair or reconstruction due to emergency events.

"(B) FINAL REPORT.—Not later than 5 years after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall submit to Congress a report that includes the results of the reports submitted under subparagraph (A).

"(h) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under this chapter.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 11403(b)), is amended by inserting after the item relating to section 175 the following:

"176. Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) program.".

SEC. 11406. HEALTHY STREETS PROGRAM.

(a) DEFINITIONS.—In this section:

(1) COOL PAVEMENT.—The term "cool pavement" means a pavement with reflective surfaces with higher albedo to decrease the surface temperature of that pavement.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State;

(B) a metropolitan planning organization;

(C) a unit of local government;

(D) a Tribal government; and

(E) a nonprofit organization working in coordination with an entity described in subparagraphs (A) through (D).

(3) LOW-INCOME COMMUNITY.—The term "low-income community" means a census block group in which not less than 30 percent of the population lives below the poverty line

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(as defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902)).

(4) POROUS PAVEMENT.—The term "porous pavement" means a paved surface with a higher than normal percentage of air voids to allow water to pass through the surface and infiltrate into the subsoil.

(5) PROGRAM.—The term "program" means the Healthy Streets program established under subsection (b).

(6) STATE.—The term "State" has the meaning given the term in section 101(a) of title 23, United States Code.

(7) TRIBAL GOVERNMENT.—The term "Tribal government" means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(b) ESTABLISHMENT.—The Secretary shall establish a discretionary grant program, to be known as the "Healthy Streets program", to provide grants to eligible entities—

(1) to deploy cool pavements and porous pavements; and

(2) to expand tree cover.

(c) GOALS.—The goals of the program are—

(1) to mitigate urban heat islands;

(2) to improve air quality; and

(3) to reduce—

(A) the extent of impervious surfaces;

(B) stormwater runoff and flood risks; and

(C) heat impacts to infrastructure and road users.

(d) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) REQUIREMENTS.—The application submitted by an eligible entity under paragraph (1) shall include a description of—

(A) how the eligible entity would use the grant funds; and

(B) the contribution that the projects intended to be carried out with grant funds would make to improving the safety, health outcomes, natural environment, and quality of life in low-income communities and disadvantaged communities.

(e) USE OF FUNDS.—An eligible entity that receives a grant under the program may use the grant funds for 1 or more of the following activities:

(1) Conducting an assessment of urban heat islands to identify hot spot areas of extreme heat or elevated air pollution.

(2) Conducting a comprehensive tree canopy assessment, which shall assess the current tree locations and canopy, including—

(A) an inventory of the location, species, condition, and health of existing tree canopies and trees on public facilities; and

(B) an identification of—

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(i) the locations where trees need to be replaced;

(ii) empty tree boxes or other locations where trees could be added; and

(iii) flood-prone locations where trees or other natural infrastructure could mitigate flooding.

(3) Conducting an equity assessment by mapping tree canopy gaps, flood-prone locations, and urban heat island hot spots as compared to—

(A) pedestrian walkways and public transportation stop locations;

(B) low-income communities; and

(C) disadvantaged communities.

(4) Planning activities, including developing an investment plan based on the results of the assessments carried out under paragraphs (1), (2), and (3).

(5) Purchasing and deploying cool pavements to mitigate urban heat island hot spots.

(6) Purchasing and deploying porous pavement to mitigate flooding and stormwater runoff in—

(A) pedestrian-only areas; and

(B) areas of low-volume, low-speed vehicular use.

(7) Purchasing of trees, site preparation, planting of trees, ongoing maintenance and monitoring of trees, and repairing of storm damage to trees, with priority given to—

(A) to the extent practicable, the planting of native species; and

(B) projects located in a neighborhood with lower tree cover or higher maximum daytime summer temperatures compared to surrounding neighborhoods.

(8) Assessing underground infrastructure and coordinating with local transportation and utility providers.

(9) Hiring staff to conduct any of the activities described in paragraphs (1) through (8).

(f) PRIORITY.—In awarding grants to eligible entities under the program, the Secretary shall give priority to an eligible entity—

(1) proposing to carry out an activity or project in a low-income community or a disadvantaged community;

(2) that has entered into a community benefits agreement with representatives of the community; or

(3) that is partnering with a qualified youth or conservation corps (as defined in section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722)).

(g) DISTRIBUTION REQUIREMENT.—Of the amounts made available to carry out the program for each fiscal year, not less than 80 percent shall be provided for projects in urbanized areas (as defined in section 101(a) of title 23, United States Code).

(h) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided under paragraph (2), the Federal share of the cost of a project carried out under the program shall be 80 percent.

(2) WAIVER.—The Secretary may increase the Federal share requirement under paragraph (1) to 100 percent for projects carried out by an eligible entity that demonstrates economic hardship, as determined by the Secretary.

(i) MAXIMUM GRANT AMOUNT.—An individual grant under this section shall not exceed $15,000,000.

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(j) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under chapter 1 of title 23, United States Code.

Subtitle E—Miscellaneous

SEC. 11501. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 105 of title 23, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105.

SEC. 11502. STOPPING THREATS ON PEDESTRIANS.

(a) DEFINITION OF BOLLARD INSTALLATION PROJECT.—In this section, the term "bollard installation project" means a project to install raised concrete or metal posts on a sidewalk adjacent to a roadway that are designed to slow or stop a motor vehicle.

(b) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act and subject to the availability of appropriations, the Secretary shall establish and carry out a competitive grant pilot program to provide assistance to State departments of transportation and local government entities for bollard installation projects designed to prevent pedestrian injuries and acts of terrorism in areas used by large numbers of pedestrians.

(c) APPLICATION.—To be eligible to receive a grant under this section, a State department of transportation or local government entity shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary determines to be appropriate, which shall include, at a minimum—

(1) a description of the proposed bollard installation project to be carried out;

(2) a description of the pedestrian injury or terrorism risks with respect to the proposed installation area; and

(3) an analysis of how the proposed bollard installation project will mitigate those risks.

(d) USE OF FUNDS.—A recipient of a grant under this section may only use the grant funds for a bollard installation project.

(e) FEDERAL SHARE.—The Federal share of the costs of a bollard installation project carried out with a grant under this section may be up to 100 percent.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $5,000,000 for each of fiscal years 2022 through 2026.

(g) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under chapter 1 of title 23, United States Code.

SEC. 11503. TRANSFER AND SALE OF TOLL CREDITS.

(a) DEFINITIONS.—In this section:

(1) ORIGINATING STATE.—The term "originating State" means a State that—

(A) is eligible to use a credit under section 120(i) of title 23, United States Code; and

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(B) has been selected by the Secretary under subsection (d)(2).

(2) PILOT PROGRAM.—The term "pilot program" means the pilot program established under subsection (b).

(3) RECIPIENT STATE.—The term "recipient State" means a State that receives a credit by transfer or by sale under this section from an originating State.

(4) STATE.—The term "State" has the meaning given the term in section 101(a) of title 23, United States Code.

(b) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary shall establish and implement a toll credit exchange pilot program in accordance with this section.

(c) PURPOSES.—The purposes of the pilot program are—

(1) to identify the extent of the demand to purchase toll credits;

(2) to identify the cash price of toll credits through bilateral transactions between States;

(3) to analyze the impact of the purchase or sale of toll credits on transportation expenditures;

(4) to test the feasibility of expanding the pilot program to allow all States to participate on a permanent basis; and

(5) to identify any other repercussions of the toll credit exchange.

(d) SELECTION OF ORIGINATING STATES.—

(1) APPLICATION.—In order to participate in the pilot program as an originating State, a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including, at a minimum, such information as is required for the Secretary to verify—

(A) the amount of unused toll credits for which the State has submitted certification to the Secretary that are available to be sold or transferred under the pilot program, including—

(i) toll revenue generated and the sources of that revenue;

(ii) toll revenue used by public, quasi-public, and private agencies to build, improve, or maintain highways, bridges, or tunnels that serve the public purpose of interstate commerce; and

(iii) an accounting of any Federal funds used by the public, quasi-public, or private agency to build, improve, or maintain the toll facility, to validate that the credit has been reduced by a percentage equal to the percentage of the total cost of building, improving, or maintaining the facility that was derived from Federal funds;

(B) the documentation of maintenance of effort for toll credits earned by the originating State; and

(C) the accuracy of the accounting system of the State to earn and track toll credits.

(2) SELECTION.—Of the States that submit an application under paragraph (1), the Secretary may select not more than 10 States to be designated as an originating State.

(3) LIMITATION ON SALES.—At any time, the Secretary may limit the amount of unused toll credits that may be offered for sale under the pilot program.

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(e) TRANSFER OR SALE OF CREDITS.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall provide that an originating State may transfer or sell to a recipient State a credit not previously used by the originating State under section 120(i) of title 23, United States Code.

(2) WEBSITE SUPPORT.—The Secretary shall make available a publicly accessible website on which originating States shall post the amount of toll credits, verified under subsection (d)(1)(A), that are available for sale or transfer to a recipient State.

(3) BILATERAL TRANSACTIONS.—An originating State and a recipient State may enter into a bilateral transaction to sell or transfer verified toll credits.

(4) NOTIFICATION.—Not later than 30 days after the date on which a credit is transferred or sold, the originating State and the recipient State shall jointly submit to the Secretary a written notification of the transfer or sale, including details on—

(A) the amount of toll credits that have been sold or transferred;

(B) the price paid or other value transferred in exchange for the toll credits;

(C) the intended use by the recipient State of the toll credits, if known;

(D) the intended use by the originating State of the cash or other value transferred;

(E) an update on the toll credit balance of the originating State and the recipient State; and

(F) any other information about the transaction that the Secretary may require.

(5) USE OF CREDITS BY TRANSFEREE OR PURCHASER.—A recipient State may use a credit received under paragraph (1) toward the non-Federal share requirement for any funds made available to carry out title 23 or chapter 53 of title 49, United States Code, in accordance with section 120(i) of title 23, United States Code.

(6) USE OF PROCEEDS FROM SALE OF CREDITS.—An originating State shall use the proceeds from the sale of a credit under paragraph (1) for the construction costs of any project in the originating State that is eligible under title 23, United States Code.

(f) REPORTING REQUIREMENTS.—

(1) INITIAL REPORT.—Not later than 1 year after the date on which the pilot program is established, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress of the pilot program.

(2) FINAL REPORT.—Not later than 3 years after the date on which the pilot program is established, the Secretary shall—

(A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(i) determines whether a toll credit marketplace is viable and cost-effective;

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(ii) describes the buying and selling activities under the pilot program;

(iii) describes the average sale price of toll credits;

(iv) determines whether the pilot program could be expanded to more States or all States or to non-State operators of toll facilities;

(v) provides updated information on the toll credit balance accumulated by each State; and

(vi) describes the list of projects that were assisted by the pilot program; and

(B) make the report under subparagraph (A) publicly available on the website of the Department.

(g) TERMINATION.—

(1) IN GENERAL.—The Secretary may terminate the pilot program or the participation of any State in the pilot program if the Secretary determines that—

(A) the pilot program is not serving a public benefit; or

(B) it is not cost effective to carry out the pilot program.

(2) PROCEDURES.—The termination of the pilot program or the participation of a State in the pilot program shall be carried out consistent with Federal requirements for project closeout, adjustment, and continuing responsibilities.

SEC. 11504. STUDY OF IMPACTS ON ROADS FROM SELF-DRIVING VEHICLES.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall initiate a study on the existing and future impacts of self-driving vehicles to transportation infrastructure, mobility, the environment, and safety, including impacts on—

(1) the Interstate System (as defined in section 101(a) of title 23, United States Code);

(2) urban roads;

(3) rural roads;

(4) corridors with heavy traffic congestion;

(5) transportation systems optimization; and

(6) any other areas or issues relevant to operations of the Federal Highway Administration that the Secretary determines to be appropriate.

(b) CONTENTS OF STUDY.—The study under subsection (a) shall include specific recommendations for both rural and urban communities regarding the impacts of self-driving vehicles on existing transportation system capacity.

(c) CONSIDERATIONS.—In carrying out the study under subsection (a), the Secretary shall—

(1) consider the need for and recommend any policy changes to be undertaken by the Federal Highway Administration on the impacts of self-driving vehicles as identified under paragraph (2); and

(2) for both rural and urban communities, include a discussion of—

(A) the impacts that self-driving vehicles will have on existing transportation infrastructure, such as signage and markings, traffic lights, and highway capacity and design;

(B) the impact on commercial and private traffic flows;

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(C) infrastructure improvement needs that may be necessary for transportation infrastructure to accommodate self-driving vehicles;

(D) the impact of self-driving vehicles on the environment, congestion, and vehicle miles traveled; and

(E) the impact of self-driving vehicles on mobility.

(d) COORDINATION.—In carrying out the study under subsection (a), the Secretary shall consider and incorporate relevant current and ongoing research of the Department.

(e) CONSULTATION.—In carrying out the study under subsection (a), the Secretary shall convene and consult with a panel of national experts in both rural and urban transportation, including—

(1) operators and users of the Interstate System (as defined in section 101(a) of title 23, United States Code), including private sector stakeholders;

(2) States and State departments of transportation;

(3) metropolitan planning organizations;

(4) the motor carrier industry;

(5) representatives of public transportation agencies or organizations;

(6) highway safety and academic groups;

(7) nonprofit entities with experience in transportation policy;

(8) National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801));

(9) environmental stakeholders; and

(10) self-driving vehicle producers, manufacturers, and technology developers.

(f) REPORT.—Not later than 1 year after the date on which the study under subsection (a) is initiated, the Secretary shall submit a report on the results of the study to—

(1) the Committee on Environment and Public Works of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 11505. DISASTER RELIEF MOBILIZATION STUDY.

(a) DEFINITION OF LOCAL COMMUNITY.—In this section, the term "local community" means—

(1) a unit of local government;

(2) a political subdivision of a State or local government;

(3) a metropolitan planning organization (as defined in section 134(b) of title 23, United States Code);

(4) a rural planning organization; or

(5) a Tribal government.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall carry out a study to determine the utility of incorporating the use of bicycles into the disaster preparedness and disaster response plans of local communities.

(2) REQUIREMENTS.—The study carried out under paragraph (1) shall include—

(A) a vulnerability assessment of the infrastructure in local communities as of the date of enactment of this Act that supports active transportation, including bicycling, walking, and personal mobility devices, with a particular focus on areas in local communities that—

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(i) have low levels of vehicle ownership; and

(ii) lack sufficient active transportation infrastructure routes to public transportation;

(B) an evaluation of whether disaster preparedness and disaster response plans should include the use of bicycles by first responders, emergency workers, and community organization representatives—

(i) during a mandatory or voluntary evacuation ordered by a Federal, State, Tribal, or local government entity—

(I) to notify residents of the need to evacuate;

(II) to evacuate individuals and goods; and

(III) to reach individuals who are in need of first aid and medical assistance; and

(ii) after a disaster or emergency declared by a Federal, State, Tribal, or local government entity—

(I) to participate in search and rescue activities;

(II) to carry commodities to be used for life-saving or life-sustaining purposes, including—

(aa) water;

(bb) food;

(cc) first aid and other medical supplies; and

(dd) power sources and electric supplies, such as cell phones, radios, lights, and batteries;

(III) to reach individuals who are in need of the commodities described in subclause (II); and

(IV) to assist with other disaster relief tasks, as appropriate; and

(C) a review of training programs for first responders, emergency workers, and community organization representatives relating to—

(i) competent bicycle skills, including the use of cargo bicycles and electric bicycles, as applicable;

(ii) basic bicycle maintenance;

(iii) compliance with relevant traffic safety laws;

(iv) methods to use bicycles to carry out the activities described in clauses (i) and (ii) of subparagraph (2)(B); and

(v) exercises conducted for the purpose of—

(I) exercising the skills described in clause (i); and

(II) maintaining bicycles and related equipment.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) describes the results of the study carried out under subsection (b); and

(2) provides recommendations, if any, relating to—

(A) the methods by which to incorporate bicycles into disaster preparedness and disaster response plans of local communities; and

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(B) improvements to training programs described in subsection (b)(2)(C).

SEC. 11506. APPALACHIAN REGIONAL COMMISSION.

(a) DEFINITIONS.—Section 14102(a)(1) of title 40, United States Code, is amended—

(1) in subparagraph (G)—

(A) by inserting "Catawba," after "Caldwell,"; and

(B) by inserting "Cleveland," after "Clay,";

(2) in subparagraph (J), by striking "and Spartanburg" and inserting "Spartanburg, and Union"; and

(3) in subparagraph (M), by inserting ", of which the counties of Brooke, Hancock, Marshall, and Ohio shall be considered to be located in the North Central subregion" after "West Virginia".

(b) FUNCTIONS.—Section 14303(a) of title 40, United States Code, is amended—

(1) in paragraph (9), by striking "and" at the end;

(2) in paragraph (10), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(11) support broadband access in the Appalachian region.".

(c) CONGRESSIONAL NOTIFICATION.—

(1) IN GENERAL.—Subchapter II of chapter 143 of subtitle IV of title 40, United States Code, is amended by adding at the end the following:

"§ 14323. Congressional notification

"(a) IN GENERAL.—In the case of a project described in subsection (b), the Appalachian Regional Commission shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate notice of the award of a grant or other financial assistance not less than 3 full business days before awarding the grant or other financial assistance.

"(b) PROJECTS DESCRIBED.—A project referred to in subsection (a) is a project that the Appalachian Regional Commission has selected to receive a grant or other financial assistance under this subtitle in an amount not less than $50,000.".

(2) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 143 of subtitle IV of title 40, United States Code, is amended by adding at the end the following:

"14323. Congressional notification.".

(d) HIGH-SPEED BROADBAND DEPLOYMENT INITIATIVE.—Section 14509 of title 40, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to individuals or entities in the Appalachian region for projects and activities to increase affordable access to broadband networks throughout the Appalachian region.";

(2) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively;

(3) by inserting after subsection (a) the following:

"(b) ELIGIBLE PROJECTS AND ACTIVITIES.—A project or activity eligible to be carried out under this section is a project or activity—

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"(1) to conduct research, analysis, and training to increase broadband adoption efforts in the Appalachian region; or

"(2) for the construction and deployment of broadband service-related infrastructure in the Appalachian region.";

(4) in subsection (d) (as so redesignated), in the matter preceding paragraph (1), by striking "subsection (b)" and inserting "subsection (c)"; and

(5) by adding at the end the following:

"(f) REQUEST FOR DATA.—Before making a grant for a project or activity described in subsection (b)(2), the Appalachian Regional Commission shall request from the Federal Communications Commission, the National Telecommunications and Information Administration, the Economic Development Administration, and the Department of Agriculture data on—

"(1) the level and extent of broadband service that exists in the area proposed to be served by the broadband service-related infrastructure; and

"(2) the level and extent of broadband service that will be deployed in the area proposed to be served by the broadband service-related infrastructure pursuant to another Federal program.

"(g) REQUIREMENT.—For each fiscal year, not less than 65 percent of the amounts made available to carry out this section shall be used for grants for projects and activities described in subsection (b)(2).".

(e) APPALACHIAN REGIONAL ENERGY HUB INITIATIVE.—

(1) IN GENERAL.—Subchapter I of chapter 145 of subtitle IV of title 40, United States Code, is amended by adding at the end the following:

"§ 14511. Appalachian regional energy hub initiative

"(a) IN GENERAL.—The Appalachian Regional Commission may provide technical assistance to, make grants to, enter into contracts with, or otherwise provide amounts to individuals or entities in the Appalachian region for projects and activities—

"(1) to conduct research and analysis regarding the economic impact of an ethane storage hub in the Appalachian region that supports a more-effective energy market performance due to the scale of the project, such as a project with the capacity to store and distribute more than 100,000 barrels per day of hydrocarbon feedstock with a minimum gross heating value of 1,700 Btu per standard cubic foot;

"(2) with the potential to significantly contribute to the economic resilience of the area in which the project is located; and

"(3) that will help establish a regional energy hub in the Appalachian region for natural gas and natural gas liquids, including hydrogen produced from the steam methane reforming of natural gas feedstocks.

"(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any project or activity eligible for a grant under this section—

"(1) except as provided in paragraphs (2) and (3), not more than 50 percent may be provided from amounts made available to carry out this section;

"(2) in the case of a project or activity to be carried out in a county for which a distressed county designation is in effect under section 14526, not more than 80 percent may

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be provided from amounts made available to carry out this section; and

"(3) in the case of a project or activity to be carried out in a county for which an at-risk county designation is in effect under section 14526, not more than 70 percent may be provided from amounts made available to carry out this section.

"(c) SOURCES OF ASSISTANCE.—Subject to subsection (b), a grant provided under this section may be provided from amounts made available to carry out this section, in combination with amounts made available—

"(1) under any other Federal program; or

"(2) from any other source.

"(d) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Appalachian Regional Commission determines to be appropriate.".

(2) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 145 of title 40, United States Code, is amended by adding at the end the following:

"14511. Appalachian regional energy hub initiative.".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 14703 of title 40, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) $200,000,000 for each of fiscal years 2022 through 2026.";

(2) in subsection (c), by striking "$10,000,000 may be used to carry out section 14509 for each of fiscal years 2016 through 2021" and inserting "$20,000,000 may be used to carry out section 14509 for each of fiscal years 2022 through 2026";

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

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

"(d) APPALACHIAN REGIONAL ENERGY HUB INITIATIVE.—Of the amounts made available under subsection (a), $5,000,000 shall be used to carry out section 14511 for each of fiscal years 2022 through 2026.".

(g) TERMINATION.—Section 14704 of title 40, United States Code, is amended by striking "2021" and inserting "2026".

SEC. 11507. DENALI COMMISSION.

(a) DENALI ACCESS SYSTEM PROGRAM.—Notwithstanding subsection (j) of section 309 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277), there is authorized to be appropriated $20,000,000 for each of fiscal years 2022 through 2026 to carry out that section.

(b) TRANSFERS OF FUNDS.—Section 311(c) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

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"(3) notwithstanding any other provision of law, shall—

"(A) be treated as if directly appropriated to the Commission and subject to applicable provisions of this Act; and

"(B) not be subject to any requirements that applied to the funds before the transfer, including a requirement in an appropriations Act or a requirement or regulation of the Federal agency from which the funds are transferred.".

SEC. 11508. REQUIREMENTS FOR TRANSPORTATION PROJECTS CARRIED OUT THROUGH PUBLIC-PRIVATE PARTNERSHIPS.

(a) DEFINITIONS.—In this section:

(1) PROJECT.—The term "project" means a project (as defined in section 101 of title 23, United States Code) that—

(A) is carried out, in whole or in part, using Federal financial assistance; and

(B) has an estimated total cost of $100,000,000 or more.

(2) PUBLIC-PRIVATE PARTNERSHIP.—The term "public-private partnership" means an agreement between a public agency and a private entity to finance, build, and maintain or operate a project.

(b) REQUIREMENTS FOR PROJECTS CARRIED OUT THROUGH PUBLIC-PRIVATE PARTNERSHIPS.—With respect to a public-private partnership, as a condition of receiving Federal financial assistance for a project, the Secretary shall require the public partner, not later than 3 years after the date of opening of the project to traffic—

(1) to conduct a review of the project, including a review of the compliance of the private partner with the terms of the public-private partnership agreement;

(2)(A) to certify to the Secretary that the private partner of the public-private partnership is meeting the terms of the public-private partnership agreement for the project; or

(B) to notify the Secretary that the private partner of the public-private partnership has not met 1 or more of the terms of the public-private partnership agreement for the project, including a brief description of each violation of the public-private partnership agreement; and

(3) to make publicly available the certification or notification, as applicable, under paragraph (2) in a form that does not disclose any proprietary or confidential business information.

(c) NOTIFICATION.—If the Secretary provides Federal financial assistance to a project carried out through a public-private partnership, not later than 30 days after the date on which the Federal financial assistance is first obligated, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a notification of the Federal financial assistance made available for the project.

(d) VALUE FOR MONEY ANALYSIS.—

(1) PROJECT APPROVAL AND OVERSIGHT.—Section 106(h)(3) of title 23, United States Code, is amended—

(A) in subparagraph (C), by striking "and" at the end;

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(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

"(D) for a project in which the project sponsor intends to carry out the project through a public-private partnership agreement, shall include a detailed value for money analysis or similar comparative analysis for the project; and".

(2) SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.—Paragraph (21) of section 133(b) of title 23, United States Code (as redesignated by section 1109(a)(1)(C)), is amended by inserting ", including conducting value for money analyses or similar comparative analyses," after "oversight".

(3) TIFIA.—Section 602(a) of title 23, United States Code, is amended by adding at the end the following:

"(11) PUBLIC-PRIVATE PARTNERSHIPS.—In the case of a project to be carried out through a public-private partnership, the public partner shall have—

"(A) conducted a value for money analysis or similar comparative analysis; and

"(B) determined the appropriateness of the public-private partnership agreement.".

(e) APPLICABILITY.—This section and the amendments made by this section shall only apply to a public-private partnership agreement entered into on or after the date of enactment of this Act.

SEC. 11509. RECONNECTING COMMUNITIES PILOT PROGRAM.

(a) DEFINITION OF ELIGIBLE FACILITY.—

(1) IN GENERAL.—In this section, the term "eligible facility" means a highway or other transportation facility that creates a barrier to community connectivity, including barriers to mobility, access, or economic development, due to high speeds, grade separations, or other design factors.

(2) INCLUSIONS.—In this section, the term "eligible facility" may include—

(A) a limited access highway;

(B) a viaduct; and

(C) any other principal arterial facility.

(b) ESTABLISHMENT.—The Secretary shall establish a pilot program through which an eligible entity may apply for funding, in order to restore community connectivity—

(1) to study the feasibility and impacts of removing, retrofitting, or mitigating an existing eligible facility;

(2) to conduct planning activities necessary to design a project to remove, retrofit, or mitigate an existing eligible facility; and

(3) to conduct construction activities necessary to carry out a project to remove, retrofit, or mitigate an existing eligible facility.

(c) PLANNING GRANTS.—

(1) ELIGIBLE ENTITIES.—The Secretary may award a grant (referred to in this section as a "planning grant") to carry out planning activities described in paragraph (2) to—

(A) a State;

(B) a unit of local government;

(C) a Tribal government;

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(D) a metropolitan planning organization; and

(E) a nonprofit organization.

(2) ELIGIBLE ACTIVITIES DESCRIBED.—The planning activities referred to in paragraph (1) are—

(A) planning studies to evaluate the feasibility of removing, retrofitting, or mitigating an existing eligible facility to restore community connectivity, including evaluations of—

(i) current traffic patterns on the eligible facility proposed for removal, retrofit, or mitigation and the surrounding street network;

(ii) the capacity of existing transportation networks to maintain mobility needs;

(iii) an analysis of alternative roadway designs or other uses for the right-of-way of the eligible facility, including an analysis of whether the available right-of-way would suffice to create an alternative roadway design;

(iv) the effect of the removal, retrofit, or mitigation of the eligible facility on the mobility of freight and people;

(v) the effect of the removal, retrofit, or mitigation of the eligible facility on the safety of the traveling public;

(vi) the cost to remove, retrofit, or mitigate the eligible facility—

(I) to restore community connectivity; and

(II) to convert the eligible facility to a different roadway design or use, compared to any expected costs for necessary maintenance or reconstruction of the eligible facility;

(vii) the anticipated economic impact of removing, retrofitting, or mitigating and converting the eligible facility and any economic development opportunities that would be created by removing, retrofitting, or mitigating and converting the eligible facility; and

(viii) the environmental impacts of retaining or reconstructing the eligible facility and the anticipated effect of the proposed alternative use or roadway design;

(B) public engagement activities to provide opportunities for public input into a plan to remove and convert an eligible facility; and

(C) other transportation planning activities required in advance of a project to remove, retrofit, or mitigate an existing eligible facility to restore community connectivity, as determined by the Secretary.

(3) TECHNICAL ASSISTANCE PROGRAM.—

(A) IN GENERAL.—The Secretary may provide technical assistance described in subparagraph (B) to an eligible entity.

(B) TECHNICAL ASSISTANCE DESCRIBED.—The technical assistance referred to in subparagraph (A) is technical assistance in building organizational or community capacity—

(i) to engage in transportation planning; and

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(ii) to identify innovative solutions to infrastructure challenges, including reconnecting communities that—

(I) are bifurcated by eligible facilities; or

(II) lack safe, reliable, and affordable transportation choices.

(C) PRIORITIES.—In selecting recipients of technical assistance under subparagraph (A), the Secretary shall give priority to an application from a community that is economically disadvantaged.

(4) SELECTION.—The Secretary shall—

(A) solicit applications for—

(i) planning grants; and

(ii) technical assistance under paragraph (3); and

(B) evaluate applications for a planning grant on the basis of the demonstration by the applicant that—

(i) the eligible facility is aged and is likely to need replacement or significant reconstruction within the 20-year period beginning on the date of the submission of the application;

(ii) the eligible facility—

(I) creates barriers to mobility, access, or economic development; or

(II) is not justified by current and forecast future travel demand; and

(iii) on the basis of preliminary investigations into the feasibility of removing, retrofitting, or mitigating the eligible facility to restore community connectivity, further investigation is necessary and likely to be productive.

(5) AWARD AMOUNTS.—A planning grant may not exceed $2,000,000 per recipient.

(6) FEDERAL SHARE.—The total Federal share of the cost of a planning activity for which a planning grant is used shall not exceed 80 percent.

(d) CAPITAL CONSTRUCTION GRANTS.—

(1) ELIGIBLE ENTITIES.—The Secretary may award a grant (referred to in this section as a "capital construction grant") to the owner of an eligible facility to carry out an eligible project described in paragraph (3) for which all necessary feasibility studies and other planning activities have been completed.

(2) PARTNERSHIPS.—An owner of an eligible facility may, for the purposes of submitting an application for a capital construction grant, if applicable, partner with—

(A) a State;

(B) a unit of local government;

(C) a Tribal government;

(D) a metropolitan planning organization; or

(E) a nonprofit organization.

(3) ELIGIBLE PROJECTS.—A project eligible to be carried out with a capital construction grant includes—

(A) the removal, retrofit, or mitigation of an eligible facility; and

(B) the replacement of an eligible facility with a new facility that—

(i) restores community connectivity; and

(ii) is—

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(I) sensitive to the context of the surrounding community; and

(II) otherwise eligible for funding under title 23, United States Code.

(4) SELECTION.—The Secretary shall—

(A) solicit applications for capital construction grants; and

(B) evaluate applications on the basis of—

(i) the degree to which the project will improve mobility and access through the removal of barriers;

(ii) the appropriateness of removing, retrofitting, or mitigating the eligible facility, based on current traffic patterns and the ability of the replacement facility and the regional transportation network to absorb transportation demand and provide safe mobility and access;

(iii) the impact of the project on freight movement;

(iv) the results of a cost-benefit analysis of the project;

(v) the opportunities for inclusive economic development;

(vi) the degree to which the eligible facility is out of context with the current or planned land use;

(vii) the results of any feasibility study completed for the project; and

(viii) the plan of the applicant for—

(I) employing residents in the area impacted by the project through targeted hiring programs, in partnership with registered apprenticeship programs, if applicable; and

(II) contracting and subcontracting with disadvantaged business enterprises.

(5) MINIMUM AWARD AMOUNTS.—A capital construction grant shall be in an amount not less than $5,000,000 per recipient.

(6) FEDERAL SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), a capital construction grant may not exceed 50 percent of the total cost of the project for which the grant is awarded.

(B) MAXIMUM FEDERAL INVOLVEMENT.—Federal assistance other than a capital construction grant may be used to satisfy the non-Federal share of the cost of a project for which the grant is awarded, except that the total Federal assistance provided for a project for which the grant is awarded may not exceed 80 percent of the total cost of the project.

(7) COMMUNITY ADVISORY BOARD.—

(A) IN GENERAL.—To help achieve inclusive economic development benefits with respect to the project for which a grant is awarded, a grant recipient may form a community advisory board, which shall—

(i) facilitate community engagement with respect to the project; and

(ii) track progress with respect to commitments of the grant recipient to inclusive employment, contracting, and economic development under the project.

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(B) MEMBERSHIP.—If a grant recipient forms a community advisory board under subparagraph (A), the community advisory board shall be composed of representatives of—

(i) the community;

(ii) owners of businesses that serve the community;

(iii) labor organizations that represent workers that serve the community; and

(iv) State and local government.

(e) REPORTS.—

(1) USDOT REPORT ON PROGRAM.—Not later than January 1, 2026, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that evaluates the program under this section, including—

(A) information about the level of applicant interest in planning grants, technical assistance under subsection (c)(3), and capital construction grants, including the extent to which overall demand exceeded available funds; and

(B) for recipients of capital construction grants, the outcomes and impacts of the highway removal project, including—

(i) any changes in the overall level of mobility, congestion, access, and safety in the project area; and

(ii) environmental impacts and economic development opportunities in the project area.

(2) GAO REPORT ON HIGHWAY REMOVALS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall issue a report that—

(A) identifies examples of projects to remove highways using Federal highway funds;

(B) evaluates the effect of highway removal projects on the surrounding area, including impacts to the local economy, congestion effects, safety outcomes, and impacts on the movement of freight and people;

(C) evaluates the existing Federal-aid program eligibility under title 23, United States Code, for highway removal projects;

(D) analyzes the costs and benefits of and barriers to removing underutilized highways that are nearing the end of their useful life compared to replacing or reconstructing the highway; and

(E) provides recommendations for integrating those assessments into transportation planning and decision-making processes.

(f) TECHNICAL ASSISTANCE.—Of the funds made available to carry out this section for planning grants, the Secretary may use not more than $15,000,000 during the period of fiscal years 2022 through 2026 to provide technical assistance under subsection (c)(3).

(g) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under chapter 1 of title 23, United States Code.

SEC. 11510. CYBERSECURITY TOOL; CYBER COORDINATOR.

(a) DEFINITIONS.—In this section:

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(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Highway Administration.

(2) CYBER INCIDENT.—The term "cyber incident" has the meaning given the term "incident" in section 3552 of title 44, United States Code.

(3) TRANSPORTATION AUTHORITY.—The term "transportation authority" means—

(A) a public authority (as defined in section 101(a) of title 23, United States Code);

(B) an owner or operator of a highway (as defined in section 101(a) of title 23, United States Code);

(C) a manufacturer that manufactures a product related to transportation; and

(D) a division office of the Federal Highway Administration.

(b) CYBERSECURITY TOOL.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall develop a tool to assist transportation authorities in identifying, detecting, protecting against, responding to, and recovering from cyber incidents.

(2) REQUIREMENTS.—In developing the tool under paragraph (1), the Administrator shall—

(A) use the cybersecurity framework established by the National Institute of Standards and Technology and required by Executive Order 13636 of February 12, 2013 (78 Fed. Reg. 11739; relating to improving critical infrastructure cybersecurity);

(B) establish a structured cybersecurity assessment and development program;

(C) coordinate with the Transportation Security Administration and the Cybersecurity and Infrastructure Security Agency;

(D) consult with appropriate transportation authorities, operating agencies, industry stakeholders, and cybersecurity experts; and

(E) provide for a period of public comment and review on the tool.

(c) DESIGNATION OF CYBER COORDINATOR.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall designate an office as a "cyber coordinator", which shall be responsible for monitoring, alerting, and advising transportation authorities of cyber incidents.

(2) REQUIREMENTS.—The office designated under paragraph (1) shall, in coordination with the Transportation Security Administration and the Cybersecurity and Infrastructure Security Agency—

(A) provide to transportation authorities a secure method of notifying the Federal Highway Administration of cyber incidents;

(B) share the information collected under subparagraph (A) with the Transportation Security Administration and the Cybersecurity and Infrastructure Security Agency;

(C) monitor cyber incidents that affect transportation authorities;

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(D) alert transportation authorities to cyber incidents that affect those transportation authorities;

(E) investigate unaddressed cyber incidents that affect transportation authorities; and

(F) provide to transportation authorities educational resources, outreach, and awareness on fundamental principles and best practices in cybersecurity for transportation systems.

SEC. 11511. REPORT ON EMERGING ALTERNATIVE FUEL VEHICLES AND INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) EMERGING ALTERNATIVE FUEL VEHICLE.—The term "emerging alternative fuel vehicle" means a vehicle fueled by hydrogen, natural gas, or propane.

(2) EMERGING ALTERNATIVE FUELING INFRASTRUCTURE.—The term "emerging alternative fueling infrastructure" means infrastructure for fueling an emerging alternative fuel vehicle.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, to help guide future investments for emerging alternative fueling infrastructure, the Secretary shall submit to Congress and make publicly available a report that—

(1) includes an evaluation of emerging alternative fuel vehicles and projections for potential locations of emerging alternative fuel vehicle owners during the 5-year period beginning on the date of submission of the report;

(2) identifies areas where emerging alternative fueling infrastructure will be needed to meet the current and future needs of drivers during the 5-year period beginning on the date of submission of the report;

(3) identifies specific areas, such as a lack of pipeline infrastructure, that may impede deployment and adoption of emerging alternative fuel vehicles;

(4) includes a map that identifies concentrations of emerging alternative fuel vehicles to meet the needs of current and future emerging alternative fueling infrastructure;

(5) estimates the future need for emerging alternative fueling infrastructure to support the adoption and use of emerging alternative fuel vehicles; and

(6) includes a tool to allow States to compare and evaluate different adoption and use scenarios for emerging alternative fuel vehicles, with the ability to adjust factors to account for regionally specific characteristics.

SEC. 11512. NONHIGHWAY RECREATIONAL FUEL STUDY.

(a) DEFINITIONS.—In this section:

(1) HIGHWAY TRUST FUND.—The term "Highway Trust Fund" means the Highway Trust Fund established by section 9503(a) of the Internal Revenue Code of 1986.

(2) NONHIGHWAY RECREATIONAL FUEL TAXES.—The term "nonhighway recreational fuel taxes" means taxes under section 4041 and 4081 of the Internal Revenue Code of 1986 with respect to fuel used in vehicles on recreational trails or back country terrain (including vehicles registered for highway use when used on recreational trails, trail access roads not eligible for funding under title 23, United States Code, or back country terrain).

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(3) RECREATIONAL TRAILS PROGRAM.—The term "recreational trails program" means the recreational trails program under section 206 of title 23, United States Code.

(b) ASSESSMENT; REPORT.—

(1) ASSESSMENT.—Not later than 1 year after the date of enactment of this Act and not less frequently than once every 5 years thereafter, as determined by the Secretary, the Secretary shall carry out an assessment of the best available estimate of the total amount of nonhighway recreational fuel taxes received by the Secretary of the Treasury and transferred to the Highway Trust Fund for the period covered by the assessment.

(2) REPORT.—After carrying out each assessment under paragraph (1), the Secretary shall submit to the Committees on Finance and Environment and Public Works of the Senate and the Committees on Ways and Means and Transportation and Infrastructure of the House of Representatives a report that includes—

(A) to assist Congress in determining an appropriate funding level for the recreational trails program—

(i) a description of the results of the assessment; and

(ii) an evaluation of whether the current recreational trails program funding level reflects the amount of nonhighway recreational fuel taxes collected and transferred to the Highway Trust Fund; and

(B) in the case of the first report submitted under this paragraph, an estimate of the frequency with which the Secretary anticipates carrying out the assessment under paragraph (1), subject to the condition that such an assessment shall be carried out not less frequently than once every 5 years.

(c) CONSULTATION.—In carrying out an assessment under subsection (b)(1), the Secretary may consult with, as the Secretary determines to be appropriate—

(1) the heads of—

(A) State agencies designated by Governors pursuant to section 206(c)(1) of title 23, United States Code, to administer the recreational trails program; and

(B) division offices of the Department;

(2) the Secretary of the Treasury;

(3) the Administrator of the Federal Highway Administration; and

(4) groups representing recreational activities and interests, including hiking, biking and mountain biking, horseback riding, water trails, snowshoeing, cross-country skiing, snowmobiling, off-highway motorcycling, all-terrain vehicles and other offroad motorized vehicle activities, and recreational trail advocates.

SEC. 11513. BUY AMERICA.

Section 313 of title 23, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

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

"(g) WAIVERS.—

"(1) IN GENERAL.—Not less than 15 days before issuing a waiver under this section, the Secretary shall provide to the public—

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"(A) notice of the proposed waiver;

"(B) an opportunity for comment on the proposed waiver; and

"(C) the reasons for the proposed waiver.

"(2) REPORT.—Not less frequently than annually, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the waivers provided under this section.".

SEC. 11514. HIGH PRIORITY CORRIDORS ON THE NATIONAL HIGHWAY SYSTEM.

(a) HIGH PRIORITY CORRIDORS.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2032; 133 Stat. 3018) is amended—

(1) by striking paragraph (84) and inserting the following:

"(84) The Central Texas Corridor, including the route—

"(A) commencing in the vicinity of Texas Highway 338 in Odessa, Texas, running eastward generally following Interstate Route 20, connecting to Texas Highway 158 in the vicinity of Midland, Texas, then following Texas Highway 158 eastward to United States Route 87 and then following United States Route 87 southeastward, passing in the vicinity of San Angelo, Texas, and connecting to United States Route 190 in the vicinity of Brady, Texas;

"(B) commencing at the intersection of Interstate Route 10 and United States Route 190 in Pecos County, Texas, and following United States Route 190 to Brady, Texas;

"(C) following portions of United States Route 190 eastward, passing in the vicinity of Fort Hood, Killeen, Belton, Temple, Bryan, College Station, Huntsville, Livingston, Woodville, and Jasper, to the logical terminus of Texas Highway 63 at the Sabine River Bridge at Burrs Crossing and including a loop generally encircling Bryan/College Station, Texas;

"(D) following United States Route 83 southward from the vicinity of Eden, Texas, to a logical connection to Interstate Route 10 at Junction, Texas;

"(E) following United States Route 69 from Interstate Route 10 in Beaumont, Texas, north to United States Route 190 in the vicinity of Woodville, Texas;

"(F) following United States Route 96 from Interstate Route 10 in Beaumont, Texas, north to United States Route 190 in the vicinity of Jasper, Texas; and

"(G) following United States Route 190, State Highway 305, and United States Route 385 from Interstate Route 10 in Pecos County, Texas, to Interstate 20 at Odessa, Texas."; and

(2) by adding at the end the following:

"(92) United States Route 421 from the interchange with Interstate Route 85 in Greensboro, North Carolina, to the interchange with Interstate Route 95 in Dunn, North Carolina.

"(93) The South Mississippi Corridor from the Louisiana and Mississippi border near Natchez, Mississippi, to Gulfport, Mississippi, shall generally follow—

"(A) United States Route 84 from the Louisiana border at the Mississippi River passing in the vicinity of Natchez,

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Brookhaven, Monticello, Prentiss, and Collins, Mississippi, to the logical terminus with Interstate Route 59 in the vicinity of Laurel, Mississippi, and continuing on Interstate Route 59 south to the vicinity of Hattiesburg, Mississippi; and

"(B) United States Route 49 from the vicinity of Hattiesburg, Mississippi, south to Interstate Route 10 in the vicinity of Gulfport, Mississippi, following Mississippi Route 601 south and terminating near the Mississippi State Port at Gulfport.

"(94) The Kosciusko to Gulf Coast corridor commencing at the logical terminus of Interstate Route 55 near Vaiden, Mississippi, running south and passing east of the vicinity of the Jackson Urbanized Area, connecting to United States Route 49 north of Hattiesburg, Mississippi, and generally following United States Route 49 to a logical connection with Interstate Route 10 in the vicinity of Gulfport, Mississippi.

"(95) The Interstate Route 22 spur from the vicinity of Tupelo, Mississippi, running south generally along United States Route 45 to the vicinity of Shannon, Mississippi.

"(96) The route that generally follows United States Route 412 from its intersection with Interstate Route 35 in Noble County, Oklahoma, passing through Tulsa, Oklahoma, to its intersection with Interstate Route 49 in Springdale, Arkansas.

"(97) The Louie B. Nunn Cumberland Expressway from the interchange with Interstate Route 65 in Barren County, Kentucky, east to the interchange with United States Highway 27 in Somerset, Kentucky.

"(98) The route that generally follows State Route 7 from Grenada, Mississippi, to Holly Springs, Mississippi, passing in the vicinity of Coffeeville, Water Valley, Oxford, and Abbeville, Mississippi, to its logical connection with Interstate Route 22 in the vicinity of Holly Springs, Mississippi.

"(99) The Central Louisiana Corridor commencing at the logical terminus of Louisiana Highway 8 at the Sabine River Bridge at Burrs Crossing and generally following portions of Louisiana Highway 8 to Leesville, Louisiana, and then eastward on Louisiana Highway 28, passing in the vicinity of Alexandria, Pineville, Walters, and Archie, to the logical terminus of United States Route 84 at the Mississippi River Bridge at Vidalia, Louisiana.

"(100) The Central Mississippi Corridor, including the route—

"(A) commencing at the logical terminus of United States Route 84 at the Mississippi River and then generally following portions of United States Route 84 passing in the vicinity of Natchez, Brookhaven, Monticello, Prentiss, and Collins, to Interstate Route 59 in the vicinity of Laurel, Mississippi, and continuing on Interstate Route 59 north to Interstate Route 20 and on Interstate Route 20 to the Mississippi–Alabama State border; and

"(B) commencing in the vicinity of Laurel, Mississippi, running south on Interstate Route 59 to United States Route 98 in the vicinity of Hattiesburg, connecting to United States Route 49 south then following United States Route 49 south to Interstate Route 10 in the vicinity of

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Gulfport and following Mississippi Route 601 southerly terminating near the Mississippi State Port at Gulfport.

"(101) The Middle Alabama Corridor including the route—

"(A) beginning at the Alabama–Mississippi border generally following portions of I–20 until following a new interstate extension paralleling United States Highway 80, specifically—

"(B) crossing Alabama Route 28 near Coatopa, Alabama, traveling eastward crossing United States Highway 43 and Alabama Route 69 near Selma, Alabama, traveling eastwards closely paralleling United States Highway 80 to the south crossing over Alabama Routes 22, 41, and 21, until its intersection with I–65 near Hope Hull, Alabama;

"(C) continuing east along the proposed Montgomery Outer Loop south of Montgomery, Alabama where it would next join with I–85 east of Montgomery, Alabama;

"(D) continuing along I–85 east bound until its intersection with United States Highway 280 near Opelika, Alabama or United States Highway 80 near Tuskegee, Alabama;

"(E) generally following the most expedient route until intersecting with existing United States Highway 80 (JR Allen Parkway) through Phenix City until continuing into Columbus, Georgia.

"(102) The Middle Georgia Corridor including the route—

"(A) beginning at the Alabama–Georgia Border generally following the Fall Line Freeway from Columbus, Georgia to Augusta, Georgia, specifically—

"(B) travelling along United States Route 80 (JR Allen Parkway) through Columbus, Georgia and near Fort Benning, Georgia, east to Talbot County, Georgia where it would follow Georgia Route 96, then commencing on Georgia Route 49C (Fort Valley Bypass) to Georgia Route 49 (Peach Parkway) to its intersection with Interstate Route 75 in Byron, Georgia;

"(C) continuing north along Interstate Route 75 through Warner Robins and Macon, Georgia where it would meet Interstate Route 16, then following Interstate Route 16 east it would next join United States Route 80 and then onto State Route 57;

"(D) commencing with State Route 57 which turns into State Route 24 near Milledgeville, Georgia would then bypass Wrens, Georgia with a newly constructed bypass, and after the bypass it would join United States Route 1 near Fort Gordon into Augusta, Georgia where it will terminate at Interstate Route 520.".

(b) DESIGNATION AS FUTURE INTERSTATES.—Section 1105(e)(5)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 109 Stat. 597; 133 Stat. 3018) is amended in the first sentence—

(1) by inserting "subsection (c)(84)," after "subsection (c)(83),"; and

(2) by striking "and subsection (c)(91)" and inserting "subsection (c)(91), subsection (c)(92), subsection (c)(93)(A), subsection (c)(94), subsection (c)(95), subsection (c)(96), subsection

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(c)(97), subsection (c)(99), subsection (c)(100), subsection (c)(101), and subsection (c)(102)".

(c) NUMBERING OF PARKWAY.—Section 1105(e)(5)(C)(i) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 109 Stat. 598; 133 Stat. 3018) is amended—

(1) by striking the fifteenth sentence and inserting the following: "The route referred to in subsection (c)(84)(A) is designated as Interstate Route I–14 North. The route referred to in subsection (c)(84)(B) is designated as Interstate Route I–14 South. The Bryan/College Station, Texas loop referred to in subsection (c)(84)(C) is designated as Interstate Route I–214."; and

(2) by adding at the end the following: "The route referred to in subsection (c)(97) is designated as Interstate Route I–365. The routes referred to in subsections (c)(84)(C), (c)(99), (c)(100), (c)(101), and (c)(102) are designated as Interstate Route I–14. The routes referred to in subparagraphs (D), (E), (F), and (G) of subsection (c)(84) and subparagraph (B) of subsection (c)(100) shall each be given separate Interstate route numbers.".

(d) GAO REPORT ON DESIGNATION OF SEGMENTS AS PART OF INTERSTATE SYSTEM.—

(1) DEFINITION OF APPLICABLE SEGMENT.—In this subsection, the term "applicable segment" means the route described in paragraph (92) of section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2032).

(2) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date on which the applicable segment is open for operations as part of the Interstate System, the Comptroller General of the United States shall submit to Congress a report on the impact, if any, during that 2-year period of allowing the continuation of weight limits that applied before the designation of the applicable segment as a route on the Interstate System.

(B) REQUIREMENTS.—The report under subparagraph (A) shall—

(i) be informed by the views and documentation provided by the State highway agency (or equivalent agency) in the State in which the applicable segment is located;

(ii) describe any impacts on safety and infrastructure on the applicable segment;

(iii) describe any view of the State highway agency (or equivalent agency) in the State in which the applicable segment is located on the impact of the applicable segment; and

(iv) focus only on the applicable segment.

SEC. 11515. INTERSTATE WEIGHT LIMITS.

Section 127 of title 23, United States Code, is amended—

(1) in subsection (l)(3)(A)—

(A) in the matter preceding clause (i), in the first sentence, by striking "clauses (i) through (iv) of this subparagraph" and inserting "clauses (i) through (v)"; and

(B) by adding at the end the following:

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"(v) The Louie B. Nunn Cumberland Expressway (to be designated as a spur of Interstate Route 65) from the interchange with Interstate Route 65 in Barren County, Kentucky, east to the interchange with United States Highway 27 in Somerset, Kentucky."; and

(2) by adding at the end the following:

"(v) OPERATION OF VEHICLES ON CERTAIN NORTH CAROLINA HIGHWAYS.—If any segment in the State of North Carolina of United States Route 17, United States Route 29, United States Route 52, United States Route 64, United States Route 70, United States Route 74, United States Route 117, United States Route 220, United States Route 264, or United States Route 421 is designated as a route on the Interstate System, a vehicle that could operate legally on that segment before the date of such designation may continue to operate on that segment, without regard to any requirement under subsection (a).

"(w) OPERATION OF VEHICLES ON CERTAIN OKLAHOMA HIGHWAYS.—If any segment of the highway referred to in paragraph (96) of section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2032) is designated as a route on the Interstate System, a vehicle that could operate legally on that segment before the date of such designation may continue to operate on that segment, without any regard to any requirement under this section.".

SEC. 11516. REPORT ON AIR QUALITY IMPROVEMENTS.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report that evaluates the congestion mitigation and air quality improvement program under section 149 of title 23, United States Code (referred to in this section as the "program"), to—

(1) the Committee on Environment and Public Works of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

(b) CONTENTS.—The evaluation under subsection (a) shall include an evaluation of—

(1) the reductions of ozone, carbon monoxide, and particulate matter that result from projects under the program;

(2) the cost-effectiveness of the reductions described in paragraph (1);

(3) the result of investments of funding under the program in minority and low-income communities that are disproportionately affected by ozone, carbon monoxide, and particulate matter;

(4) the effectiveness, with respect to the attainment or maintenance of national ambient air quality standards under section 109 of the Clean Air Act (42 U.S.C. 7409) for ozone, carbon monoxide, and particulate matter, of performance measures established under section 150(c)(5) of title 23, United States Code, and performance targets established under subsection (d) of that section for traffic congestion and on-road mobile source emissions;

(5) the extent to which there are any types of projects that are not eligible funding under the program that would

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be likely to contribute to the attainment or maintenance of the national ambient air quality standards described in paragraph (4); and

(6) the extent to which projects under the program reduce sulfur dioxide, nitrogen dioxide, and lead.

SEC. 11517. ROADSIDE HIGHWAY SAFETY HARDWARE.

(a) IN GENERAL.—To the maximum extent practicable, the Secretary shall develop a process for third party verification of full-scale crash testing results from crash test labs, including a method for formally verifying the testing outcomes and providing for an independent pass/fail determination. In establishing such a process, the Secretary shall seek to ensure the independence of crash test labs by ensuring that those labs have a clear separation between device development and testing in cases in which lab employees test devices that were developed within the parent organization of the employee.

(b) CONTINUED ISSUANCE OF ELIGIBILITY LETTERS.—Until the implementation of the process described in subsection (a) is complete, the Secretary may, and is encouraged to, ensure that the Administrator of the Federal Highway Administration continues to issue Federal-aid reimbursement eligibility letters for roadside safety hardware as a service to States.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—If the Secretary seeks to discontinue issuing the letters described in subsection (b), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report at least 1 year before discontinuing the letters.

(2) INCLUSIONS.—The report described in paragraph (1) shall include a summary of the third-party verification process described in subsection (a) that will replace the Federal Highway Administration issuance of eligibility letters and any other relevant information that the Secretary deems necessary.

SEC. 11518. PERMEABLE PAVEMENTS STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall carry out a study—

(1) to gather existing information on the effects of permeable pavements on flood control in different contexts, including in urban areas, and over the lifetime of the permeable pavement;

(2) to perform research to fill gaps in the existing information gathered under paragraph (1); and

(3) to develop—

(A) models for the performance of permeable pavements in flood control; and

(B) best practices for designing permeable pavement to meet flood control requirements.

(b) DATA SURVEY.—In carrying out the study under subsection (a), the Secretary shall develop—

(1) a summary, based on available literature and models, of localized flood control capabilities of permeable pavement that considers long-term performance and cost information; and

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(2) best practices for the design of localized flood control using permeable pavement that considers long-term performance and cost information.

(c) PUBLICATION.—The Secretary shall make a report describing the results of the study under subsection (a) publicly available.

SEC. 11519. EMERGENCY RELIEF PROJECTS.

(a) DEFINITION OF EMERGENCY RELIEF PROJECT.—In this section, the term "emergency relief project" means a project carried out under the emergency relief program under section 125 of title 23, United States Code.

(b) IMPROVING THE EMERGENCY RELIEF PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Secretary shall—

(1) revise the emergency relief manual of the Federal Highway Administration—

(A) to include and reflect the definition of the term "resilience" (as defined in section 101(a) of title 23, United States Code);

(B) to identify procedures that States may use to incorporate resilience into emergency relief projects; and

(C) to encourage the use of Complete Streets design principles and consideration of access for moderate- and low-income families impacted by a declared disaster;

(2) develop best practices for improving the use of resilience in—

(A) the emergency relief program under section 125 of title 23, United States Code; and

(B) emergency relief efforts;

(3) provide to division offices of the Federal Highway Administration and State departments of transportation information on the best practices developed under paragraph (2); and

(4) develop and implement a process to track—

(A) the consideration of resilience as part of the emergency relief program under section 125 of title 23, United States Code; and

(B) the costs of emergency relief projects.

SEC. 11520. STUDY ON STORMWATER BEST MANAGEMENT PRACTICES.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary and the Administrator of the Environment Protection Agency shall offer to enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct a study—

(1) to estimate pollutant loads from stormwater runoff from highways and pedestrian facilities eligible for assistance under title 23, United States Code, to inform the development of appropriate total maximum daily load (as defined in section 130.2 of title 40, Code of Federal Regulations (or successor regulations)) requirements;

(2) to provide recommendations regarding the evaluation and selection by State departments of transportation of potential stormwater management and total maximum daily load compliance strategies within a watershed, including environmental restoration and pollution abatement carried out under

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section 328 of title 23, United States Code (including any revisions to law (including regulations) that the Transportation Research Board determines to be appropriate); and

(3) to examine the potential for the Secretary to assist State departments of transportation in carrying out and communicating stormwater management practices for highways and pedestrian facilities that are eligible for assistance under title 23, United States Code, through information-sharing agreements, database assistance, or an administrative platform to provide the information described in paragraphs (1) and (2) to entities issued permits under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(b) REQUIREMENTS.—If the Transportation Research Board enters into an agreement under subsection (a), in conducting the study under that subsection, the Transportation Research Board shall—

(1) review and supplement, as appropriate, the methodologies examined and recommended in the report of the National Academies of Sciences, Engineering, and Medicine entitled "Approaches for Determining and Complying with TMDL Requirements Related to Roadway Stormwater Runoff" and dated 2019;

(2) consult with—

(A) the Secretary;

(B) the Administrator of the Environmental Protection Agency;

(C) the Secretary of the Army, acting through the Chief of Engineers; and

(D) State departments of transportation; and

(3) solicit input from—

(A) stakeholders with experience in implementing stormwater management practices for projects; and

(B) educational and technical stormwater management groups.

(c) REPORT.—If the Transportation Research Board enters into an agreement under subsection (a), not later than 18 months after the date of enactment of this Act, the Transportation Research Board shall submit to the Secretary, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the study.

SEC. 11521. STORMWATER BEST MANAGEMENT PRACTICES REPORTS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Highway Administration.

(2) BEST MANAGEMENT PRACTICES REPORT.—The term "best management practices report" means—

(A) the 2014 report sponsored by the Administrator entitled "Determining the State of the Practice in Data Collection and Performance Measurement of Stormwater Best Management Practices"; and

(B) the 1997 report sponsored by the Administrator entitled "Stormwater Best Management Practices in an Ultra-Urban Setting: Selection and Monitoring".

(b) REISSUANCE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall update and reissue each

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best management practices report to reflect new information and advancements in stormwater management.

(c) UPDATES.—Not less frequently than once every 5 years after the date on which the Administrator reissues a best management practices report described in subsection (b), the Administrator shall update and reissue the best management practices report until the earlier of the date on which—

(1) the best management practices report is withdrawn; or

(2) the contents of the best management practices report are incorporated (including by reference) into applicable regulations of the Administrator.

SEC. 11522. INVASIVE PLANT ELIMINATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) INVASIVE PLANT.—The term "invasive plant" means a nonnative plant, tree, grass, or weed species, including, at a minimum, cheatgrass, Ventenata dubia, medusahead, bulbous bluegrass, Japanese brome, rattail fescue, Japanese honeysuckle, phragmites, autumn olive, Bradford pear, wild parsnip, sericea lespedeza, spotted knapweed, garlic mustard, and palmer amaranth.

(2) PROGRAM.—The term "program" means the grant program established under subsection (b).

(3) TRANSPORTATION CORRIDOR.—The term "transportation corridor" means a road, highway, railroad, or other surface transportation route.

(b) ESTABLISHMENT.—The Secretary shall carry out a program to provide grants to States to eliminate or control existing invasive plants or prevent introduction of or encroachment by new invasive plants along and in areas adjacent to transportation corridor rights-of-way.

(c) APPLICATION.—To be eligible to receive a grant under the program, a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(d) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Subject to this subsection, a State that receives a grant under the program may use the grant funds to carry out activities to eliminate or control existing invasive plants or prevent introduction of or encroachment by new invasive plants along and in areas adjacent to transportation corridor rights-of-way.

(2) PRIORITIZATION OF PROJECTS.—In carrying out the program, the Secretary shall give priority to projects that utilize revegetation with native plants and wildflowers, including those that are pollinator-friendly.

(3) PROHIBITION ON CERTAIN USES OF FUNDS.—Amounts provided to a State under the program may not be used for costs relating to mowing a transportation corridor right-of-way or the adjacent area unless—

(A) mowing is identified as the best means of treatment according to best management practices; or

(B) mowing is used in conjunction with another treatment.

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(4) LIMITATION.—Not more than 10 percent of the amounts provided to a State under the program may be used for the purchase of equipment.

(5) ADMINISTRATIVE AND INDIRECT COSTS.—Not more than 5 percent of the amounts provided to a State under the program may be used for the administrative and other indirect costs (such as full time employee salaries, rent, insurance, subscriptions, utilities, and office supplies) of carrying out eligible activities.

(e) REQUIREMENTS.—

(1) COORDINATION.—In carrying out eligible activities with a grant under the program, a State shall coordinate with—

(A) units of local government, political subdivisions of the State, and Tribal authorities that are carrying out eligible activities in the areas to be treated;

(B) local regulatory authorities, in the case of a treatment along or adjacent to a railroad right-of-way; and

(C) with respect to the most effective roadside control methods, State and Federal land management agencies and any relevant Tribal authorities.

(2) ANNUAL REPORT.—Not later than 1 year after the date on which a State receives a grant under the program, and annually thereafter, that State shall provide to the Secretary an annual report on the treatments carried out using funds from the grant.

(f) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of an eligible activity carried out using funds from a grant under the program shall be—

(A) in the case of a project that utilizes revegetation with native plants and wildflowers, including those that are pollinator-friendly, 75 percent; and

(B) in the case of any other project not described in subparagraph (A), 50 percent.

(2) CERTAIN FUNDS COUNTED TOWARD NON-FEDERAL SHARE.—A State may include amounts expended by the State or a unit of local government in the State to address current invasive plant populations and prevent future infestation along or in areas adjacent to transportation corridor rights-of-way in calculating the non-Federal share required under the program.

(g) FUNDING.—There is authorized to be appropriated to carry out the program $50,000,000 for each of fiscal years 2022 through 2026.

SEC. 11523. OVER-THE-ROAD BUS TOLLING EQUITY.

Section 129(a) of title 23, United States Code, is amended—

(1) in paragraph (3)(B)(i), by inserting ", together with the results of the audit under paragraph (9)(C)," after "the audits"; and

(2) in paragraph (9)—

(A) by striking "An over-the-road" and inserting the following:

"(A) IN GENERAL.—An over-the-road";

(B) in subparagraph (A) (as so designated), by striking "public transportation buses" and inserting "public transportation vehicles"; and

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(C) by adding at the end the following:

"(B) REPORTS.—

"(i) IN GENERAL.—Not later than 90 days after the date of enactment of this subparagraph, a public authority that operates a toll facility shall report to the Secretary any rates, terms, or conditions for access to the toll facility by public transportation vehicles that differ from the rates, terms, or conditions applicable to over-the-road buses.

"(ii) UPDATES.—A public authority that operates a toll facility shall report to the Secretary any change to the rates, terms, or conditions for access to the toll facility by public transportation vehicles that differ from the rates, terms, or conditions applicable to over-the-road buses by not later than 30 days after the date on which the change takes effect.

"(iii) PUBLICATION.—The Secretary shall publish information reported to the Secretary under clauses (i) and (ii) on a publicly accessible internet website.

"(C) ANNUAL AUDIT.—

"(i) IN GENERAL.—A public authority (as defined in section 101(a)) with jurisdiction over a toll facility shall—

"(I) conduct or have an independent auditor conduct an annual audit of toll facility records to verify compliance with this paragraph; and

"(II) report the results of the audit, together with the results of the audit under paragraph (3)(B), to the Secretary.

"(ii) RECORDS.—After providing reasonable notice, a public authority described in clause (i) shall make all records of the public authority pertaining to the toll facility available for audit by the Secretary.

"(iii) NONCOMPLIANCE.—If the Secretary determines that a public authority described in clause (i) has not complied with this paragraph, the Secretary may require the public authority to discontinue collecting tolls until an agreement with the Secretary is reached to achieve compliance.".

SEC. 11524. BRIDGE TERMINOLOGY.

(a) CONDITION OF NHS BRIDGES.—Section 119(f)(2) of title 23, United States Code, is amended by striking "structurally deficient" each place it appears and inserting "in poor condition".

(b) NATIONAL BRIDGE AND TUNNEL INVENTORIES.—Section 144(b)(5) of title 23, United States Code, is amended by striking "structurally deficient bridge" and inserting "bridge classified as in poor condition".

(c) TRIBAL TRANSPORTATION FACILITY BRIDGES.—Section 202(d) of title 23, United States Code, is amended—

(1) in paragraph (1), by striking "deficient bridges eligible for the tribal transportation program" and inserting "bridges eligible for the tribal transportation program classified as in poor condition, having low load capacity, or needing geometric improvements"; and

(2) in paragraph (3)(C), by striking "structurally deficient or functionally obsolete" and inserting "classified as in poor

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condition, having a low load capacity, or needing geometric improvements".

SEC. 11525. TECHNICAL CORRECTIONS.

(a) Section 101(b)(1) of title 23, United States Code, is amended by inserting "Highways" after "and Defense".

(b) Section 104(f)(3) of title 23, United States Code, is amended—

(1) in the paragraph heading, by striking "FEDERAL HIGHWAY ADMINISTRATION" and inserting "AN OPERATING ADMINISTRATION OF THE DEPARTMENT OF TRANSPORTATION"; and

(2) in subparagraph (A), by striking "the Federal Highway Administration" and inserting "an operating administration of the Department of Transportation".

(c) Section 108(c)(3)(F) of title 23, United States Code, is amended—

(1) by inserting "of 1969 (42 U.S.C. 4321 et seq.)" after "Policy Act"; and

(2) by striking "this Act" and inserting "this title".

(d) Section 112(b)(2) of title 23, United States Code, is amended by striking "(F) (F) Subparagraphs" and inserting the following: "(F) EXCLUSION.—Subparagraphs".

(e) Section 115(c) of title 23, United States Code, is amended by striking "section 135(f)" and inserting "section 135(g)".

(f) Section 130(g) of title 23, United States Code, is amended—

(1) in the third sentence—

(A) by striking "and Transportation," and inserting "and Transportation"; and

(B) by striking "thereafter,," and inserting "thereafter,"; and

(2) in the fifth sentence, by striking "railroad highway" and inserting "railway-highway".

(g) Section 135(g) of title 23, United States Code, is amended—

(1) in paragraph (3), by striking "operators),," and inserting "operators),"; and

(2) in paragraph (6)(B), by striking "5310, 5311, 5316, and 5317" and inserting "5310 and 5311".

(h) Section 139 of title 23, United States Code (as amended by section 11301), is amended—

(1) in subsection (b)(1), by inserting "(42 U.S.C. 4321 et seq.)" after "of 1969";

(2) in subsection (c), by inserting "(42 U.S.C. 4321 et seq.)" after "of 1969" each place it appears; and

(3) in subsection (k)(2), by inserting "(42 U.S.C. 4321 et seq.)" after "of 1969".

(i) Section 140(a) of title 23, United States Code, is amended, in the third sentence, by inserting a comma after "Secretary".

(j) Section 148(i)(2)(D) of title 23, United States Code, is amended by striking "safety safety" and inserting "safety".

(k) Section 166(a)(1) of title 23, United States Code, is amended by striking the paragraph designation and heading and all that follows through "A public authority" and inserting the following: "(1) AUTHORITY OF PUBLIC AUTHORITIES.—A public authority".

(l) Section 201(c)(6)(A)(ii) of title 23, United States Code, is amended by striking "(25 U.S.C. 450 et seq.)" and inserting "(25 U.S.C. 5301 et seq.)".

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(m) Section 202 of title 23, United States Code, is amended—

(1) by striking "(25 U.S.C. 450 et seq.)" each place it appears and inserting "(25 U.S.C. 5301 et seq.)";

(2) in subsection (a)(10)(B), by striking "(25 U.S.C. 450e(b))" and inserting "(25 U.S.C. 5307(b))"; and

(3) in subsection (b)(5), in the matter preceding subparagraph (A), by inserting "the" after "agreement under".

(n) Section 206(d)(2)(G) of title 23, United States Code, is amended by striking "use of recreational trails" and inserting "uses of recreational trails".

(o) Section 207 of title 23, United States Code, is amended—

(1) in subsection (g)—

(A) by striking "(25 U.S.C. 450j–1)" and inserting "(25 U.S.C. 5325)"; and

(B) by striking "(25 U.S.C. 450j–1(f))" and inserting "(25 U.S.C. 5325(f))";

(2) in subsection (l)—

(A) in paragraph (1), by striking "(25 U.S.C. 458aaa–5)" and inserting "(25 U.S.C. 5386)";

(B) in paragraph (2), by striking "(25 U.S.C. 458aaa–6)" and inserting "(25 U.S.C. 5387)";

(C) in paragraph (3), by striking "(25 U.S.C. 458aaa–7)" and inserting "(25 U.S.C. 5388)";

(D) in paragraph (4), by striking "(25 U.S.C. 458aaa–9)" and inserting "(25 U.S.C. 5390)";

(E) in paragraph (5), by striking "(25 U.S.C. 458aaa–10)" and inserting "(25 U.S.C. 5391)";

(F) in paragraph (6), by striking "(25 U.S.C. 458aaa–11)" and inserting "(25 U.S.C. 5392)";

(G) in paragraph (7), by striking "(25 U.S.C. 458aaa–14)" and inserting "(25 U.S.C. 5395)";

(H) in paragraph (8), by striking "(25 U.S.C. 458aaa–15)" and inserting "(25 U.S.C. 5396)"; and

(I) in paragraph (9), by striking "(25 U.S.C. 458aaa–17)" and inserting "(25 U.S.C. 5398)"; and

(3) in subsection (m)(2)—

(A) by striking "505" and inserting "501"; and

(B) by striking "(25 U.S.C. 450b; 458aaa)" and inserting "(25 U.S.C. 5304; 5381)".

(p) Section 217(d) of title 23, United States Code, is amended by striking "104(b)(3)" and inserting "104(b)(4)".

(q) Section 323(d) of title 23, United States Code, is amended in the matter preceding paragraph (1), in the second sentence, by inserting "(42 U.S.C. 4321 et seq.)" after "of 1969".

(r) Section 325 of title 23, United States Code, is repealed.

(s) Section 504(g)(6) of title 23, United States Code, is amended by striking "make grants or to" and inserting "make grants to".

(t) The analysis for chapter 3 of title 23, United States Code, is amended by striking the item relating to section 325.

SEC. 11526. WORKING GROUP ON COVERED RESOURCES.

(a) DEFINITIONS.—In this section:

(1) COVERED RESOURCE.—The term "covered resource" means a common variety material used in transportation infrastructure construction and maintenance, including stone, sand, and gravel.

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(2) STATE.—The term "State" means each of the several States, the District of Columbia, and each territory or possession of the United States.

(3) WORKING GROUP.—The term "Working Group" means the working group established under subsection (b).

(b) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish a working group to conduct a study on access to covered resources for infrastructure projects.

(c) MEMBERSHIP.—

(1) APPOINTMENT.—The Secretary shall appoint to the Working Group individuals with knowledge and expertise in the production and transportation of covered resources.

(2) REPRESENTATION.—The Working Group shall include not less than 1 representative of each of the following:

(A) State departments of transportation.

(B) State agencies associated with covered resources protection.

(C) State planning and geologic survey and mapping agencies.

(D) Commercial motor vehicle operators, including small business operators and operators who transport covered resources.

(E) Covered resources producers.

(F) Construction contractors.

(G) Labor organizations.

(H) Metropolitan planning organizations and regional planning organizations.

(I) Indian Tribes, including Tribal elected leadership or Tribal transportation officials.

(J) Any other stakeholders that the Secretary determines appropriate.

(3) TERMINATION.—The Working Group shall terminate 180 days after the date on which the Secretary receives the report under subsection (f)(1).

(d) DUTIES.—In carrying out the study required under subsection (b), the Working Group shall analyze—

(1) the use of covered resources in transportation projects funded with Federal dollars;

(2) how the proximity of covered resources to such projects affects the cost and environmental impact of those projects;

(3) whether and how State, Tribal, and local transportation and planning agencies consider covered resources when developing transportation projects; and

(4) any challenges for transportation project sponsors regarding access and proximity to covered resources.

(e) CONSULTATION.—In carrying out the study required under subsection (b), the Working Group shall consult with, as appropriate—

(1) chief executive officers of States;

(2) State, Tribal, and local transportation and planning agencies;

(3) other relevant State, Tribal, and local agencies, including State agencies associated with covered resources protection;

(4) members of the public with industry experience with respect to covered resources;

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(5) other Federal entities that provide funding for transportation projects; and

(6) any other stakeholder the Working Group determines appropriate.

(f) REPORTS.—

(1) WORKING GROUP REPORT.—Not later than 2 years after the date on which the Working Group is established, the Working Group shall submit to the Secretary a report that includes—

(A) the findings of the study required under subsection (b), including a summary of comments received during the consultation process under subsection (e); and

(B) any recommendations to preserve access to and reduce the costs and environmental impacts of covered resources for infrastructure projects.

(2) DEPARTMENTAL REPORT.—Not later than 90 days after the date on which the Secretary receives the report under paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a summary of the findings under the report and any recommendations, as appropriate.

SEC. 11527. BLOOD TRANSPORT VEHICLES.

Section 166(b) of title 23, United States Code, is amended by adding at the end the following:

"(6) BLOOD TRANSPORT VEHICLES.—The public authority may allow blood transport vehicles that are transporting blood between a collection point and a hospital or storage center to use the HOV facility if the public authority establishes requirements for clearly identifying such vehicles.".

SEC. 11528. POLLINATOR-FRIENDLY PRACTICES ON ROADSIDES AND HIGHWAY RIGHTS-OF-WAY.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code (as amended by section 11309(a)), is amended by adding at the end the following:

"§ 332. Pollinator-friendly practices on roadsides and highway rights-of-way

"(a) IN GENERAL.—The Secretary shall establish a program to provide grants to eligible entities to carry out activities to benefit pollinators on roadsides and highway rights-of-way, including the planting and seeding of native, locally-appropriate grasses and wildflowers, including milkweed.

"(b) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under this section is—

"(1) a State department of transportation;

"(2) an Indian tribe; or

"(3) a Federal land management agency.

"(c) APPLICATION.—To be eligible to receive a grant 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, including a pollinator-friendly practices plan described in subsection (d).

"(d) POLLINATOR-FRIENDLY PRACTICES PLAN.—

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"(1) IN GENERAL.—An eligible entity shall include in the application under subsection (c) a plan that describes the pollinator-friendly practices that the eligible entity has implemented or plans to implement, including—

"(A) practices relating to mowing strategies that promote early successional vegetation and limit disturbance during periods of highest use by target pollinator species on roadsides and highway rights-of-way, such as—

"(i) reducing the mowing swath outside of the State-designated safety zone;

"(ii) increasing the mowing height;

"(iii) reducing the mowing frequency;

"(iv) refraining from mowing monarch and other pollinator habitat during periods in which monarchs or other pollinators are present;

"(v) use of a flushing bar and cutting at reduced speeds to reduce pollinator deaths due to mowing; or

"(vi) reducing raking along roadsides and highway rights-of-way;

"(B) implementation of an integrated vegetation management plan that includes approaches such as mechanical tree and brush removal, targeted and judicious use of herbicides, and mowing, to address weed issues on roadsides and highway rights-of-way;

"(C) planting or seeding of native, locally-appropriate grasses and wildflowers, including milkweed, on roadsides and highway rights-of-way to enhance pollinator habitat, including larval host plants;

"(D) removing nonnative grasses from planting and seeding mixes, except for use as nurse or cover crops;

"(E) obtaining expert training or assistance on pollinator-friendly practices, including—

"(i) native plant identification;

"(ii) establishment and management of locally-appropriate native plants that benefit pollinators;

"(iii) land management practices that benefit pollinators; and

"(iv) pollinator-focused integrated vegetation management; or

"(F) any other pollinator-friendly practices the Secretary determines to be appropriate.

"(2) COORDINATION.—In developing a plan under paragraph (1), an eligible entity that is a State department of transportation or a Federal land management agency shall coordinate with applicable State agencies, including State agencies with jurisdiction over agriculture and fish and wildlife.

"(3) CONSULTATION.—In developing a plan under paragraph (1)—

"(A) an eligible entity that is a State department of transportation or a Federal land management agency shall consult with affected or interested Indian tribes; and

"(B) any eligible entity may consult with nonprofit organizations, institutions of higher education, metropolitan planning organizations, and any other relevant entities.

"(e) AWARD OF GRANTS.—

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"(1) IN GENERAL.—The Secretary shall provide a grant to each eligible entity that submits an application under subsection (c), including a plan under subsection (d), that the Secretary determines to be satisfactory.

"(2) AMOUNT OF GRANTS.—The amount of a grant under this section—

"(A) shall be based on the number of pollinator-friendly practices the eligible entity has implemented or plans to implement; and

"(B) shall not exceed $150,000.

"(f) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use the funds for the implementation, improvement, or further development of the plan under subsection (d).

"(g) FEDERAL SHARE.—The Federal share of the cost of an activity carried out with a grant under this section shall be 100 percent.

"(h) BEST PRACTICES.—The Secretary shall develop and make available to eligible entities best practices for, and a priority ranking of, pollinator-friendly practices on roadsides and highway rights-of-way.

"(i) TECHNICAL ASSISTANCE.—On request of an eligible entity that receives a grant under this section, the Secretary shall provide technical assistance with the implementation, improvement, or further development of a plan under subsection (d).

"(j) ADMINISTRATIVE COSTS.—For each fiscal year, the Secretary may use not more than 2 percent of the amounts made available to carry out this section for the administrative costs of carrying out this section.

"(k) REPORT.—Not later than 1 year after the date on which the first grant is provided under this section, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of the program under this section.

"(l) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2022 through 2026.

"(2) AVAILABILITY.—Amounts made available under this section shall remain available for a period of 3 years after the last day of the fiscal year for which the funds are authorized.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 23, United States Code (as amended by section 11309(b)), is amended by adding at the end the following:

"332. Pollinator-friendly practices on roadsides and highway rights-of-way.".

SEC. 11529. ACTIVE TRANSPORTATION INFRASTRUCTURE INVESTMENT PROGRAM.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall carry out an active transportation infrastructure investment program to make grants, on a competitive basis, to eligible organizations to construct eligible projects to provide safe and connected active transportation facilities in an active transportation network or active transportation spine.

(b) APPLICATION.—

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(1) IN GENERAL.—To be eligible to receive a grant under this section, an eligible organization shall submit to the Secretary an application in such manner and containing such information as the Secretary may require.

(2) ELIGIBLE PROJECTS PARTIALLY ON FEDERAL LAND.—With respect to an application for an eligible project that is located in part on Federal land, an eligible organization shall enter into a cooperative agreement with the appropriate Federal agency with jurisdiction over such land to submit an application described in paragraph (1).

(c) APPLICATION CONSIDERATIONS.—In making a grant for construction of an active transportation network or active transportation spine under this section, the Secretary shall consider the following:

(1) Whether the eligible organization submitted a plan for an eligible project for the development of walking and bicycling infrastructure that is likely to provide substantial additional opportunities for walking and bicycling, including effective plans—

(A) to create an active transportation network connecting destinations within or between communities, including schools, workplaces, residences, businesses, recreation areas, and other community areas, or create an active transportation spine connecting two or more communities, metropolitan regions, or States; and

(B) to integrate active transportation facilities with transit services, where available, to improve access to public transportation.

(2) Whether the eligible organization demonstrates broad community support through—

(A) the use of public input in the development of transportation plans; and

(B) the commitment of community leaders to the success and timely implementation of an eligible project.

(3) Whether the eligible organization provides evidence of commitment to traffic safety, regulations, financial incentives, or community design policies that facilitate significant increases in walking and bicycling.

(4) The extent to which the eligible organization demonstrates commitment of State, local, or eligible Federal matching funds, and land or in-kind contributions, in addition to the local match required under subsection (f)(1), unless the applicant qualifies for an exception under subsection (f)(2).

(5) The extent to which the eligible organization demonstrates that the grant will address existing disparities in bicyclist and pedestrian fatality rates based on race or income level or provide access to jobs and services for low-income communities and disadvantaged communities.

(6) Whether the eligible organization demonstrates how investment in active transportation will advance safety for pedestrians and cyclists, accessibility to jobs and key destinations, economic competitiveness, environmental protection, and quality of life.

(d) USE OF FUNDS.—

(1) IN GENERAL.—Of the amounts made available to carry out this section and subject to paragraphs (2) and (3), the Secretary shall obligate—

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(A) not less than 30 percent to eligible projects that construct active transportation networks that connect people with public transportation, businesses, workplaces, schools, residences, recreation areas, and other community activity centers; and

(B) not less than 30 percent to eligible projects that construct active transportation spines.

(2) PLANNING AND DESIGN GRANTS.—Each fiscal year, the Secretary shall set aside not less than $3,000,000 of the funds made available to carry out this section to provide planning grants for eligible organizations to develop plans for active transportation networks and active transportation spines.

(3) ADMINISTRATIVE COSTS.—Each fiscal year, the Secretary shall set aside not more than $2,000,000 of the funds made available to carry out this section to cover the costs of administration, research, technical assistance, communications, and training activities under the program.

(4) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection prohibits an eligible organization from receiving research or other funds under title 23 or 49, United States Code.

(e) GRANT TIMING.—

(1) REQUEST FOR APPLICATION.—Not later than 30 days after funds are made available to carry out this section for a fiscal year, the Secretary shall publish in the Federal Register a request for applications for grants under this section for that fiscal year.

(2) SELECTION OF GRANT RECIPIENTS.—Not later than 150 days after funds are made available to carry out this section for a fiscal year, the Secretary shall select grant recipients of grants under this section for that fiscal year.

(f) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of an eligible project carried out using a grant under this section shall not exceed 80 percent of the total project cost.

(2) EXCEPTION FOR DISADVANTAGED COMMUNITIES.—For eligible projects serving communities with a poverty rate of over 40 percent based on the majority of census tracts served by the eligible project, the Secretary may increase the Federal share of the cost of the eligible project up to 100 percent of the total project cost.

(g) ASSISTANCE TO INDIAN TRIBES.—In carrying out this section, the Secretary may enter into grant agreements, self-determination contracts, and self-governance compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) with Indian tribes that are eligible organizations, and such agreements, contracts, and compacts shall be administered in accordance with that Act.

(h) REPORTS.—

(1) INTERIM REPORT.—Not later than September 30, 2024, the Secretary shall submit to Congress a report containing the information described in paragraph (3).

(2) FINAL REPORT.—Not later than September 30, 2026, the Secretary shall submit to Congress a report containing the information described in paragraph (3).

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(3) REPORT INFORMATION.—A report submitted under this subsection shall contain the following, with respect to the period covered by the applicable report:

(A) A list of grants made under this section.

(B) Best practices of eligible organizations that receive grants under this section in implementing eligible projects.

(C) Impediments experienced by eligible organizations that receive grants under this section in developing and shifting to active transportation.

(i) RULE REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a final rule that encourages the use of the programmatic categorical exclusion, expedited procurement techniques, and other best practices to facilitate productive and timely expenditures for eligible projects that are small, low-impact, and constructed within an existing built environment.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this section $200,000,000 for each of fiscal years 2022 through 2026.

(2) AVAILABILITY.—The amounts made available to carry out this section shall remain available until expended.

(k) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under chapter 1 of title 23, United States Code.

(l) DEFINITIONS.—In this section:

(1) ACTIVE TRANSPORTATION.—The term "active transportation" means mobility options powered primarily by human energy, including bicycling and walking.

(2) ACTIVE TRANSPORTATION NETWORK.—The term "active transportation network" means facilities built for active transportation, including sidewalks, bikeways, and pedestrian and bicycle trails, that connect between destinations within a community or metropolitan region.

(3) ACTIVE TRANSPORTATION SPINE.—The term "active transportation spine" means facilities built for active transportation, including sidewalks, bikeways, and pedestrian and bicycle trails that connect between communities, metropolitan regions, or States.

(4) COMMUNITY.—The term "community" means a geographic area that is socioeconomically interdependent and may include rural, suburban, and urban jurisdictions.

(5) ELIGIBLE ORGANIZATION.—The term "eligible organization" means—

(A) a local or regional governmental organization, including a metropolitan planning organization or regional planning organization or council;

(B) a multicounty special district;

(C) a State;

(D) a multistate group of governments; or

(E) an Indian tribe.

(6) ELIGIBLE PROJECT.—The term "eligible project" means an active transportation project or group of projects—

(A) within or between a community or group of communities, at least one of which falls within the jurisdiction

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of an eligible organization, which has submitted an application under this section; and

(B) that has—

(i) a total cost of not less than $15,000,000; or

(ii) with respect to planning and design grants, planning and design costs of not less than $100,000.

(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. 5304).

(8) TOTAL PROJECT COST.—The term "total project cost" means the sum total of all costs incurred in the development of an eligible project that are approved by the Secretary as reasonable and necessary, including—

(A) the cost of acquiring real property;

(B) the cost of site preparation, demolition, and development;

(C) expenses related to the issuance of bonds or notes;

(D) fees in connection with the planning, execution, and financing of the eligible project;

(E) the cost of studies, surveys, plans, permits, insurance, interest, financing, tax, and assessments;

(F) the cost of construction, rehabilitation, reconstruction, and equipping the eligible project;

(G) the cost of land improvements;

(H) contractor fees;

(I) the cost of training and education related to the safety of users of any bicycle or pedestrian network or spine constructed as part of an eligible project; and

(J) any other cost that the Secretary determines is necessary and reasonable.

SEC. 11530. HIGHWAY COST ALLOCATION STUDY.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary, in coordination with State departments of transportation, shall carry out a highway cost allocation study to determine the direct costs of highway use by various types of users.

(b) INCLUSIONS.—The study under subsection (a) shall include an examination of—

(1) the Federal costs occasioned in the design, construction, rehabilitation, and maintenance of Federal-aid highways by—

(A) the use of vehicles of different dimensions, weights, number of axles, and other specifications; and

(B) the frequency of those vehicles in the traffic stream;

(2) the safety-, emissions-, congestion-, and noise-related costs of highway use by various types of users, and other costs as determined by the Secretary; and

(3) the proportionate share of the costs described in paragraph (1) that are attributable to each class of highway users.

(c) REQUIREMENTS.—In carrying out the study under subsection (a), the Secretary shall—

(1) ensure that the study examines only direct costs of highway use;

(2) capture the various driving conditions in different geographic areas of the United States;

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(3) to the maximum extent practicable, distinguish between costs directly occasioned by a highway user class and costs occasioned by all highway user classes; and

(4) compare the costs occasioned by various highway user classes with the user fee revenue contributed to the Highway Trust Fund by those highway user classes.

(d) REPORTS.—

(1) INTERIM REPORTS.—Not less frequently than annually during the period during which the Secretary is carrying out the study under subsection (a), the Secretary shall submit to Congress an interim report on the progress of the study.

(2) FINAL REPORT.—On completion of the study under subsection (a), the Secretary shall submit to Congress a final report on the results of the study, including the recommendations under subsection (e).

(e) RECOMMENDATIONS.—On completion of the study under subsection (a), the Secretary, in coordination with the Secretary of the Treasury, shall develop recommendations for a set of revenue options to fully cover the costs occasioned by highway users, including recommendations for—

(1) changes to existing revenue streams; and

(2) new revenue streams based on user fees.

TITLE II—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

SEC. 12001. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT OF 1998 AMENDMENTS.

(a) DEFINITIONS.—Section 601(a) of title 23, United States Code, is amended—

(1) in subparagraph (E) of paragraph (10), by striking "3 years" and inserting "5 years"; and

(2) in paragraph (12)—

(A) by striking subparagraph (E) and inserting the following:

"(E) a project to improve or construct public infrastructure—

"(i) that—

"(I) is located within walking distance of, and accessible to, a fixed guideway transit facility, passenger rail station, intercity bus station, or intermodal facility, including a transportation, public utility, or capital project described in section 5302(3)(G)(v) of title 49, and related infrastructure; or

"(II) is a project for economic development, including commercial and residential development, and related infrastructure and activities—

"(aa) that incorporates private investment;

"(bb) that is physically or functionally related to a passenger rail station or multimodal station that includes rail service;

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"(cc) for which the project sponsor has a high probability of commencing the contracting process for construction by not later than 90 days after the date on which credit assistance under the TIFIA program is provided for the project; and

"(dd) that has a high probability of reducing the need for financial assistance under any other Federal program for the relevant passenger rail station or service by increasing ridership, tenant lease payments, or other activities that generate revenue exceeding costs; and

"(ii) for which, by not later than September 30, 2026, the Secretary has—

"(I) received a letter of interest; and

"(II) determined that the project is eligible for assistance;";

(B) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(G) an eligible airport-related project (as defined in section 40117(a) of title 49) for which, not later than September 30, 2025, the Secretary has—

"(i) received a letter of interest; and

"(ii) determined that the project is eligible for assistance; and

"(H) a project for the acquisition of plant and wildlife habitat pursuant to a conservation plan that—

"(i) has been approved by the Secretary of the Interior pursuant to section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539); and

"(ii) in the judgment of the Secretary, would mitigate the environmental impacts of transportation infrastructure projects otherwise eligible for assistance under this title.".

(b) ELIGIBILITY.—Section 602(a)(2) of title 23, United States Code, is amended—

(1) in subparagraph (A)(iv)—

(A) by striking "a rating" and inserting "an investment-grade rating"; and

(B) by striking "$75,000,000" and inserting "$150,000,000"; and

(2) in subparagraph (B)—

(A) by striking "the senior debt" and inserting "senior debt"; and

(B) by striking "credit instrument is for an amount less than $75,000,000" and inserting "total amount of other senior debt and the Federal credit instrument is less than $150,000,000".

(c) FEDERAL REQUIREMENTS.—Section 602(c)(1) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by striking "and the requirements of section 5333(a) of title 49 for rail projects," and inserting "the requirements of section 5333(a) of title 49 for rail projects, and the requirements of sections 47112(b) and 50101 of title 49 for airport-related projects,".

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(d) PROCESSING TIMELINES.—Section 602(d) of title 23, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) in paragraph (3) (as so redesignated), by striking "paragraph (1)" and inserting "paragraph (2)"; and

(3) by inserting before paragraph (2) (as so redesignated) the following:

"(1) PROCESSING TIMELINES.—Except in the case of an application described in subsection (a)(8) and to the maximum extent practicable, the Secretary shall provide an applicant with a specific estimate of the timeline for the approval or disapproval of the application of the applicant, which, to the maximum extent practicable, the Secretary shall endeavor to complete by not later than 150 days after the date on which the applicant submits a letter of interest to the Secretary.".

(e) MATURITY DATE OF CERTAIN SECURED LOANS.—Section 603(b)(5) of title 23, United States Code, is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)"; and

(2) by adding at the end the following:

"(C) LONG LIVED ASSETS.—In the case of a capital asset with an estimated life of more than 50 years, the final maturity date of the secured loan shall be the lesser of—

"(i) 75 years after the date of substantial completion of the project; or

"(ii) 75 percent of the estimated useful life of the capital asset.".

(f) SECURED LOANS.—Section 603(c)(4)(A) of title 23, United States Code, is amended—

(1) by striking "Any excess" and inserting the following:

"(i) IN GENERAL.—Except as provided in clause (ii), any excess"; and

(2) by adding at the end the following:

"(ii) CERTAIN APPLICANTS.—In the case of a secured loan or other secured Federal credit instrument provided after the date of enactment of the Surface Transportation Reauthorization Act of 2021, if the obligor is a governmental entity, agency, or instrumentality, the obligor shall not be required to prepay the secured loan or other secured Federal credit instrument with any excess revenues described in clause (i) if the obligor enters into an agreement to use those excess revenues only for purposes authorized under this title or title 49.".

(g) TECHNICAL AMENDMENT.—Section 602(e) of title 23, United States Code, is amended by striking "section 601(a)(1)(A)" and inserting "section 601(a)(2)(A)".

(h) STREAMLINED APPLICATION PROCESS.—Section 603(f) of title 23, United States Code, is amended by adding at the end the following:

"(3) ADDITIONAL TERMS FOR EXPEDITED DECISIONS.—

"(A) IN GENERAL.—Not later than 120 days after the date of enactment of this paragraph, the Secretary shall implement an expedited decision timeline for public agency borrowers seeking secured loans that meet—

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"(i) the terms under paragraph (2); and

"(ii) the additional criteria described in subparagraph (B).

"(B) ADDITIONAL CRITERIA.—The additional criteria referred to in subparagraph (A)(ii) are the following:

"(i) The secured loan is made on terms and conditions that substantially conform to the conventional terms and conditions established by the National Surface Transportation Innovative Finance Bureau.

"(ii) The secured loan is rated in the A category or higher.

"(iii) The TIFIA program share of eligible project costs is 33 percent or less.

"(iv) The applicant demonstrates a reasonable expectation that the contracting process for the project can commence by not later than 90 days after the date on which a Federal credit instrument is obligated for the project under the TIFIA program.

"(v) The project has received a categorical exclusion, a finding of no significant impact, or a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(C) WRITTEN NOTICE.—The Secretary shall provide to an applicant seeking a secured loan under the expedited decision process under this paragraph a written notice informing the applicant whether the Secretary has approved or disapproved the application by not later than 180 days after the date on which the Secretary submits to the applicant a letter indicating that the National Surface Transportation Innovative Finance Bureau has commenced the creditworthiness review of the project.".

(i) FUNDING.—

(1) IN GENERAL.—Section 608(a) of title 23, United States Code, is amended—

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(B) by inserting after paragraph (3) the following:

"(4) LIMITATION FOR CERTAIN PROJECTS.—

"(A) TRANSIT-ORIENTED DEVELOPMENT PROJECTS.—For each fiscal year, the Secretary may use to carry out projects described in section 601(a)(12)(E) not more than 15 percent of the amounts made available to carry out the TIFIA program for that fiscal year.

"(B) AIRPORT-RELATED PROJECTS.—The Secretary may use to carry out projects described in section 601(a)(12)(G)—

"(i) for each fiscal year, not more than 15 percent of the amounts made available to carry out the TIFIA program under the Surface Transportation Reauthorization Act of 2021 for that fiscal year; and

"(ii) for the period of fiscal years 2022 through 2026, not more than 15 percent of the unobligated carryover balances (as of October 1, 2021).''; and

(C) by striking paragraph (6) (as so redesignated) and inserting the following:

"(6) ADMINISTRATIVE COSTS.—Of the amounts made available to carry out the TIFIA program, the Secretary may use

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not more than $10,000,000 for each of fiscal years 2022 through 2026 for the administration of the TIFIA program.".

(2) CONFORMING AMENDMENT.—Section 605(f)(1) of title 23, United States Code, is amended by striking "section 608(a)(5)" and inserting "section 608(a)(6)".

(j) STATUS REPORTS.—Section 609 of title 23, United States Code, is amended by adding at the end the following:

"(c) STATUS REPORTS.—

"(1) IN GENERAL.—The Secretary shall publish on the website for the TIFIA program—

"(A) on a monthly basis, a current status report on all submitted letters of interest and applications received for assistance under the TIFIA program; and

"(B) on a quarterly basis, a current status report on all approved applications for assistance under the TIFIA program.

"(2) INCLUSIONS.—Each monthly and quarterly status report under paragraph (1) shall include, at a minimum, with respect to each project included in the status report—

"(A) the name of the party submitting the letter of interest or application;

"(B) the name of the project;

"(C) the date on which the letter of interest or application was received;

"(D) the estimated project eligible costs;

"(E) the type of credit assistance sought; and

"(F) the anticipated fiscal year and quarter for closing of the credit assistance.".

(k) STATE INFRASTRUCTURE BANK PROGRAM.—Section 610 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1)(A), by striking "fiscal years 2016 through 2020" and inserting "fiscal years 2022 through 2026";

(B) in paragraph (2), by striking "fiscal years 2016 through 2020" and inserting "fiscal years 2022 through 2026"; and

(C) in paragraph (3), by striking "fiscal years 2016 through 2020" and inserting "fiscal years 2022 through 2026"; and

(2) in subsection (k), by striking "fiscal years 2016 through 2020" and inserting "fiscal years 2022 through 2026".

(l) REPORT.—Not later than September 30, 2025, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the impact of the amendment relating to airport-related projects under subsection (a)(2)(C) and subsection (i)(1)(B), including—

(1) information on the use of TIFIA program (as defined in section 601(a) of title 23, United States Code) funds for eligible airport-related projects (as defined in section 40117(a) of title 49, United States Code); and

(2) recommendations for modifications to the TIFIA program.

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SEC. 12002. FEDERAL REQUIREMENTS FOR TIFIA ELIGIBILITY AND PROJECT SELECTION.

(a) IN GENERAL.—Section 602(c) of title 23, United States Code, is amended by adding at the end the following:

"(3) PAYMENT AND PERFORMANCE SECURITY.—

"(A) IN GENERAL.—The Secretary shall ensure that the design and construction of a project carried out with assistance under the TIFIA program shall have appropriate payment and performance security, regardless of whether the obligor is a State, local government, agency or instrumentality of a State or local government, public authority, or private party.

"(B) WRITTEN DETERMINATION.—If payment and performance security is required to be furnished by applicable State or local statute or regulation, the Secretary may accept such payment and performance security requirements applicable to the obligor if the Federal interest with respect to Federal funds and other project risk related to design and construction is adequately protected.

"(C) NO DETERMINATION OR APPLICABLE REQUIREMENTS.—If there are no payment and performance security requirements applicable to the obligor, the security under section 3131(b) of title 40 or an equivalent State or local requirement, as determined by the Secretary, shall be required.".

(b) APPLICABILITY.—The amendments made by this section shall apply with respect to any agreement for credit assistance entered into on or after the date of enactment of this Act.

TITLE III—RESEARCH, TECHNOLOGY, AND EDUCATION

SEC. 13001. STRATEGIC INNOVATION FOR REVENUE COLLECTION.

(a) IN GENERAL.—The Secretary shall establish a program to test the feasibility of a road usage fee and other user-based alternative revenue mechanisms (referred to in this section as "user-based alternative revenue mechanisms") to help maintain the long-term solvency of the Highway Trust Fund, through pilot projects at the State, local, and regional level.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary shall provide grants to eligible entities to carry out pilot projects under this section.

(2) APPLICATIONS.—To be eligible for a grant 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.

(3) OBJECTIVES.—The Secretary shall ensure that, in the aggregate, the pilot projects carried out using funds provided under this section meet the following objectives:

(A) To test the design, acceptance, equity, and implementation of user-based alternative revenue mechanisms, including among—

(i) differing income groups; and

(ii) rural and urban drivers, as applicable.

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(B) To provide recommendations regarding adoption and implementation of user-based alternative revenue mechanisms.

(C) To quantify and minimize the administrative costs of any potential user-based alternative revenue mechanisms.

(D) To test a variety of solutions, including the use of independent and private third-party vendors, for the collection of data and fees from user-based alternative revenue mechanisms, including the reliability and security of those solutions and vendors.

(E) To test solutions to ensure the privacy and security of data collected for the purpose of implementing a user-based alternative revenue mechanism.

(F) To conduct public education and outreach to increase public awareness regarding the need for user-based alternative revenue mechanisms for surface transportation programs.

(G) To evaluate the ease of compliance and enforcement of a variety of implementation approaches for different users of the surface transportation system.

(H) To ensure, to the greatest extent practicable, the use of innovation.

(I) To consider, to the greatest extent practicable, the potential for revenue collection along a network of alternative fueling stations.

(J) To evaluate the impacts of the imposition of a user-based alternative revenue mechanism on—

(i) transportation revenues;

(ii) personal mobility, driving patterns, congestion, and transportation costs; and

(iii) freight movement and costs.

(K) To evaluate options for the integration of a user-based alternative revenue mechanism with—

(i) nationwide transportation revenue collections and regulations;

(ii) toll revenue collection platforms;

(iii) transportation network company fees; and

(iv) any other relevant transportation revenue mechanisms.

(4) ELIGIBLE ENTITY.—An entity eligible to apply for a grant under this section is—

(A) a State or a group of States;

(B) a local government or a group of local governments; or

(C) a metropolitan planning organization (as defined in section 134(b) of title 23, United States Code) or a group of metropolitan planning organizations.

(5) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use the grant to carry out a pilot project to address 1 or more of the objectives described in paragraph (3).

(6) CONSIDERATION.—The Secretary shall consider geographic diversity in awarding grants under this subsection.

(7) FEDERAL SHARE.—The Federal share of the cost of a pilot project carried out under this section may not exceed—

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(A) 80 percent of the total cost of a project carried out by an eligible entity that has not otherwise received a grant under this section; and

(B) 70 percent of the total cost of a project carried out by an eligible entity that has received at least 1 grant under this section.

(c) LIMITATION ON REVENUE COLLECTED.—Any revenue collected through a user-based alternative revenue mechanism established using funds provided under this section shall not be considered a toll under section 301 of title 23, United States Code.

(d) RECOMMENDATIONS AND REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary, in coordination with the Secretary of the Treasury and the Federal System Funding Alternative Advisory Board established under section 13002(g)(1), shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) summarizes the results of the pilot projects under this section and the national pilot program under section 13002; and

(2) provides recommendations, if applicable, to enable potential implementation of a nationwide user-based alternative revenue mechanism.

(e) FUNDING.—

(1) IN GENERAL.—Of the funds made available to carry out section 503(b) of title 23, United States Code, for each of fiscal years 2022 through 2026 $15,000,000 shall be used for pilot projects under this section.

(2) FLEXIBILITY.—If, by August 1 of each fiscal year, the Secretary determines that there are not enough grant applications to meet the requirements of this section for that fiscal year, the Secretary shall transfer to the national pilot program under section 13002 or to the highway research and development program under section 503(b) of title 23, United States Code—

(A) any funds reserved for a fiscal year under paragraph (1) that the Secretary has not yet awarded under this section; and

(B) an amount of obligation limitation equal to the amount of funds that the Secretary transfers under subparagraph (A).

(f) REPEAL.—

(1) IN GENERAL.—Section 6020 of the FAST Act (23 U.S.C. 503 note; Public Law 114–94) is repealed.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the FAST Act (Public Law 114–94; 129 Stat. 1312) is amended by striking the item relating to section 6020.

SEC. 13002. NATIONAL MOTOR VEHICLE PER-MILE USER FEE PILOT.

(a) DEFINITIONS.—In this section:

(1) ADVISORY BOARD.—The term "advisory board" means the Federal System Funding Alternative Advisory Board established under subsection (g)(1).

(2) COMMERCIAL VEHICLE.—The term "commercial vehicle" has the meaning given the term commercial motor vehicle in section 31101 of title 49, United States Code.

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(3) HIGHWAY TRUST FUND.—The term "Highway Trust Fund" means the Highway Trust Fund established under section 9503 of the Internal Revenue Code of 1986.

(4) LIGHT TRUCK.—The term "light truck" has the meaning given the term in section 523.2 of title 49, Code of Federal Regulations (or successor regulations).

(5) MEDIUM- AND HEAVY-DUTY TRUCK.—The term "medium- and heavy-duty truck" has the meaning given the term "commercial medium- and heavy-duty on-highway vehicle" in section 32901(a) of title 49, United States Code.

(6) PASSENGER MOTOR VEHICLE.—The term "passenger motor vehicle" has the meaning given the term in section 32101 of title 49, United States Code.

(7) PER-MILE USER FEE.—The term "per-mile user fee" means a revenue mechanism that—

(A) is applied to road users operating motor vehicles on the surface transportation system; and

(B) is based on the number of vehicle miles traveled by an individual road user.

(8) PILOT PROGRAM.—The term "pilot program" means the pilot program established under subsection (b)(1).

(9) VOLUNTEER PARTICIPANT.—The term "volunteer participant" means—

(A) an owner or lessee of a private, personal motor vehicle who volunteers to participate in the pilot program;

(B) a commercial vehicle operator who volunteers to participate in the pilot program; or

(C) an owner of a motor vehicle fleet who volunteers to participate in the pilot program.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of the Treasury, and consistent with the recommendations of the advisory board, shall establish a pilot program to demonstrate a national motor vehicle per-mile user fee—

(A) to restore and maintain the long-term solvency of the Highway Trust Fund; and

(B) to improve and maintain the surface transportation system.

(2) OBJECTIVES.—The objectives of the pilot program are—

(A) to test the design, acceptance, implementation, and financial sustainability of a national motor vehicle per-mile user fee;

(B) to address the need for additional revenue for surface transportation infrastructure and a national motor vehicle per-mile user fee; and

(C) to provide recommendations relating to the adoption and implementation of a national motor vehicle per-mile user fee.

(c) PARAMETERS.—In carrying out the pilot program, the Secretary, in coordination with the Secretary of the Treasury, shall—

(1) provide different methods that volunteer participants can choose from to track motor vehicle miles traveled;

(2) solicit volunteer participants from all 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;

(3) ensure an equitable geographic distribution by population among volunteer participants;

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(4) include commercial vehicles and passenger motor vehicles; and

(5) use components of and, where appropriate, coordinate with—

(A) the States that received a grant under section 6020 of the FAST Act (23 U.S.C. 503 note; Public Law 114–94) (as in effect on the day before the date of enactment of this Act); and

(B) eligible entities that received a grant under section 13001.

(d) METHODS.—

(1) TOOLS.—In selecting the methods described in subsection (c)(1), the Secretary shall coordinate with entities that voluntarily provide to the Secretary for use under the pilot program any of the following vehicle-miles-traveled collection tools:

(A) Third-party on-board diagnostic (OBD-II) devices.

(B) Smart phone applications.

(C) Telemetric data collected by automakers.

(D) Motor vehicle data obtained by car insurance companies.

(E) Data from the States that received a grant under section 6020 of the FAST Act (23 U.S.C. 503 note; Public Law 114–94) (as in effect on the day before the date of enactment of this Act).

(F) Motor vehicle data obtained from fueling stations.

(G) Any other method that the Secretary considers appropriate.

(2) COORDINATION.—

(A) SELECTION.—The Secretary shall determine which collection tools under paragraph (1) are selected for the pilot program.

(B) VOLUNTEER PARTICIPANTS.—In a manner that the Secretary considers appropriate, the Secretary shall enable each volunteer participant to choose 1 of the selected collection tools under paragraph (1).

(e) MOTOR VEHICLE PER-MILE USER FEES.—For the purposes of the pilot program, the Secretary of the Treasury shall establish, on an annual basis, per-mile user fees for passenger motor vehicles, light trucks, and medium- and heavy-duty trucks, which amount may vary between vehicle types and weight classes to reflect estimated impacts on infrastructure, safety, congestion, the environment, or other related social impacts.

(f) VOLUNTEER PARTICIPANTS.—The Secretary, in coordination with the Secretary of the Treasury, shall—

(1)(A) ensure, to the extent practicable, that the greatest number of volunteer participants participate in the pilot program; and

(B) ensure that such volunteer participants represent geographically diverse regions of the United States, including from urban and rural areas; and

(2) issue policies relating to the protection of volunteer participants, including policies that—

(A) protect the privacy of volunteer participants; and

(B) secure the data provided by volunteer participants.

(g) FEDERAL SYSTEM FUNDING ALTERNATIVE ADVISORY BOARD.—

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(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish an advisory board, to be known as the "Federal System Funding Alternative Advisory Board", to assist with—

(A) providing the Secretary with recommendations related to the structure, scope, and methodology for developing and implementing the pilot program;

(B) carrying out the public awareness campaign under subsection (h); and

(C) developing the report under subsection (n).

(2) MEMBERSHIP.—The advisory board shall include, at a minimum, the following representatives and entities, to be appointed by the Secretary:

(A) State departments of transportation.

(B) Any public or nonprofit entity that led a surface transportation system funding alternatives pilot project under section 6020 of the FAST Act (23 U.S.C. 503 note; Public Law 114–94) (as in effect on the day before the date of enactment of this Act).

(C) Representatives of the trucking industry, including owner-operator independent drivers.

(D) Data security experts with expertise in personal privacy.

(E) Academic experts on surface transportation systems.

(F) Consumer advocates, including privacy experts.

(G) Advocacy groups focused on equity.

(H) Owners of motor vehicle fleets.

(I) Owners and operators of toll facilities.

(J) Tribal groups or representatives.

(K) Any other representatives or entities, as determined appropriate by the Secretary.

(3) RECOMMENDATIONS.—Not later than 1 year after the date on which the advisory board is established under paragraph (1), the advisory board shall provide the Secretary with the recommendations described in subparagraph (A) of that paragraph, which the Secretary shall use in implementing the pilot program.

(h) PUBLIC AWARENESS CAMPAIGN.—

(1) IN GENERAL.—The Secretary, with guidance from the advisory board, may carry out a public awareness campaign to increase public awareness regarding a national motor vehicle per-mile user fee, including distributing information—

(A) related to the pilot program;

(B) from the State surface transportation system funding alternatives pilot program under section 6020 of the FAST Act (23 U.S.C. 503 note; Public Law 114–94) (as in effect on the day before the date of enactment of this Act); and

(C) related to consumer privacy.

(2) CONSIDERATIONS.—In carrying out the public awareness campaign under this subsection, the Secretary shall consider issues unique to each State.

(i) REVENUE COLLECTION.—The Secretary of the Treasury, in coordination with the Secretary, shall establish a mechanism to collect motor vehicle per-mile user fees established under subsection (e) from volunteer participants, which—

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(1) may be adjusted as needed to address technical challenges; and

(2) may allow independent and private third-party vendors to collect the motor vehicle per-mile user fees and forward such fees to the Treasury.

(j) AGREEMENT.—The Secretary may enter into an agreement with a volunteer participant containing such terms and conditions as the Secretary considers necessary for participation in the pilot program.

(k) LIMITATION.—Any revenue collected through the mechanism established under subsection (i) shall not be considered a toll under section 301 of title 23, United States Code.

(l) HIGHWAY TRUST FUND.—The Secretary of the Treasury shall ensure that any revenue collected under subsection (i) is deposited into the Highway Trust Fund.

(m) PAYMENT.—Not more than 60 days after the end of each calendar quarter in which a volunteer participant has participated in the pilot program, the Secretary of the Treasury, in consultation with the Secretary of Transportation, shall estimate an amount of payment for each volunteer based on the vehicle miles submitted by the volunteer for the calendar quarter and issue such payment to such volunteer participant.

(n) REPORT TO CONGRESS.—Not later than 1 year after the date on which volunteer participants begin participating in the pilot program, and each year thereafter for the duration of the pilot program, the Secretary and the Secretary of the Treasury shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes an analysis of—

(1) whether the objectives described in subsection (b)(2) were achieved;

(2) how volunteer participant protections in subsection (f)(2) were complied with;

(3) whether motor vehicle per-mile user fees can maintain the long-term solvency of the Highway Trust Fund and improve and maintain the surface transportation system, which shall include estimates of administrative costs related to collecting such motor vehicle per mile user fees;

(4) how the privacy of volunteers was maintained; and

(5) equity impacts of the pilot program, including the impacts of the pilot program on low-income commuters.

(o) FUNDING.—

(1) IN GENERAL.—Of the funds made available to carry out section 503(b) of title 23, United States Code, for each of fiscal years 2022 through 2026 $10,000,000 shall be used to carry out the pilot program under this section.

(2) EXCESS FUNDS.—Any excess funds remaining after carrying out the pilot program under this section shall be available to make grants for pilot projects under section 13001.

SEC. 13003. PERFORMANCE MANAGEMENT DATA SUPPORT PROGRAM.

Section 6028(c) of the FAST Act (23 U.S.C. 150 note; Public Law 114–94) is amended by striking "fiscal years 2016 through 2020" and inserting "fiscal years 2022 through 2026".

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SEC. 13004. DATA INTEGRATION PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a pilot program—

(1) to provide research and develop models that integrate, in near-real-time, data from multiple sources, including geolocated—

(A) weather conditions;

(B) roadway conditions;

(C) incidents, work zones, and other nonrecurring events related to emergency planning; and

(D) information from emergency responders; and

(2) to facilitate data integration between the Department, the National Weather Service, and other sources of data that provide real-time data with respect to roadway conditions during or as a result of severe weather events, including, at a minimum—

(A) winter weather;

(B) heavy rainfall; and

(C) tropical weather events.

(b) REQUIREMENTS.—In carrying out subsection (a)(1), the Secretary shall—

(1) address the safety, resiliency, and vulnerability of the transportation system to disasters; and

(2) develop tools for decisionmakers and other end-users who could use or benefit from the integrated data described in that subsection to improve public safety and mobility.

(c) TREATMENT.—Except as otherwise provided in this section, the Secretary shall carry out activities under the pilot program under this section as if—

(1) those activities were authorized under chapter 5 of title 23, United States Code; and

(2) the funds made available to carry out the pilot program were made available under that chapter.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000 for each of fiscal years 2022 through 2026, to remain available until expended.

SEC. 13005. EMERGING TECHNOLOGY RESEARCH PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a pilot program to conduct emerging technology research in accordance with this section.

(b) ACTIVITIES.—The pilot program under this section shall include—

(1) research and development activities relating to leveraging advanced and additive manufacturing technologies to increase the structural integrity and cost-effectiveness of surface transportation infrastructure; and

(2) research and development activities (including laboratory and test track supported accelerated pavement testing research regarding the impacts of connected, autonomous, and platooned vehicles on pavement and infrastructure performance)—

(A) to reduce the impact of automated and connected driving systems and advanced driver-assistance systems on pavement and infrastructure performance; and

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(B) to improve transportation infrastructure design in anticipation of increased usage of automated driving systems and advanced driver-assistance systems.

(c) TREATMENT.—Except as otherwise provided in this section, the Secretary shall carry out activities under the pilot program under this section as if—

(1) those activities were authorized under chapter 5 of title 23, United States Code; and

(2) the funds made available to carry out the pilot program were made available under that chapter.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

SEC. 13006. RESEARCH AND TECHNOLOGY DEVELOPMENT AND DEPLOYMENT.

(a) IN GENERAL.—Section 503 of title 23, United States Code, is amended—

(1) in subsection (a)(2), by striking "section 508" and inserting "section 6503 of title 49";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking "and" at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(E) engage with public and private entities to spur advancement of emerging transformative innovations through accelerated market readiness; and

"(F) consult frequently with public and private entities on new transportation technologies.";

(B) in paragraph (2)(C)—

(i) by redesignating clauses (x) through (xv) as clauses (xi) through (xvi), respectively; and

(ii) by inserting after clause (ix) the following:

"(x) safety measures to reduce the number of wildlife-vehicle collisions;";

(C) in paragraph (3)—

(i) in subparagraph (B)(viii), by inserting ", including weather," after "events"; and

(ii) in subparagraph (C)—

(I) in clause (xv), by inserting "extreme weather events and" after "withstand";

(II) in clause (xviii), by striking "and" at the end;

(III) in clause (xix), by striking the period at the end and inserting "; and"; and

(IV) by adding at the end the following:

"(xx) studies on the deployment and revenue potential of the deployment of energy and broadband infrastructure in highway rights-of-way, including potential adverse impacts of the use or nonuse of those rights-of-way.";

(D) in paragraph (6)—

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(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) to support research on non-market-ready technologies in consultation with public and private entities.";

(E) in paragraph (7)(B)—

(i) in the matter preceding clause (i), by inserting "innovations by leading" after "support";

(ii) in clause (iii), by striking "and" at the end;

(iii) in clause (iv), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(v) the evaluation of information from accelerated market readiness efforts, including non-market-ready technologies, in consultation with other offices of the Federal Highway Administration, the National Highway Traffic Safety Administration, and other key partners.";

(F) in paragraph (8)(A), by striking "future highway" and all that follows through "needs." and inserting the following: "current conditions and future needs of highways, bridges, and tunnels of the United States, including—

"(i) the conditions and performance of the highway network for freight movement;

"(ii) intelligent transportation systems;

"(iii) resilience needs; and

"(iv) the backlog of current highway, bridge, and tunnel needs."; and

(G) by adding at the end the following:

"(9) ANALYSIS TOOLS.—The Secretary may develop interactive modeling tools and databases that—

"(A) track the full condition of highway assets, including interchanges, and the reconstruction history of those assets;

"(B) can be used to assess transportation options;

"(C) allow for the monitoring and modeling of network-level traffic flows on highways; and

"(D) further Federal and State understanding of the importance of national and regional connectivity and the need for long-distance and interregional passenger and freight travel by highway and other surface transportation modes."; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting "use of rights-of-way permissible under applicable law," after "structures,";

(ii) in subparagraph (D), by striking "and" at the end;

(iii) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(F) disseminating and evaluating information from accelerated market readiness efforts, including non-market-ready technologies, to public and private entities.";

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(B) in paragraph (2)—

(i) in subparagraph (B)(iii), by striking "improved tools and methods to accelerate the adoption" and inserting "and deploy improved tools and methods to accelerate the adoption of early-stage and proven innovative practices and technologies and, as the Secretary determines to be appropriate, support continued implementation"; and

(ii) by adding at the end the following:

"(D) REPORT.—Not later than 2 years after the date of enactment of this subparagraph and every 2 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available on an internet website a report that describes—

"(i) the activities the Secretary has undertaken to carry out the program established under paragraph (1); and

"(ii) how and to what extent the Secretary has worked to disseminate non-market-ready technologies to public and private entities.";

(C) in paragraph (3)—

(i) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(ii) by inserting after subparagraph (B) the following:

"(C) HIGH-FRICTION SURFACE TREATMENT APPLICATION STUDY.—

"(i) DEFINITION OF INSTITUTION.—In this subparagraph, the term 'institution' means a private sector entity, public agency, research university or other research institution, or organization representing transportation and technology leaders or other transportation stakeholders that, as determined by the Secretary, is capable of working with State highway agencies, the Federal Highway Administration, and the highway construction industry to develop and evaluate new products, design technologies, and construction methods that quickly lead to pavement improvements.

"(ii) STUDY.—The Secretary shall seek to enter into an agreement with an institution to carry out a study on the use of natural and synthetic calcined bauxite as a high-friction surface treatment application on pavement.

"(iii) REPORT.—Not later than 18 months after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall submit a report on the results of the study under clause (ii) to—

"(I) the Committee on Environment and Public Works of the Senate;

"(II) the Committee on Transportation and Infrastructure of the House of Representatives;

"(III) the Federal Highway Administration; and

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"(IV) the American Association of State Highway and Transportation Officials.";

(iii) in subparagraph (D) (as so redesignated), by striking "fiscal years 2016 through 2020" and inserting "fiscal years 2022 through 2026"; and

(iv) in subparagraph (E) (as so redesignated)—

(I) in clause (i), by striking "annually" and inserting "once every 3 years"; and

(II) in clause (ii)—

(aa) in subclause (III), by striking "and" at the end;

(bb) in subclause (IV), by striking the period at the end and inserting a semicolon; and

(cc) by adding at the end the following:

"(V) pavement monitoring and data collection practices;

"(VI) pavement durability and resilience;

"(VII) stormwater management;

"(VIII) impacts on vehicle efficiency;

"(IX) the energy efficiency of the production of paving materials and the ability of paving materials to enhance the environment and promote sustainability; and

"(X) integration of renewable energy in pavement designs."; and

(D) by adding at the end the following:

"(5) ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF ADVANCED DIGITAL CONSTRUCTION MANAGEMENT SYSTEMS.—

"(A) IN GENERAL.—The Secretary shall establish and implement a program under the technology and innovation deployment program established under paragraph (1) to promote, implement, deploy, demonstrate, showcase, support, and document the application of advanced digital construction management systems, practices, performance, and benefits.

"(B) GOALS.—The goals of the accelerated implementation and deployment of advanced digital construction management systems program established under subparagraph (A) shall include—

"(i) accelerated State adoption of advanced digital construction management systems applied throughout the construction lifecycle (including through the design and engineering, construction, and operations phases) that—

"(I) maximize interoperability with other systems, products, tools, or applications;

"(II) boost productivity;

"(III) manage complexity;

"(IV) reduce project delays and cost overruns; and

"(V) enhance safety and quality;

"(ii) more timely and productive information-sharing among stakeholders through reduced reliance on paper to manage construction processes and deliverables such as blueprints, design drawings,

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procurement and supply-chain orders, equipment logs, daily progress reports, and punch lists;

"(iii) deployment of digital management systems that enable and leverage the use of digital technologies on construction sites by contractors, such as state-of-the-art automated and connected machinery and optimized routing software that allows construction workers to perform tasks faster, safer, more accurately, and with minimal supervision;

"(iv) the development and deployment of best practices for use in digital construction management;

"(v) increased technology adoption and deployment by States and units of local government that enables project sponsors—

"(I) to integrate the adoption of digital management systems and technologies in contracts; and

"(II) to weigh the cost of digitization and technology in setting project budgets;

"(vi) technology training and workforce development to build the capabilities of project managers and sponsors that enables States and units of local government—

"(I) to better manage projects using advanced construction management technologies; and

"(II) to properly measure and reward technology adoption across projects of the State or unit of local government;

"(vii) development of guidance to assist States in updating regulations of the State to allow project sponsors and contractors—

"(I) to report data relating to the project in digital formats; and

"(II) to fully capture the efficiencies and benefits of advanced digital construction management systems and related technologies;

"(viii) reduction in the environmental footprint of construction projects using advanced digital construction management systems resulting from elimination of congestion through more efficient projects; and

"(ix) enhanced worker and pedestrian safety resulting from increased transparency.

"(C) FUNDING.—For each of fiscal years 2022 through 2026, the Secretary shall obligate from funds made available to carry out this subsection $20,000,000 to accelerate the deployment and implementation of advanced digital construction management systems.

"(D) PUBLICATION.—

"(i) IN GENERAL.—Not less frequently than annually, the Secretary shall issue and make available to the public on a website a report on—

"(I) progress made in the implementation of advanced digital management systems by States; and

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"(II) the costs and benefits of the deployment of new technology and innovations that substantially and directly resulted from the program established under this paragraph.

"(ii) INCLUSIONS.—The report under clause (i) may include an analysis of—

"(I) Federal, State, and local cost savings;

"(II) project delivery time improvements;

"(III) congestion impacts; and

"(IV) safety improvements for roadway users and construction workers.".

(b) ADVANCED TRANSPORTATION TECHNOLOGIES AND INNOVATIVE MOBILITY DEPLOYMENT.—Section 503(c)(4) of title 23, United States Code, is amended—

(1) in the heading, by inserting "AND INNOVATIVE MOBILITY" before "DEPLOYMENT";

(2) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—The Secretary shall provide grants to eligible entities to deploy, install, and operate advanced transportation technologies to improve safety, mobility, efficiency, system performance, intermodal connectivity, and infrastructure return on investment.";

(3) in subparagraph (B)—

(A) in clause (i), by striking "the enhanced use" and inserting "optimization";

(B) in clause (v)—

(i) by striking "transit," and inserting "work zone, weather, transit, paratransit,"; and

(ii) by striking "and accessible transportation" and inserting ", accessible, and integrated transportation and transportation services";

(C) by redesignating clauses (i) through (viii) as clauses (iii), (iv), (v), (vi), (vii), (ix), (x), and (xi), respectively;

(D) by inserting before clause (iii) (as so redesignated) the following:

"(i) improve the mobility of people and goods;

"(ii) improve the durability and extend the life of transportation infrastructure;";

(E) in clause (iv) (as so redesignated), by striking "deliver" and inserting "protect the environment and deliver";

(F) by inserting after clause (vii) (as so redesignated) the following:

"(viii) facilitate account-based payments for transportation access and services and integrate payment systems across modes;";

(G) in clause (x) (as so redesignated), by striking "or" at the end;

(H) in clause (xi) (as so redesignated)—

(i) by inserting "vehicle-to-pedestrian," after "vehicle-to-infrastructure,"; and

(ii) by striking the period at the end and inserting "; or"; and

(I) by adding at the end the following:

"(xii) incentivize travelers—

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"(I) to share trips during periods in which travel demand exceeds system capacity; or

"(II) to shift trips to periods in which travel demand does not exceed system capacity.";

(4) in subparagraph (C)—

(A) in clause (i), by striking "Not later" and all that follows through "thereafter" and inserting "Each fiscal year for which funding is made available for activities under this paragraph"; and

(B) in clause (ii)—

(i) in subclause (I), by inserting "mobility," after "safety,"; and

(ii) in subclause (II)—

(I) in item (bb), by striking "and" at the end;

(II) in item (cc), by striking the period at the end and inserting "; and"; and

(III) by adding at the end the following:

"(dd) facilitating payment for transportation services.";

(5) in subparagraph (D)—

(A) in clause (i), by striking "Not later" and all that follows through "thereafter" and inserting "Each fiscal year for which funding is made available for activities under this paragraph"; and

(B) in clause (ii)—

(i) by striking "In awarding" and inserting the following:

"(I) IN GENERAL.—Subject to subclause (II), in awarding"; and

(ii) by adding at the end the following:

"(II) RURAL SET-ASIDE.—Not less than 20 percent of the amounts made available to carry out this paragraph shall be reserved for projects serving rural areas.";

(6) in subparagraph (E)—

(A) by redesignating clauses (iii) through (ix) as clauses (iv), (v), (vi), (vii), (viii), (xi), and (xiv), respectively;

(B) by inserting after clause (ii) the following:

"(iii) advanced transportation technologies to improve emergency evacuation and response by Federal, State, and local authorities;";

(C) by inserting after clause (viii) (as so redesignated) the following:

"(ix) integrated corridor management systems;

"(x) advanced parking reservation or variable pricing systems;";

(D) in clause (xi) (as so redesignated)—

(i) by inserting ", toll collection," after "pricing"; and

(ii) by striking "or" at the end;

(E) by inserting after clause (xi) (as so redesignated) the following:

"(xii) technology that enhances high occupancy vehicle toll lanes, cordon pricing, or congestion pricing;

"(xiii) integration of transportation service payment systems;";

(F) in clause (xiv) (as so redesignated)—

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(i) by striking "and access" and inserting ", access, and on-demand transportation service";

(ii) by inserting "and other shared-use mobility applications" after "ridesharing"; and

(iii) by striking the period at the end and inserting a semicolon; and

(G) by adding at the end the following:

"(xv) retrofitting dedicated short-range communications (DSRC) technology deployed as part of an existing pilot program to cellular vehicle-to-everything (C–V2X) technology, subject to the condition that the retrofitted technology operates only within the existing spectrum allocations for connected vehicle systems; or

"(xvi) advanced transportation technologies, in accordance with the research areas described in section 6503 of title 49.";

(7) in subparagraph (F)(ii)(IV), by striking "efficiency and multimodal system performance" and inserting "mobility, efficiency, multimodal system performance, and payment system performance";

(8) in subparagraph (G)—

(A) by redesignating clauses (vi) through (viii) as clauses (vii) through (ix), respectively; and

(B) by inserting after clause (v) the following:

"(vi) improved integration of payment systems;";

(9) in subparagraph (I)(i), by striking "fiscal years 2016 through 2020" and inserting "fiscal years 2022 through 2026";

(10) in subparagraph (J), by striking "50" and inserting "80"; and

(11) in subparagraph (N)—

(A) in the matter preceding clause (i), by striking ", the following definitions apply";

(B) in clause (i), by striking "representing a population of over 200,000"; and

(C) in clause (iii), in the matter preceding subclause (I), by striking "a any" and inserting "any".

(c) CENTER OF EXCELLENCE ON NEW MOBILITY AND AUTOMATED VEHICLES.—Section 503(c) of title 23, United States Code (as amended by subsection (a)(3)(D)), is amended by adding at the end the following:

"(6) CENTER OF EXCELLENCE.—

"(A) DEFINITIONS.—In this paragraph:

"(i) HIGHLY AUTOMATED VEHICLE.—The term 'highly automated vehicle' means a motor vehicle that—

"(I) has a taxable gross weight (as defined in section 41.4482(b)–1 of title 26, Code of Federal Regulations (or successor regulations)) of 10,000 pounds or less; and

"(II) is equipped with a Level 3, Level 4, or Level 5 automated driving system (as defined in the SAE International Recommended Practice numbered J3016 and dated June 15, 2018 (or a subsequent standard adopted by the Secretary)).

"(ii) NEW MOBILITY.—The term 'new mobility' includes shared services such as—

"(I) docked and dockless bicycles;

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"(II) docked and dockless electric scooters; and
"(III) transportation network companies.

"(B) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall establish a Center of Excellence to collect, conduct, and fund research on the impacts of new mobility and highly automated vehicles on land use, urban design, transportation, real estate, equity, and municipal budgets.

"(C) REPORT.—Not later than 1 year after the date on which the Center of Excellence is established, the Secretary shall submit a report that describes the results of the research regarding the impacts of new mobility and highly automated vehicles to the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives.

"(D) PARTNERSHIPS.—In establishing the Center of Excellence under subparagraph (B), the Secretary shall enter into appropriate partnerships with any institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or public or private research entity.".

(d) ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF ADVANCED DIGITAL CONSTRUCTION MANAGEMENT SYSTEMS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) a description of—

(A) the current status of the use of advanced digital construction management systems in each State; and

(B) the progress of each State toward accelerating the adoption of advanced digital construction management systems; and

(2) an analysis of the savings in project delivery time and project costs that can be achieved through the use of advanced digital construction management systems.

(e) OPEN CHALLENGE AND RESEARCH PROPOSAL PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish an open challenge and research proposal pilot program under which eligible entities may propose open highway challenges and research proposals that are linked to identified or potential research needs.

(2) REQUIREMENTS.—A research proposal submitted to the Secretary by an eligible entity shall address—

(A) a research need identified by the Secretary or the Administrator of the Federal Highway Administration; or

(B) an issue or challenge that the Secretary determines to be important.

(3) ELIGIBLE ENTITIES.—An entity eligible to submit a research proposal under the pilot program under paragraph (1) is—

(A) a State;

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(B) a unit of local government;

(C) a university transportation center under section 5505 of title 49, United States Code;

(D) a private nonprofit organization;

(E) a private sector organization working in collaboration with an entity described in subparagraphs (A) through (D); and

(F) any other individual or entity that the Secretary determines to be appropriate.

(4) PROJECT REVIEW.—The Secretary shall—

(A) review each research proposal submitted under the pilot program under paragraph (1); and

(B) provide to the eligible entity a written notice that—

(i) if the research proposal is not selected—

(I) notifies the eligible entity that the research proposal has not been selected for funding;

(II) provides an explanation as to why the research proposal was not selected, including if the research proposal does not cover an area of need; and

(III) if applicable, recommend that the research proposal be submitted to another research program and provide guidance and direction to the eligible entity and the proposed research program office; and

(ii) if the research proposal is selected, notifies the eligible entity that the research proposal has been selected for funding.

(5) FEDERAL SHARE.—

(A) IN GENERAL.—The Federal share of the cost of an activity carried out under this subsection shall not exceed 80 percent.

(B) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, facility, and hardware development costs, shall be credited toward the non-Federal share of the cost of an activity carried out under this subsection.

(f) CONFORMING AMENDMENT.—Section 167 of title 23, United States Code, is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) through (l) as subsections (h) through (k), respectively.

SEC. 13007. WORKFORCE DEVELOPMENT, TRAINING, AND EDUCATION.

(a) SURFACE TRANSPORTATION WORKFORCE DEVELOPMENT, TRAINING, AND EDUCATION.—Section 504(e) of title 23, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (D) through (G) as subparagraphs (E), (F), (H), and (I), respectively;

(B) by inserting after subparagraph (C) the following:

"(D) pre-apprenticeships, apprenticeships, and career opportunities for on-the-job training;";

(C) in subparagraph (E) (as so redesignated), by striking "or community college" and inserting ", college, community college, or vocational school"; and

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(D) by inserting after subparagraph (F) (as so redesignated) the following:

"(G) activities associated with workforce training and employment services, such as targeted outreach and partnerships with industry, economic development organizations, workforce development boards, and labor organizations;";

(2) in paragraph (2), by striking "paragraph (1)(G)" and inserting "paragraph (1)(I)"; and

(3) in paragraph (3)—

(A) by striking the period at the end and inserting a semicolon;

(B) by striking "including activities" and inserting the following: "including—

"(A) activities"; and

(C) by adding at the end the following:

"(B) activities that address current workforce gaps, such as work on construction projects, of State and local transportation agencies;

"(C) activities to develop a robust surface transportation workforce with new skills resulting from emerging transportation technologies; and

"(D) activities to attract new sources of job-creating investment.".

(b) TRANSPORTATION EDUCATION AND TRAINING DEVELOPMENT AND DEPLOYMENT PROGRAM.—Section 504(f) of title 23, United States Code, is amended—

(1) in the subsection heading, by striking "DEVELOPMENT" and inserting "AND TRAINING DEVELOPMENT AND DEPLOYMENT";

(2) by striking paragraph (1) and inserting the following:

"(1) ESTABLISHMENT.—The Secretary shall establish a program to make grants to educational institutions or State departments of transportation, in partnership with industry and relevant Federal departments and agencies—

"(A) to develop, test, and review new curricula and education programs to train individuals at all levels of the transportation workforce; or

"(B) to implement the new curricula and education programs to provide for hands-on career opportunities to meet current and future needs.";

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "shall" and inserting "may";

(B) in subparagraph (A), by inserting "current or future" after "specific"; and

(C) in subparagraph (E)—

(i) by striking "in nontraditional departments";

(ii) by inserting "construction," after "such as"; and

(iii) by inserting "or emerging" after "industrial";

(4) by redesignating paragraph (3) as paragraph (4); and

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

"(3) REPORTING.—The Secretary shall establish minimum reporting requirements for grant recipients under this subsection, which may include, with respect to a program carried out with a grant under this subsection—

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"(A) the percentage or number of program participants that are employed during the second quarter after exiting the program;

"(B) the percentage or number of program participants that are employed during the fourth quarter after exiting the program;

"(C) the median earnings of program participants that are employed during the second quarter after exiting the program;

"(D) the percentage or number of program participants that obtain a recognized postsecondary credential or a secondary school diploma (or a recognized equivalent) during participation in the program or by not later than 1 year after exiting the program; and

"(E) the percentage or number of program participants that, during a program year—

"(i) are in an education or training program that leads to a recognized postsecondary credential or employment; and

"(ii) are achieving measurable skill gains toward such a credential or employment.".

(c) USE OF FUNDS.—Section 504 of title 23, United States Code, is amended by adding at the end the following:

"(i) USE OF FUNDS.—The Secretary may use funds made available to carry out this section to carry out activities related to workforce development and technical assistance and training if—

"(1) the activities are authorized by another provision of this title; and

"(2) the activities are for entities other than employees of the Secretary, such as States, units of local government, Federal land management agencies, and Tribal governments.".

SEC. 13008. WILDLIFE-VEHICLE COLLISION RESEARCH.

(a) GENERAL AUTHORITIES AND REQUIREMENTS REGARDING WILDLIFE AND HABITAT.—Section 515(h)(2) of title 23, United States Code, is amended—

(1) in subparagraph (K), by striking "and" at the end;

(2) by redesignating subparagraphs (D), (E), (F), (G), (H), (I), (J), (K), and (L) as subparagraphs (E), (F), (G), (H), (I), (K), (L), (M), and (O), respectively;

(3) by inserting after subparagraph (C) the following:

"(D) a representative from a State, local, or regional wildlife, land use, or resource management agency;";

(4) by inserting after subparagraph (I) (as so redesignated) the following:

"(J) an academic researcher who is a biological or ecological scientist with expertise in transportation issues;"; and

(5) by inserting after subparagraph (M) (as so redesignated) the following:

"(N) a representative from a public interest group concerned with the impact of the transportation system on terrestrial and aquatic species and the habitat of those species; and".

(b) ANIMAL DETECTION SYSTEMS RESEARCH AND DEVELOPMENT.—Section 516(b)(6) of title 23, United States Code, is amended

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by inserting ", including animal detection systems to reduce the number of wildlife-vehicle collisions" after "systems".

SEC. 13009. TRANSPORTATION RESILIENCE AND ADAPTATION CENTERS OF EXCELLENCE.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended by adding at the end the following:

"§ 520. Transportation Resilience and Adaptation Centers of Excellence

"(a) DEFINITION OF CENTER OF EXCELLENCE.—In this section, the term 'Center of Excellence' means a Center of Excellence for Resilience and Adaptation designated under subsection (b).

"(b) DESIGNATION.—The Secretary shall designate 10 regional Centers of Excellence for Resilience and Adaptation and 1 national Center of Excellence for Resilience and Adaptation, which shall serve as a coordinator for the regional Centers, to receive grants to advance research and development that improves the resilience of regions of the United States to natural disasters and extreme weather by promoting the resilience of surface transportation infrastructure and infrastructure dependent on surface transportation.

"(c) ELIGIBILITY.—An entity eligible to be designated as a Center of Excellence is—

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

"(2) a consortium of nonprofit organizations led by an institution of higher education.

"(d) APPLICATION.—To be eligible to be designated as a Center of Excellence, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a proposal that includes a description of the activities to be carried out with a grant under this section.

"(e) SELECTION.—

"(1) REGIONAL CENTERS OF EXCELLENCE.—The Secretary shall designate 1 regional Center of Excellence in each of the 10 Federal regions that comprise the Standard Federal Regions established by the Office of Management and Budget in the document entitled 'Standard Federal Regions' and dated April 1974 (circular A–105).

"(2) NATIONAL CENTER OF EXCELLENCE.—The Secretary shall designate 1 national Center of Excellence to coordinate the activities of all 10 regional Centers of Excellence to minimize duplication and promote coordination and dissemination of research among the Centers.

"(3) CRITERIA.—In selecting eligible entities to designate as a Center of Excellence, the Secretary shall consider—

"(A) the past experience and performance of the eligible entity in carrying out activities described in subsection (g);

"(B) the merits of the proposal of an eligible entity and the extent to which the proposal would—

"(i) advance the state of practice in resilience planning and identify innovative resilience solutions for transportation assets and systems;

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"(ii) support activities carried out under the PROTECT program under section 176;

"(iii) support and build on work being carried out by another Federal agency relating to resilience;

"(iv) inform transportation decisionmaking at all levels of government;

"(v) engage local, regional, Tribal, State, and national stakeholders, including, if applicable, stakeholders representing transportation, transit, urban, and land use planning, natural resources, environmental protection, hazard mitigation, and emergency management; and

"(vi) engage community groups and other stakeholders that will be affected by transportation decisions, including underserved, economically disadvantaged, rural, and predominantly minority communities; and

"(C) the local, regional, Tribal, State, and national impacts of the proposal of the eligible entity.

"(f) GRANTS.—Subject to the availability of appropriations, the Secretary shall provide to each Center of Excellence a grant of not less than $5,000,000 for each of fiscal years 2022 through 2031 to carry out the activities described in subsection (g).

"(g) ACTIVITIES.—In carrying out this section, the Secretary shall ensure that a Center of Excellence uses the funds from a grant under subsection (f) to promote resilient transportation infrastructure, including through—

"(1) supporting climate vulnerability assessments informed by climate change science, including national climate assessments produced by the United States Global Change Research Program under section 106 of the Global Change Research Act of 1990 (15 U.S.C. 2936), relevant feasibility analyses of resilient transportation improvements, and transportation resilience planning;

"(2) development of new design, operations, and maintenance standards for transportation infrastructure that can inform Federal and State decisionmaking;

"(3) research and development of new materials and technologies that could be integrated into existing and new transportation infrastructure;

"(4) development, refinement, and piloting of new and emerging resilience improvements and strategies, including natural infrastructure approaches and relocation;

"(5) development of and investment in new approaches for facilitating meaningful engagement in transportation decisionmaking by local, Tribal, regional, or national stakeholders and communities;

"(6) technical capacity building to facilitate the ability of local, regional, Tribal, State, and national stakeholders—

"(A) to assess the vulnerability of transportation infrastructure assets and systems;

"(B) to develop community response strategies;

"(C) to meaningfully engage with community stakeholders; and

"(D) to develop strategies and improvements for enhancing transportation infrastructure resilience under

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current conditions and a range of potential future conditions;

"(7) workforce development and training;

"(8) development and dissemination of data, tools, techniques, assessments, and information that informs Federal, State, Tribal, and local government decisionmaking, policies, planning, and investments;

"(9) education and outreach regarding transportation infrastructure resilience; and

"(10) technology transfer and commercialization.

"(h) FEDERAL SHARE.—The Federal share of the cost of an activity under this section, including the costs of establishing and operating a Center of Excellence, shall be 50 percent.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding at the end the following:

"520. Transportation Resilience and Adaptation Centers of Excellence.".

SEC. 13010. TRANSPORTATION ACCESS PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) METROPOLITAN PLANNING ORGANIZATION.—The term "metropolitan planning organization" has the meaning given the term in section 134(b) of title 23, United States Code.

(2) STATE.—The term "State" has the meaning given the term in section 101(a) of title 23, United States Code.

(3) SURFACE TRANSPORTATION MODES.—The term "surface transportation modes" means—

(A) driving;

(B) public transportation;

(C) walking;

(D) cycling; and

(E) a combination of any of the modes of transportation described in subparagraphs (A) through (D).

(4) PILOT PROGRAM.—The term "pilot program" means the transportation pilot program established under subsection (b).

(5) REGIONAL TRANSPORTATION PLANNING ORGANIZATION.—The term "regional transportation planning organization" has the meaning given the term in section 134(b) of title 23, United States Code.

(b) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a transportation pilot program.

(c) PURPOSE.—The purpose of the pilot program is to develop or procure an accessibility data set and make that data set available to each eligible entity selected to participate in the pilot program—

(1) to improve the transportation planning of those eligible entities by—

(A) measuring the level of access by surface transportation modes to important destinations, which may include—

(i) jobs;

(ii) health care facilities;

(iii) child care services;

(iv) educational and workforce training facilities;

(v) housing;

(vi) food sources;

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(vii) points within the supply chain for freight commodities;

(viii) domestic or international markets; and

(ix) connections between surface transportation modes; and

(B) disaggregating the level of access by surface transportation modes by a variety of—

(i) population categories, which may include—

(I) low-income populations;

(II) minority populations;

(III) age;

(IV) disability; and

(V) geographical location; or

(ii) freight commodities, which may include—

(I) agricultural commodities;

(II) raw materials;

(III) finished products; and

(IV) energy commodities; and

(2) to assess the change in accessibility that would result from new transportation investments.

(d) ELIGIBLE ENTITIES.—An entity eligible to participate in the pilot program is—

(1) a State;

(2) a metropolitan planning organization; or

(3) a regional transportation planning organization.

(e) APPLICATION.—To be eligible to participate in the pilot program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including information relating to—

(1) previous experience of the eligible entity measuring transportation access or other performance management experience, if applicable;

(2) the types of important destinations to which the eligible entity intends to measure access;

(3) the types of data disaggregation the eligible entity intends to pursue;

(4) a general description of the methodology the eligible entity intends to apply; and

(5) if the applicant does not intend the pilot program to apply to the full area under the jurisdiction of the applicant, a description of the geographic area in which the applicant intends the pilot program to apply.

(f) SELECTION.—

(1) IN GENERAL.—The Secretary shall seek to achieve diversity of participants in the pilot program by selecting a range of eligible entities that shall include—

(A) States;

(B) metropolitan planning organizations that serve an area with a population of 200,000 people or fewer;

(C) metropolitan planning organizations that serve an area with a population of over 200,000 people; and

(D) regional transportation planning organizations.

(2) INCLUSIONS.—The Secretary shall seek to ensure that, among the eligible entities selected under paragraph (1), there is—

(A) a range of capacity and previous experience with measuring transportation access; and

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(B) a variety of proposed methodologies and focus areas for measuring level of access.

(g) DUTIES.—For each eligible entity participating in the pilot program, the Secretary shall—

(1) develop or acquire an accessibility data set described in subsection (c); and

(2) submit the data set to the eligible entity.

(h) METHODOLOGY.—In calculating the measures for the data set under the pilot program, the Secretary shall ensure that methodology is open source.

(i) AVAILABILITY.—The Secretary shall make an accessibility data set under the pilot program available to—

(1) units of local government within the jurisdiction of the eligible entity participating in the pilot program; and

(2) researchers.

(j) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the pilot program, including the feasibility of developing and providing periodic accessibility data sets for all States, regions, and localities.

(k) TRANSPORTATION SYSTEM ACCESS.—

(1) IN GENERAL.—The Secretary shall establish consistent measures that States, metropolitan planning organizations, and regional transportation planning organizations may choose to adopt to assess the level of safe and convenient access by surface transportation modes to important destinations as described in subsection (c)(1)(A).

(2) SAVINGS PROVISION.—Nothing in this section provides the Secretary the authority—

(A) to establish a performance measure or require States or metropolitan planning organizations to set a performance target for access as described in paragraph (1); or

(B) to establish any other Federal requirement.

(l) FUNDING.—The Secretary shall carry out the pilot program using amounts made available to the Secretary for administrative expenses to carry out programs under the authority of the Secretary.

(m) SUNSET.—The pilot program shall terminate on the date that is 8 years after the date on which the pilot program is implemented.

TITLE IV—INDIAN AFFAIRS

SEC. 14001. DEFINITION OF SECRETARY.

In this title, the term "Secretary" means the Secretary of the Interior.

SEC. 14002. ENVIRONMENTAL REVIEWS FOR CERTAIN TRIBAL TRANSPORTATION FACILITIES.

(a) DEFINITION OF TRIBAL TRANSPORTATION SAFETY PROJECT.—

(1) IN GENERAL.—In this section, the term "tribal transportation safety project" means a project described in paragraph (2) that is eligible for funding under section 202 of title 23, United States Code.

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(2) PROJECT DESCRIBED.—A project described in this paragraph is a project that corrects or improves a hazardous road location or feature or addresses a highway safety problem through 1 or more of the activities described in any of the clauses under section 148(a)(4)(B) of title 23, United States Code.

(b) REVIEWS OF TRIBAL TRANSPORTATION SAFETY PROJECTS.—

(1) IN GENERAL.—The Secretary or the Secretary of Transportation, as applicable, or the head of another Federal agency responsible for a decision related to a tribal transportation safety project shall complete any approval or decision for the review of the tribal transportation safety project required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other applicable Federal law on an expeditious basis using the shortest existing applicable process.

(2) REVIEW OF APPLICATIONS.—Not later than 45 days after the date of receipt of a complete application by an Indian tribe for approval of a tribal transportation safety project, the Secretary or the Secretary of Transportation, as applicable, shall—

(A) take final action on the application; or

(B) provide the Indian tribe a schedule for completion of the review described in paragraph (1), including the identification of any other Federal agency that has jurisdiction with respect to the project.

(3) DECISIONS UNDER OTHER FEDERAL LAWS.—In any case in which a decision under any other Federal law relating to a tribal transportation safety project (including the issuance or denial of a permit or license) is required, not later than 45 days after the Secretary or the Secretary of Transportation, as applicable, has made all decisions of the lead agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the project, the head of the Federal agency responsible for the decision shall—

(A) make the applicable decision; or

(B) provide the Indian tribe a schedule for making the decision.

(4) EXTENSIONS.—The Secretary or the Secretary of Transportation, as applicable, or the head of the Federal agency may extend the period under paragraph (2) or (3), as applicable, by an additional 30 days by providing the Indian tribe notice of the extension, including a statement of the need for the extension.

(5) NOTIFICATION AND EXPLANATION.—In any case in which a required action is not completed by the deadline under paragraph (2), (3), or (4), as applicable, the Secretary, the Secretary of Transportation, or the head of a Federal agency, as applicable, shall—

(A) notify the Committees on Indian Affairs and Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives of the failure to comply with the deadline; and

(B) provide to the Committees described in subparagraph (A) a detailed explanation of the reasons for the failure to comply with the deadline.

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SEC. 14003. PROGRAMMATIC AGREEMENTS FOR TRIBAL CATEGORICAL EXCLUSIONS.

(a) IN GENERAL.—The Secretary and the Secretary of Transportation shall enter into programmatic agreements with Indian tribes that establish efficient administrative procedures for carrying out environmental reviews for projects eligible for assistance under section 202 of title 23, United States Code.

(b) INCLUSIONS.—A programmatic agreement under subsection (a)—

(1) may include an agreement that allows an Indian tribe to determine, on behalf of the Secretary and the Secretary of Transportation, whether a project is categorically excluded from the preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) shall—

(A) require that the Indian tribe maintain adequate capability in terms of personnel and other resources to carry out applicable agency responsibilities pursuant to section 1507.2 of title 40, Code of Federal Regulations (or successor regulations);

(B) set forth the responsibilities of the Indian tribe for making categorical exclusion determinations, documenting the determinations, and achieving acceptable quality control and quality assurance;

(C) allow—

(i) the Secretary and the Secretary of Transportation to monitor compliance of the Indian tribe with the terms of the agreement; and

(ii) the Indian tribe to execute any needed corrective action;

(D) contain stipulations for amendments, termination, and public availability of the agreement once the agreement has been executed; and

(E) have a term of not more than 5 years, with an option for renewal based on a review by the Secretary and the Secretary of Transportation of the performance of the Indian tribe.

SEC. 14004. USE OF CERTAIN TRIBAL TRANSPORTATION FUNDS.

Section 202(d) of title 23, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) USE OF FUNDS.—Funds made available to carry out this subsection shall be used—

"(A) to carry out any planning, design, engineering, preconstruction, construction, and inspection of new or replacement tribal transportation facility bridges;

"(B) to replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and deicing composition; or

"(C) to implement any countermeasure for tribal transportation facility bridges classified as in poor condition, having a low load capacity, or needing geometric improvements, including multiple-pipe culverts.".

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SEC. 14005. BUREAU OF INDIAN AFFAIRS ROAD MAINTENANCE PROGRAM.

There are authorized to be appropriated to the Director of the Bureau of Indian Affairs to carry out the road maintenance program of the Bureau—

(1) $50,000,000 for fiscal year 2022;
(2) $52,000,000 for fiscal year 2023;
(3) $54,000,000 for fiscal year 2024;
(4) $56,000,000 for fiscal year 2025; and
(5) $58,000,000 for fiscal year 2026.

SEC. 14006. STUDY OF ROAD MAINTENANCE ON INDIAN LAND.

(a) DEFINITIONS.—In this section:

(1) INDIAN LAND.—The term "Indian land" has the meaning given the term "Indian lands" in section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302).

(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) ROAD.—The term "road" means a road managed in whole or in part by the Bureau of Indian Affairs.

(4) SECRETARY.—The term "Secretary" means the Secretary, acting through the Assistant Secretary for Indian Affairs.

(b) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall carry out a study to evaluate—

(1) the long-term viability and useful life of existing roads on Indian land;

(2) any steps necessary to achieve the goal of addressing the deferred maintenance backlog of existing roads on Indian land;

(3) programmatic reforms and performance enhancements necessary to achieve the goal of restructuring and streamlining road maintenance programs on existing or future roads located on Indian land; and

(4) recommendations on how to implement efforts to coordinate with States, counties, municipalities, and other units of local government to maintain roads on Indian land.

(c) TRIBAL CONSULTATION AND INPUT.—Before beginning the study under subsection (b), the Secretary shall—

(1) consult with any Indian tribes that have jurisdiction over roads eligible for funding under the road maintenance program of the Bureau of Indian Affairs; and

(2) solicit and consider the input, comments, and recommendations of the Indian tribes described in paragraph (1).

(d) REPORT.—On completion of the study under subsection (b), the Secretary, in consultation with the Secretary of Transportation, shall submit to the Committees on Indian Affairs and Environment and Public Works of the Senate and the Committees on Natural Resources and Transportation and Infrastructure of the House of Representatives a report on the results and findings of the study.

(e) STATUS REPORT.—Not later than 2 years after the date of enactment of this Act, and not less frequently than every 2 years thereafter, the Secretary, in consultation with the Secretary of Transportation, shall submit to the Committees on Indian Affairs

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and Environment and Public Works of the Senate and the Committees on Natural Resources and Transportation and Infrastructure of the House of Representatives a report that includes a description of—

(1) the progress made toward addressing the deferred maintenance needs of the roads on Indian land, including a list of projects funded during the fiscal period covered by the report;

(2) the outstanding needs of the roads that have been provided funding to address the deferred maintenance needs;

(3) the remaining needs of any of the projects referred to in paragraph (1);

(4) how the goals described in subsection (b) have been met, including—

(A) an identification and assessment of any deficiencies or shortfalls in meeting the goals; and

(B) a plan to address the deficiencies or shortfalls in meeting the goals; and

(5) any other issues or recommendations provided by an Indian tribe under the consultation and input process under subsection (c) that the Secretary determines to be appropriate.

SEC. 14007. MAINTENANCE OF CERTAIN INDIAN RESERVATION ROADS.

The Commissioner of U.S. Customs and Border Protection may transfer funds to the Director of the Bureau of Indian Affairs to maintain, repair, or reconstruct roads under the jurisdiction of the Director, subject to the condition that the Commissioner and the Director shall mutually agree that the primary user of the subject road is U.S. Customs and Border Protection.

SEC. 14008. TRIBAL TRANSPORTATION SAFETY NEEDS.

(a) DEFINITIONS.—In this section:

(1) ALASKA NATIVE.—The term "Alaska Native" has the meaning given the term "Native" in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(2) ALASKA NATIVE VILLAGE.—The term "Alaska Native village" has the meaning given the term "Native village" in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(3) 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).

(b) BEST PRACTICES, STANDARDIZED CRASH REPORT FORM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary, Indian tribes, Alaska Native villages, and State departments of transportation shall develop—

(A) best practices for the compiling, analysis, and sharing of motor vehicle crash data for crashes occurring on Indian reservations and in Alaska Native communities; and

(B) a standardized form for use by Indian tribes and Alaska Native communities to carry out those best practices.

(2) PURPOSE.—The purpose of the best practices and standardized form developed under paragraph (1) shall be to improve the quality and quantity of crash data available to

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and used by the Federal Highway Administration, State departments of transportation, Indian tribes, and Alaska Native villages.

(3) REPORT.—On completion of the development of the best practices and standardized form under paragraph (1), the Secretary of Transportation shall submit to the Committees on Indian Affairs and Environment and Public Works of the Senate and the Committees on Natural Resources and Transportation and Infrastructure of the House of Representatives a report describing the best practices and standardized form.

(c) USE OF IMARS.—The Director of the Bureau of Indian Affairs shall require all law enforcement offices of the Bureau, for the purpose of reporting motor vehicle crash data for crashes occurring on Indian reservations and in Alaska Native communities—

(1) to use the crash report form of the applicable State; and

(2) to upload the information on that form to the Incident Management Analysis and Reporting System (IMARS) of the Department of the Interior.

(d) TRIBAL TRANSPORTATION PROGRAM SAFETY FUNDING.—Section 202(e)(1) of title 23, United States Code, is amended by striking "2 percent" and inserting "4 percent".

SEC. 14009. OFFICE OF TRIBAL GOVERNMENT AFFAIRS.

Section 102 of title 49, United States Code, is amended—

(1) in subsection (e)(1)—

(A) in the matter preceding subparagraph (A), by striking "6 Assistant" and inserting "7 Assistant";

(B) in subparagraph (C), by striking "and" after the semicolon;

(C) by redesignating subparagraph (D) as subparagraph (E); and

(D) by inserting after subparagraph (C) the following:

"(D) an Assistant Secretary for Tribal Government Affairs, who shall be appointed by the President; and"; and

(2) in subsection (f), by striking the subsection designation and heading and all that follows through the end of paragraph (1) and inserting the following:

"(f) OFFICE OF TRIBAL GOVERNMENT AFFAIRS.—

"(1) ESTABLISHMENT.—There is established in the Department an Office of Tribal Government Affairs, under the Assistant Secretary for Tribal Government Affairs—

"(A) to oversee the tribal self-governance program under section 207 of title 23;

"(B) to plan, coordinate, and implement policies and programs serving Indian Tribes and Tribal organizations;

"(C) to coordinate Tribal transportation programs and activities in all offices and administrations of the Department; and

"(D) to be a participant in any negotiated rulemakings relating to, or having an impact on, projects, programs, or funding associated with the Tribal transportation program under section 202 of title 23.".

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DIVISION B—SURFACE TRANSPORTATION INVESTMENT ACT OF 2021

SEC. 20001. SHORT TITLE.

This division may be cited as the "Surface Transportation Investment Act of 2021".

SEC. 20002. DEFINITIONS.

In this division:

(1) DEPARTMENT.—The term "Department" means the Department of Transportation.

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

TITLE I—MULTIMODAL AND FREIGHT TRANSPORTATION

Subtitle A—Multimodal Freight Policy

SEC. 21101. OFFICE OF MULTIMODAL FREIGHT INFRASTRUCTURE AND POLICY.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"§ 118. Office of Multimodal Freight Infrastructure and Policy

"(a) DEFINITIONS.—In this section:

"(1) DEPARTMENT.—The term 'Department' means the Department of Transportation.

"(2) FREIGHT OFFICE.—The term 'Freight Office' means the Office of Multimodal Freight Infrastructure and Policy established under subsection (b).

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(b) ESTABLISHMENT.—The Secretary shall establish within the Department an Office of Multimodal Freight Infrastructure and Policy.

"(c) PURPOSES.—The purposes of the Freight Office shall be—

"(1) to carry out the national multimodal freight policy described in section 70101;

"(2) to administer and oversee certain multimodal freight grant programs within the Department in accordance with subsection (d);

"(3) to promote and facilitate the sharing of information between the private and public sectors with respect to freight issues;

"(4) to conduct research on improving multimodal freight mobility, and to oversee the freight research activities of the various agencies within the Department;

"(5) to assist cities and States in developing freight mobility and supply chain expertise;

"(6) to liaise and coordinate with other Federal departments and agencies; and

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"(7) to carry out other duties, as prescribed by the Secretary.

"(d) ADMINISTRATION OF POLICIES AND PROGRAMS.—The Freight Office shall—

"(1) develop and manage—

"(A) the national freight strategic plan described in section 70102; and

"(B) the National Multimodal Freight Network established under section 70103;

"(2)(A) oversee the development and updating of the State freight plans described in section 70202; and

"(B) provide guidance or best practices relating to the development and updating of State freight plans under that section;

"(3)(A) administer multimodal freight grant programs, including multimodal freight grants established under section 117 of title 23; and

"(B) establish procedures for analyzing and evaluating applications for grants under those programs;

"(4) assist States in the establishment of—

"(A) State freight advisory committees under section 70201; and

"(B) multi-State freight mobility compacts under section 70204; and

"(5) provide to the Bureau of Transportation Statistics input regarding freight data and planning tools.

"(e) ASSISTANT SECRETARY.—

"(1) IN GENERAL.—The Freight Office shall be headed by an Assistant Secretary for Multimodal Freight, who shall—

"(A) be appointed by the President, by and with the advice and consent of the Senate; and

"(B) have professional standing and demonstrated knowledge in the field of freight transportation.

"(2) DUTIES.—The Assistant Secretary shall—

"(A) report to the Under Secretary of Transportation for Policy;

"(B) be responsible for the management and oversight of the activities, decisions, operations, and personnel of the Freight Office;

"(C) work with the modal administrations of the Department to encourage multimodal collaboration; and

"(D) carry out such additional duties as the Secretary may prescribe.

"(f) CONSOLIDATION AND ELIMINATION OF DUPLICATIVE OFFICES.—

"(1) CONSOLIDATION OF OFFICES AND OFFICE FUNCTIONS.—The Secretary may consolidate into the Freight Office any office or office function within the Department that the Secretary determines has duties, responsibilities, resources, or expertise that support the purposes of the Freight Office.

"(2) ELIMINATION OF OFFICES.—The Secretary may eliminate any office within the Department if the Secretary determines that—

"(A) the purposes of the office are duplicative of the purposes of the Freight Office;

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"(B) the office or the functions of the office have been substantially consolidated with the Freight Office pursuant to paragraph (1);

"(C) the elimination of the office will not adversely affect the requirements of the Secretary under any Federal law; and

"(D) the elimination of the office will improve the efficiency and effectiveness of the programs and functions conducted by the office.

"(g) STAFFING AND BUDGETARY RESOURCES.—

"(1) IN GENERAL.—The Secretary shall ensure that the Freight Office is adequately staffed and funded.

"(2) STAFFING.—

"(A) TRANSFER OF POSITIONS TO FREIGHT OFFICE.—Subject to subparagraph (B), the Secretary may transfer to the Freight Office any position within any other office of the Department if the Secretary determines that the position is necessary to carry out the purposes of the Freight Office.

"(B) REQUIREMENT.—If the Secretary transfers a position to the Freight Office pursuant to subparagraph (A), the Secretary, in coordination with the appropriate modal administration of the Department, shall ensure that the transfer of the position does not adversely affect the requirements of the modal administration under any Federal law.

"(3) BUDGETARY RESOURCES.—

"(A) TRANSFER OF FUNDS FROM CONSOLIDATED OR ELIMINATED OFFICES.—

"(i) IN GENERAL.—To carry out the purposes of the Freight Office, the Secretary may transfer to the Freight Office from any office or office function that is consolidated or eliminated under subsection (f) any funds allocated for the consolidated or eliminated office or office function.

"(ii) RETRANSFER.—Any portion of any funds or limitations of obligations transferred to the Freight Office pursuant to clause (i) may be transferred back to, and merged with, the original account.

"(B) TRANSFER OF FUNDS ALLOCATED FOR ADMINISTRATIVE COSTS.—

"(i) IN GENERAL.—The Secretary may transfer to the Freight Office any funds allocated for the administrative costs of the programs referred to in subsection (d)(3).

"(ii) RETRANSFER.—Any portion of any funds or limitations of obligations transferred to the Freight Office pursuant to clause (i) may be transferred back to, and merged with, the original account.

"(h) WEBSITE.—

"(1) DESCRIPTION OF FREIGHT OFFICE.—The Secretary shall make publicly available on the website of the Department a description of the Freight Office, including a description of—

"(A) the programs managed or made available by the Freight Office; and

"(B) the eligibility requirements for those programs.

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"(2) CLEARINGHOUSE.—The Secretary may establish a clearinghouse for tools, templates, guidance, and best practices on a page of the website of the Department that supports the purposes of this section.

"(i) NOTIFICATION TO CONGRESS.—Not later than 1 year after the date of enactment of this section, and not less frequently than once every 180 days thereafter until the date on which the Secretary determines that the requirements of this section have been met, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a notification that—

"(1) describes—

"(A) the programs and activities administered or overseen by the Freight Office; and

"(B) the status of those programs and activities;

"(2) identifies—

"(A) the number of employees working in the Freight Office as of the date of the notification;

"(B) the total number of employees expected to join the Freight Office to support the programs and activities described in paragraph (1); and

"(C) the total number of positions that, as a result of the consolidation of offices under this section, were—

"(i) eliminated; or

"(ii) transferred, assigned, or joined to the Freight Office;

"(3)(A) indicates whether the Secretary has consolidated into the Freight Office any office or office function pursuant to subsection (f)(1); and

"(B) if the Secretary has consolidated such an office or function, describes the rationale for the consolidation;

"(4)(A) indicates whether the Secretary has eliminated any office pursuant to subsection (f)(2); and

"(B) if the Secretary has eliminated such an office, describes the rationale for the elimination;

"(5) describes any other actions carried out by the Secretary to implement this section; and

"(6) describes any recommendations of the Secretary for legislation that may be needed to further implement this section.

"(j) SAVINGS PROVISIONS.—

"(1) EFFECT ON OTHER LAW.—Except as otherwise provided in this section, nothing in this section alters or affects any law (including regulations) with respect to a program referred to in subsection (d).

"(2) EFFECT ON RESPONSIBILITIES OF OTHER AGENCIES.—Except as otherwise provided in this section, nothing in this section abrogates the responsibilities of any agency, operating administration, or office within the Department that is otherwise charged by law (including regulations) with any aspect of program administration, oversight, or project approval or implementation with respect to a program or project subject to the responsibilities of the Freight Office under this section.

"(3) EFFECT ON PENDING APPLICATIONS.—Nothing in this section affects any pending application under a program referred to in subsection (d) that was received by the Secretary

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on or before the date of enactment of the Surface Transportation Investment Act of 2021.

"(k) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section.

"(2) CERTAIN ACTIVITIES.—Authorizations under subsections (f) and (g) are subject to appropriations.".

(b) GAO REVIEW.—The Comptroller General of the United States shall—

(1) conduct a review of the activities carried out by the Secretary pursuant to section 118 of title 49, United States Code; and

(2) develop recommendations regarding additional activities—

(A) to improve the consolidation of duplicative functions within the Department; and

(B) to promote increased staff efficiency for program management within the Department.

(c) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by inserting after the item relating to section 117 the following:

"118. Office of Multimodal Freight Infrastructure and Policy.".

(d) CONFORMING AMENDMENTS.—

(1) Section 70101(c) of title 49, United States Code, is amended, in the matter preceding paragraph (1), by striking "Under Secretary of Transportation for Policy" and inserting "Assistant Secretary for Multimodal Freight".

(2) Section 70102 of title 49, United States Code, is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking "Not later" and all that follows through "the Under Secretary of Transportation for Policy" and inserting "The Assistant Secretary for Multimodal Freight (referred to in this section as the 'Assistant Secretary')";

(B) in subsection (b)(4), in the matter preceding subparagraph (A), by striking "Under Secretary" and inserting "Assistant Secretary";

(C) in subsection (c), by striking "Under Secretary" and inserting "Assistant Secretary"; and

(D) in subsection (d), in the matter preceding paragraph (1), by striking "Under Secretary" and inserting "Assistant Secretary".

(3) Section 70103 of title 49, United States Code, is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking "Under Secretary of Transportation for Policy" and inserting "Assistant Secretary for Multimodal Freight (referred to in this section as the 'Assistant Secretary')";

(B) by striking subsection (b);

(C) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(D) in subsection (b) (as so redesignated)—

(i) in the subsection heading, by striking "FINAL NETWORK" and inserting "DESIGNATION OF NATIONAL MULTIMODAL FREIGHT NETWORK";

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(ii) in paragraph (1), in the matter preceding subparagraph (A), by striking "Not later" and all that follows through "Under Secretary" and inserting "The Assistant Secretary";

(iii) in paragraph (2), in the matter preceding subparagraph (A), by striking "Under Secretary" and inserting "Assistant Secretary"; and

(iv) in paragraph (3), in the matter preceding subparagraph (A), by striking "Under Secretary" and inserting "Assistant Secretary"; and

(E) in subsection (c) (as so redesignated)—

(i) by striking "subsection (c)" each place it appears and inserting "subsection (b)"; and

(ii) by striking "Under Secretary" and inserting "Assistant Secretary".

(4) Section 116(d)(1) of title 49, United States Code, is amended by striking subparagraph (D).

SEC. 21102. UPDATES TO NATIONAL FREIGHT PLAN.

Section 70102(b) of title 49, United States Code, is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(12) best practices for reducing environmental impacts of freight movement (including reducing local air pollution from freight movement, stormwater runoff, and wildlife habitat loss resulting from freight facilities, freight vehicles, or freight activity);

"(13) possible strategies to increase the resilience of the freight system, including the ability to anticipate, prepare for, or adapt to conditions, or withstand, respond to, or recover rapidly from disruptions, including extreme weather and natural disasters;

"(14) strategies to promote United States economic growth and international competitiveness;

"(15) consideration of any potential unique impacts of the national freight system on rural and other underserved and historically disadvantaged communities;

"(16) strategies for decarbonizing freight movement, as appropriate; and

"(17) consideration of the impacts of e-commerce on the national multimodal freight system.".

SEC. 21103. STATE COLLABORATION WITH NATIONAL MULTIMODAL FREIGHT NETWORK.

Subsection (b) of section 70103 of title 49, United States Code (as redesignated by section 21101(d)(3)(C)), is amended—

(1) in paragraph (3), by striking subparagraph (C) and inserting the following:

"(C) provide to the States an opportunity to submit proposed designations from the States in accordance with paragraph (4).."; and

(2) in paragraph (4)—

(A) in subparagraph (C)(i), by striking "20 percent" and inserting "30 percent"; and

(B) by adding at the end the following:

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"(E) CONDITION FOR ACCEPTANCE.—The Secretary shall accept from a State a designation under subparagraph (D) only if the Secretary determines that the designation meets the applicable requirements of subparagraph (A).".

SEC. 21104. IMPROVING STATE FREIGHT PLANS.

(a) IN GENERAL.—Section 70202 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (9), by striking "and" at the end;

(B) by redesignating paragraph (10) as paragraph (17); and

(C) by inserting after paragraph (9) the following:

"(10) the most recent commercial motor vehicle parking facilities assessment conducted by the State under subsection (f);

"(11) the most recent supply chain cargo flows in the State, expressed by mode of transportation;

"(12) an inventory of commercial ports in the State;

"(13) if applicable, consideration of the findings or recommendations made by any multi-State freight compact to which the State is a party under section 70204;

"(14) the impacts of e-commerce on freight infrastructure in the State;

"(15) considerations of military freight;

"(16) strategies and goals to decrease—

"(A) the severity of impacts of extreme weather and natural disasters on freight mobility;

"(B) the impacts of freight movement on local air pollution;

"(C) the impacts of freight movement on flooding and stormwater runoff; and

"(D) the impacts of freight movement on wildlife habitat loss; and"; and

(2) by adding at the end the following:

"(f) COMMERCIAL MOTOR VEHICLE PARKING FACILITIES ASSESSMENTS.—As part of the development or updating, as applicable, of a State freight plan under this section, each State that receives funding under section 167 of title 23, in consultation with relevant State motor carrier safety personnel, shall conduct an assessment of—

"(1) the capability of the State, together with the private sector in the State, to provide adequate parking facilities and rest facilities for commercial motor vehicles engaged in interstate transportation;

"(2) the volume of commercial motor vehicle traffic in the State; and

"(3) whether there exist any areas within the State with a shortage of adequate commercial motor vehicle parking facilities, including an analysis (economic or otherwise, as the State determines to be appropriate) of the underlying causes of such a shortage.

"(g) PRIORITY.—Each State freight plan under this section shall include a requirement that the State, in carrying out activities under the State freight plan—

"(1) enhance reliability or redundancy of freight transportation; or

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"(2) incorporate the ability to rapidly restore access and reliability with respect to freight transportation.

"(h) APPROVAL.—

"(1) IN GENERAL.—The Secretary of Transportation shall approve a State freight plan described in subsection (a) if the plan achieves compliance with the requirements of this section.

"(2) SAVINGS PROVISION.—Nothing in this subsection establishes new procedural requirements for the approval of a State freight plan described in subsection (a).".

(b) STUDIES.—For the purpose of facilitating the integration of intelligent transportation systems into the freight transportation network powered by electricity, the Secretary, acting through the Assistant Secretary for Multimodal Freight, shall conduct a study relating to—

(1) preparing to supply power to applicable electrical freight infrastructure; and

(2) safely integrating freight into intelligent transportation systems.

(c) ALIGNMENT OF TRANSPORTATION PLANNING.—Section 70202 of title 49, United States Code, is amended—

(1) in subsection (d), by striking "5-year" and inserting "8-year"; and

(2) in subsection (e)(1), by striking "5 years" and inserting "4 years".

SEC. 21105. IMPLEMENTATION OF NATIONAL MULTIMODAL FREIGHT NETWORK.

Not later than 30 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) describes the status of the designation of the final National Multimodal Freight Network required under section 70103 of title 49, United States Code;

(2) explains the reasons why the designation of the network referred to in paragraph (1) has not been finalized, if applicable; and

(3) estimates the date by which that network will be designated.

SEC. 21106. MULTI-STATE FREIGHT CORRIDOR PLANNING.

(a) IN GENERAL.—Chapter 702 of title 49, United States Code, is amended—

(1) by redesignating section 70204 as section 70206; and

(2) by inserting after section 70203 the following:

"§ 70204. Multi-State freight corridor planning

"(a) CONSENT TO MULTI-STATE FREIGHT MOBILITY COMPACTS.—Congress recognizes the right of States, cities, regional planning organizations, federally recognized Indian Tribes, and local public authorities (including public port authorities) that are regionally linked with an interest in a specific nationally or regionally significant multi-State freight corridor to enter into multi-State compacts to promote the improved mobility of goods, including—

"(1) identifying projects along the corridor that benefit multiple States;

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"(2) assembling rights-of-way; and

"(3) performing capital improvements.

"(b) FINANCING.—A multi-State freight compact established by entities under subsection (a) may provide that, in order to carry out the compact, the relevant States or other entities may—

"(1) accept contributions from a unit of State or local government;

"(2) use any Federal or State funds made available for freight mobility infrastructure planning or construction, including applying for grants;

"(3) subject to such terms and conditions as the States consider to be advisable—

"(A) borrow money on a short-term basis; and

"(B) issue—

"(i) notes for borrowing under subparagraph (A); and

"(ii) bonds; and

"(4) obtain financing by other means permitted under applicable Federal or State law.

"(c) ADVISORY COMMITTEES.—

"(1) IN GENERAL.—A multi-State freight compact under this section may establish a multi-State freight corridor advisory committee, which shall include representatives of State departments of transportation and other public and private sector entities with an interest in freight mobility, such as—

"(A) ports;

"(B) freight railroads;

"(C) shippers;

"(D) carriers;

"(E) freight-related associations;

"(F) third-party logistics providers;

"(G) the freight industry workforce;

"(H) environmental organizations;

"(I) community organizations; and

"(J) units of local government.

"(2) ACTIVITIES.—An advisory committee established under paragraph (1) may—

"(A) advise the parties to the applicable multi-State freight compact with respect to freight-related priorities, issues, projects, and funding needs that impact multi-State—

"(i) freight mobility; and

"(ii) supply chains;

"(B) serve as a forum for States, Indian Tribes, and other public entities to discuss decisions affecting freight mobility;

"(C) communicate and coordinate multi-State freight priorities with other organizations;

"(D) promote the sharing of information between the private and public sectors with respect to freight issues; and

"(E) provide information for consideration in the development of State freight plans under section 70202.

"(d) GRANTS.—

"(1) ESTABLISHMENT.—The Secretary of Transportation (referred to in this section as the 'Secretary') shall establish a program under which the Secretary shall provide grants

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to multi-State freight compacts, or States seeking to form a multi-State freight compact, that seek to improve a route or corridor that is a part of the National Multimodal Freight Network established under section 70103.

"(2) NEW COMPACTS.—

"(A) IN GENERAL.—To incentivize the establishment of multi-State freight compacts, the Secretary may award a grant for operations costs in an amount of not more than $2,000,000 to—

"(i) a multi-State freight compact established under subsection (a) during the 2-year period beginning on the date of establishment of the multi-State freight compact; or

"(ii) States seeking to form a multi-State freight compact described in that subsection.

"(B) ELIGIBILITY.—

"(i) NEW MULTI-STATE FREIGHT COMPACTS.—A multi-State freight compact shall be eligible for a grant under this paragraph only during the initial 2 years of operation of the compact.

"(ii) STATES SEEKING TO FORM A COMPACT.—States seeking to form a multi-State freight compact shall be eligible for a grant under this paragraph during—

"(I) the 2-year period beginning on the date on which an application for a grant under this paragraph with respect to the proposed compact is submitted to the Secretary; or

"(II) if the compact is formed before the date on which a grant under this paragraph is awarded in accordance with subclause (I), the initial 2 years of operation of the compact.

"(C) REQUIREMENTS.—To be eligible to receive a grant under this paragraph, a multi-State freight compact or the applicable States seeking to form a multi-State freight compact shall—

"(i) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

"(ii) provide a non-Federal match equal to not less than 25 percent of the operating costs of the multi-State freight compact; and

"(iii) commit to establishing a multi-State freight corridor advisory committee under subsection (c)(1) during the initial 2-year period of operation of the compact.

"(3) EXISTING COMPACTS.—

"(A) IN GENERAL.—The Secretary may award a grant to multi-State freight compacts that are not eligible to receive a grant under paragraph (2) for operations costs in an amount of not more than $1,000,000.

"(B) REQUIREMENTS.—To be eligible to receive a grant under this paragraph, a multi-State freight compact shall—

"(i) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

"(ii) provide a non-Federal match of not less than 50 percent of the operating costs of the compact; and

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"(iii) demonstrate that the compact has established a multi-State freight corridor advisory committee under subsection (c)(1).

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $5,000,000 for each fiscal year to carry out this subsection.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 702 of title 49, United States Code, is amended by striking the item relating to section 70204 and inserting the following:

"70204. Multi-State freight corridor planning.
"70206. Savings provision.".

SEC. 21107. STATE FREIGHT ADVISORY COMMITTEES.

Section 70201 of title 49, United States Code, is amended—

(1) in subsection (a), by striking "representatives of ports, freight railroads," and all that follows through the period at the end and inserting the following: "representatives of—

"(1) ports, if applicable;
"(2) freight railroads, if applicable;
"(3) shippers;
"(4) carriers;
"(5) freight-related associations;
"(6) third-party logistics providers;
"(7) the freight industry workforce;
"(8) the transportation department of the State;
"(9) metropolitan planning organizations;
"(10) local governments;
"(11) the environmental protection department of the State, if applicable;
"(12) the air resources board of the State, if applicable;
"(13) economic development agencies of the State; and
"(14) not-for-profit organizations or community organizations.";

(2) in subsection (b)(5), by striking "70202." and inserting "70202, including by providing advice regarding the development of the freight investment plan.";

(3) by redesignating subsection (b) as subsection (c); and

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

"(b) QUALIFICATIONS.—Each member of a freight advisory committee established under subsection (a) shall have qualifications sufficient to serve on a freight advisory committee, including, as applicable—

"(1) general business and financial experience;
"(2) experience or qualifications in the areas of freight transportation and logistics;
"(3) experience in transportation planning;
"(4) experience representing employees of the freight industry;
"(5) experience representing a State, local government, or metropolitan planning organization; or
"(6) experience representing the views of a community group or not-for-profit organization.".

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Subtitle B—Multimodal Investment

SEC. 21201. NATIONAL INFRASTRUCTURE PROJECT ASSISTANCE.

Subtitle III of title 49, United States Code, is amended by adding at the end the following:

"CHAPTER 67—MULTIMODAL INFRASTRUCTURE INVESTMENTS

"6701. National infrastructure project assistance.
"6702. Local and regional project assistance.

"§ 6701. National infrastructure project assistance

"(a) DEFINITIONS.—In this section:

"(1) DEPARTMENT.—The term 'Department' means the Department of Transportation.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a State or a group of States;

"(B) a metropolitan planning organization;

"(C) a unit of local government;

"(D) a political subdivision of a State;

"(E) a special purpose district or public authority with a transportation function, including a port authority;

"(F) a Tribal government or a consortium of Tribal governments;

"(G) a partnership between Amtrak and 1 or more entities described in subparagraphs (A) through (F); and

"(H) a group of entities described in any of subparagraphs (A) through (G).

"(3) PROGRAM.—The term 'program' means the program established by subsection (b).

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(5) STATE.—The term 'State' means—

"(A) any of the several States;

"(B) the District of Columbia;

"(C) the Commonwealth of Puerto Rico;

"(D) the Commonwealth of the Northern Mariana Islands;

"(E) the United States Virgin Islands;

"(F) Guam;

"(G) American Samoa; and

"(H) any other territory or possession of the United States.

"(b) ESTABLISHMENT.—There is established a program under which the Secretary shall provide to eligible entities grants, on a competitive basis pursuant to single-year or multiyear grant agreements, for projects described in subsection (d).

"(c) APPLICATIONS.—

"(1) IN GENERAL.—To be eligible for a grant under the program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be appropriate.

"(2) PLAN FOR DATA COLLECTION.—An application under paragraph (1) shall include a plan for data collection and analysis described in subsection (g).

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"(d) ELIGIBLE PROJECTS.—The Secretary may provide a grant under the program only for a project—

"(1) that is—

"(A) a highway or bridge project carried out on—

"(i) the National Multimodal Freight Network established under section 70103;

"(ii) the National Highway Freight Network established under section 167 of title 23; or

"(iii) the National Highway System (as defined in section 101(a) of title 23);

"(B) a freight intermodal (including public ports) or freight rail project that provides a public benefit;

"(C) a railway-highway grade separation or elimination project;

"(D) an intercity passenger rail project;

"(E) a public transportation project that is—

"(i) eligible for assistance under chapter 53; and

"(ii) part of a project described in any of subparagraphs (A) through (D); or

"(F) a grouping, combination, or program of interrelated, connected, or dependent projects of any of the projects described in subparagraphs (A) through (E); and

"(2) the eligible project costs of which are—

"(A) reasonably anticipated to equal or exceed $500,000,000; or

"(B) for any project funded by the set-aside under subsection (m)(2)—

"(i) more than $100,000,000; but

"(ii) less than $500,000,000.

"(e) GEOGRAPHICAL DISTRIBUTION.—In providing grants under this section, the Secretary shall ensure among grant recipients—

"(1) geographical diversity; and

"(2) a balance between rural and urban communities.

"(f) PROJECT EVALUATION AND SELECTION.—

"(1) REQUIREMENTS.—The Secretary may select a project described in subsection (d) to receive a grant under the program only if the Secretary determines that—

"(A) the project is likely to generate national or regional economic, mobility, or safety benefits;

"(B) the project is in need of significant Federal funding;

"(C) the project will be cost-effective;

"(D) with respect to related non-Federal financial commitments, 1 or more stable and dependable sources of funding and financing are available—

"(i) to construct, operate, and maintain the project; and

"(ii) to cover cost increases; and

"(E) the applicant has, or will have, sufficient legal, financial, and technical capacity to carry out the project.

"(2) EVALUATION CRITERIA.—In awarding a grant under the program, the Secretary shall evaluate—

"(A) the extent to which a project supports achieving a state of good repair for each existing asset to be improved by the project;

"(B) the level of benefits a project is expected to generate, including—

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"(i) the costs avoided by the prevention of closure or reduced use of the asset to be improved by the project;

"(ii) reductions in maintenance costs over the life of the applicable asset;

"(iii) safety benefits, including the reduction of serious injuries and fatalities and related costs;

"(iv) improved person or freight throughput, including improved mobility and reliability; and

"(v) environmental benefits and health impacts, such as—

"(I) reductions in greenhouse gas emissions;

"(II) air quality benefits;

"(III) preventing stormwater runoff that would be a detriment to aquatic species; and

"(IV) improved infrastructure resilience;

"(C) the benefits of the project, as compared to the costs of the project;

"(D) the number of persons or volume of freight, as applicable, supported by the project; and

"(E) national and regional economic benefits of the project, including with respect to short- and long-term job access, growth, or creation.

"(3) ADDITIONAL CONSIDERATIONS.—In selecting projects to receive grants under the program, the Secretary shall take into consideration—

"(A) contributions to geographical diversity among grant recipients, including a balance between the needs of rural and urban communities;

"(B) whether multiple States would benefit from a project;

"(C) whether, and the degree to which, a project uses—

"(i) construction materials or approaches that have—

"(I) demonstrated reductions in greenhouse gas emissions; or

"(II) reduced the need for maintenance of other projects; or

"(ii) technologies that will allow for future connectivity and automation;

"(D) whether a project would benefit—

"(i) a historically disadvantaged community or population; or

"(ii) an area of persistent poverty;

"(E) whether a project benefits users of multiple modes of transportation, including—

"(i) pedestrians;

"(ii) bicyclists; and

"(iii) users of nonvehicular rail and public transportation, including intercity and commuter rail; and

"(F) whether a project improves connectivity between modes of transportation moving persons or goods nationally or regionally.

"(4) RATINGS.—

"(A) IN GENERAL.—In evaluating applications for a grant under the program, the Secretary shall assign the project proposed in the application a rating described in

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subparagraph (B), based on the information contained in the applicable notice published under paragraph (5).

"(B) RATINGS.—

"(i) HIGHLY RECOMMENDED.—The Secretary shall assign a rating of 'highly recommended' to projects that, in the determination of the Secretary—

"(I) are exemplary projects of national or regional significance; and

"(II) would provide significant public benefit, as determined based on the applicable criteria described in this subsection, if funded under the program.

"(ii) RECOMMENDED.—The Secretary shall assign a rating of 'recommended' to projects that, in the determination of the Secretary—

"(I) are of national or regional significance; and

"(II) would provide public benefit, as determined based on the applicable criteria described in this subsection, if funded under the program.

"(iii) NOT RECOMMENDED.—The Secretary shall assign a rating of 'not recommended' to projects that, in the determination of the Secretary, should not receive a grant under the program, based on the applicable criteria described in this subsection.

"(C) TECHNICAL ASSISTANCE.—

"(i) IN GENERAL.—On request of an eligible entity that submitted an application under subsection (c) for a project that is not selected to receive a grant under the program, the Secretary shall provide to the eligible entity technical assistance and briefings relating to the project.

"(ii) TREATMENT.—Technical assistance provided under this subparagraph shall not be considered a guarantee of future selection of the applicable project under the program.

"(5) PUBLICATION OF PROJECT EVALUATION AND SELECTION CRITERIA.—Not later than 90 days after the date of enactment of this chapter, the Secretary shall publish and make publicly available on the website of the Department a notice that contains a detailed explanation of—

"(A) the method by which the Secretary will determine whether a project satisfies the applicable requirements described in paragraph (1);

"(B) any additional ratings the Secretary may assign to determine the means by which a project addresses the selection criteria and additional considerations described in paragraphs (2) and (3); and

"(C) the means by which the project requirements and ratings referred to in subparagraphs (A) and (B) will be used to assign an overall rating for the project under paragraph (4).

"(6) PROJECT SELECTION PRIORITY.—In awarding grants under the program, the Secretary shall give priority to projects to which the Secretary has assigned a rating of 'highly recommended' under paragraph (4)(B)(i).

"(g) DATA COLLECTION AND ANALYSIS.—

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"(1) PLAN.—

"(A) IN GENERAL.—An eligible entity seeking a grant under the program shall submit to the Secretary, together with the grant application, a plan for the collection and analysis of data to identify in accordance with the framework established under paragraph (2)—

"(i) the impacts of the project; and

"(ii) the accuracy of any forecast prepared during the development phase of the project and included in the grant application.

"(B) CONTENTS.—A plan under subparagraph (A) shall include—

"(i) an approach to measuring—

"(I) the criteria described in subsection (f)(2); and

"(II) if applicable, the additional requirements described in subsection (f)(3);

"(ii) an approach for analyzing the consistency of predicted project characteristics with actual outcomes; and

"(iii) any other elements that the Secretary determines to be necessary.

"(2) FRAMEWORK.—The Secretary may publish a standardized framework for the contents of the plans under paragraph (1), which may include, as appropriate—

"(A) standardized forecasting and measurement approaches;

"(B) data storage system requirements; and

"(C) any other requirements the Secretary determines to be necessary to carry out this section.

"(3) MULTIYEAR GRANT AGREEMENTS.—The Secretary shall require an eligible entity, as a condition of receiving funding pursuant to a multiyear grant agreement under the program, to collect additional data to measure the impacts of the project and to accurately track improvements made by the project, in accordance with a plan described in paragraph (1).

"(4) REPORTS.—

"(A) PROJECT BASELINE.—Before the date of completion of a project for which a grant is provided under the program, the eligible entity carrying out the project shall submit to the Secretary a report providing baseline data for the purpose of analyzing the long-term impact of the project in accordance with the framework established under paragraph (2).

"(B) UPDATED REPORT.—Not later than 6 years after the date of completion of a project for which a grant is provided under the program, the eligible entity carrying out the project shall submit to the Secretary a report that compares the baseline data included in the report under subparagraph (A) to project data collected during the period—

"(i) beginning on the date that is 5 years after the date of completion of the project; and

"(ii) ending on the date on which the updated report is submitted.

"(h) ELIGIBLE PROJECT COSTS.—

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"(1) IN GENERAL.—An eligible entity may use a grant provided under the program for—

"(A) development-phase activities and costs, including planning, feasibility analysis, revenue forecasting, alternatives analysis, data collection and analysis, environmental review and activities to support environmental review, preliminary engineering and design work, and other preconstruction activities, including the preparation of a data collection and post-construction analysis plan under subsection (g); and

"(B) construction, reconstruction, rehabilitation, acquisition of real property (including land relating to the project and improvements to that land), environmental mitigation (including projects to replace or rehabilitate culverts or reduce stormwater runoff for the purpose of improving habitat for aquatic species), construction contingencies, acquisition of equipment, protection, and operational improvements directly relating to the project.

"(2) INTEREST AND OTHER FINANCING COSTS.—The interest and other financing costs of carrying out any part of a project under a multiyear grant agreement within a reasonable period of time shall be considered to be an eligible project cost only if the applicable eligible entity certifies to the Secretary that the eligible entity has demonstrated reasonable diligence in seeking the most favorable financing terms.

"(i) COST SHARING.—

"(1) IN GENERAL.—The total amount awarded for a project under the program may not exceed 60 percent of the total eligible project costs described in subsection (h).

"(2) MAXIMUM FEDERAL INVOLVEMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), Federal assistance other than a grant awarded under the program may be provided for a project for which a grant is awarded under the program.

"(B) LIMITATION.—The total amount of Federal assistance provided for a project for which a grant is awarded under the program shall not exceed 80 percent of the total cost of the project.

"(C) NON-FEDERAL SHARE.—Secured loans or financing provided under section 603 of title 23 or section 22402 of this title and repaid with local funds or revenues shall be considered to be part of the local share of the cost of a project.

"(3) APPLICATION TO MULTIYEAR AGREEMENTS.—Notwithstanding any other provision of this title, in any case in which amounts are provided under the program pursuant to a multiyear agreement, the disbursed Federal share of the cost of the project may exceed the limitations described in paragraphs (1) and (2)(B) for 1 or more years if the total amount of the Federal share of the cost of the project, once completed, does not exceed those limitations.

"(j) GRANT AGREEMENTS.—

"(1) IN GENERAL.—A project for which an eligible entity receives a multiyear grant under the program shall be carried out in accordance with this subsection.

"(2) TERMS.—A multiyear grant agreement under this subsection shall—

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"(A) establish the terms of Federal participation in the applicable project;

"(B) establish the maximum amount of Federal financial assistance for the project;

"(C) establish a schedule of anticipated Federal obligations for the project that provides for obligation of the full grant amount;

"(D) describe the period of time for completing the project, regardless of whether that period extends beyond the period of an authorization; and

"(E) facilitate timely and efficient management of the applicable project by the eligible entity carrying out the project, in accordance with applicable law.

"(3) SPECIAL RULES.—

"(A) IN GENERAL.—A multiyear grant agreement under this subsection—

"(i) shall provide for the obligation of an amount of available budget authority specified in law;

"(ii) may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law; and

"(iii) shall provide that any funds disbursed under the program for the project before the completion of any review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) may only cover costs associated with development-phase activities described in subsection (h)(1)(A).

"(B) CONTINGENT COMMITMENT.—A contingent commitment under this paragraph is not an obligation of the Federal Government, including for purposes of section 1501 of title 31.

"(4) SINGLE-YEAR GRANTS.—The Secretary may only provide to an eligible entity a full grant under the program in a single year if all reviews required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the applicable project have been completed before the receipt of any program funds.

"(k) CONGRESSIONAL NOTIFICATION.—

"(1) IN GENERAL.—Not later than 30 days before the date on which the Secretary publishes the selection of projects to receive grants under the program, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written notice that includes—

"(A) a list of all project applications reviewed by the Secretary as part of the selection process;

"(B) the rating assigned to each project under subsection (f)(4);

"(C) an evaluation and justification with respect to each project for which the Secretary will—

"(i) provide a grant under the program; and

"(ii) enter into a multiyear grant agreement under the program;

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"(D) a description of the means by which the Secretary anticipates allocating among selected projects the amounts made available to the Secretary to carry out the program; and

"(E) anticipated funding levels required for the 3 fiscal years beginning after the date of submission of the notice for projects selected for grants under the program, based on information available to the Secretary as of that date.

"(2) CONGRESSIONAL DISAPPROVAL.—The Secretary may not provide a grant or any other obligation or commitment to fund a project under the program if a joint resolution is enacted disapproving funding for the project before the last day of the 30-day period described in paragraph (1).

"(l) REPORTS.—

"(1) TRANSPARENCY.—Not later than 60 days after the date on which the grants are announced under the program, the Secretary shall publish on the website of the Department a report that includes—

"(A) a list of all project applications reviewed by the Secretary as part of the selection process under the program;

"(B) the rating assigned to each project under subsection (f)(4); and

"(C) a description of each project for which a grant has been provided under the program.

"(2) COMPTROLLER GENERAL.—

"(A) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the administrative establishment, solicitation, selection, and justification process with respect to the funding of grants under the program.

"(B) REPORT.—Not later than 18 months after the date on which the initial grants are awarded for projects under the program, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes, as applicable—

"(i) the adequacy and fairness of the process by which the projects were selected; and

"(ii) the justification and criteria used for the selection of the projects.

"(m) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out the program $2,000,000,000 for each of fiscal years 2022 through 2026.

"(2) OTHER PROJECTS.—Of the amounts made available under paragraph (1), 50 percent shall be set aside for projects that have a project cost of—

"(A) more than $100,000,000; but

"(B) less than $500,000,000.

"(3) ADMINISTRATIVE EXPENSES.—Of the amounts made available to carry out the program for each fiscal year, the Secretary may reserve not more than 2 percent for the costs of—

"(A) administering and overseeing the program; and

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"(B) hiring personnel for the program, including personnel dedicated to processing permitting and environmental review issues.

"(4) TRANSFER OF AUTHORITY.—The Secretary may transfer any portion of the amounts reserved under paragraph (3) for a fiscal year to the Administrator of any of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, or the Maritime Administration to award and oversee grants in accordance with this section.

"(n) ADDITIONAL REQUIREMENTS.—

"(1) IN GENERAL.—Each project that receives a grant under this chapter shall achieve compliance with the applicable requirements of—

"(A) subchapter IV of chapter 31 of title 40;

"(B) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); and

"(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(2) MODAL REQUIREMENTS.—The Secretary shall, with respect to a project funded by a grant under this section, apply—

"(A) the requirements of title 23 to a highway, road, or bridge project;

"(B) the requirements of chapter 53 to a transit project; and

"(C) the requirements of section 22905 to a rail project.

"(3) MULTIMODAL PROJECTS.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, if an eligible project is a multimodal project, the Secretary shall—

"(i) determine the predominant modal component of the project; and

"(ii) apply the applicable requirements described in paragraph (2) of the predominant modal component to the project.

"(B) EXCEPTIONS.—

"(i) PASSENGER OR FREIGHT RAIL COMPONENT.—The requirements of section 22905 shall apply to any passenger or freight rail component of a project.

"(ii) PUBLIC TRANSPORTATION COMPONENT.—The requirements of section 5333 shall apply to any public transportation component of a project.".

SEC. 21202. LOCAL AND REGIONAL PROJECT ASSISTANCE.

(a) IN GENERAL.—Chapter 67 of subtitle III of title 49, United States Code (as added by section 21201), is amended by adding at the end the following:

"§ 6702. Local and regional project assistance

"(a) DEFINITIONS.—In this section:

"(1) AREA OF PERSISTENT POVERTY.—The term 'area of persistent poverty' means—

"(A) any county (or equivalent jurisdiction) in which, during the 30-year period ending on the date of enactment of this chapter, 20 percent or more of the population continually lived in poverty, as measured by—

"(i) the 1990 decennial census;

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"(ii) the 2000 decennial census; and

"(iii) the most recent annual small area income and poverty estimate of the Bureau of the Census;

"(B) any census tract with a poverty rate of not less than 20 percent, as measured by the 5-year data series available from the American Community Survey of the Bureau of the Census for the period of 2014 through 2018; and

"(C) any territory or possession of the United States.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a State;

"(B) the District of Columbia;

"(C) any territory or possession of the United States;

"(D) a unit of local government;

"(E) a public agency or publicly chartered authority established by 1 or more States;

"(F) a special purpose district or public authority with a transportation function, including a port authority;

"(G) a federally recognized Indian Tribe or a consortium of such Indian Tribes;

"(H) a transit agency; and

"(I) a multi-State or multijurisdictional group of entities described in any of subparagraphs (A) through (H).

"(3) ELIGIBLE PROJECT.—The term 'eligible project' means—

"(A) a highway or bridge project eligible for assistance under title 23;

"(B) a public transportation project eligible for assistance under chapter 53;

"(C) a passenger rail or freight rail transportation project eligible for assistance under this title;

"(D) a port infrastructure investment, including—

"(i) inland port infrastructure; and

"(ii) a land port-of-entry;

"(E) the surface transportation components of an airport project eligible for assistance under part B of subtitle VII;

"(F) a project for investment in a surface transportation facility located on Tribal land, the title or maintenance responsibility of which is vested in the Federal Government;

"(G) a project to replace or rehabilitate a culvert or prevent stormwater runoff for the purpose of improving habitat for aquatic species that will advance the goal of the program described in subsection (b)(2); and

"(H) any other surface transportation infrastructure project that the Secretary considers to be necessary to advance the goal of the program.

"(4) PROGRAM.—The term 'program' means the Local and Regional Project Assistance Program established under subsection (b)(1).

"(5) RURAL AREA.—The term 'rural area' means an area that is located outside of an urbanized area.

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(7) URBANIZED AREA.—The term 'urbanized area' means an area with a population of more than 200,000 residents, based on the most recent decennial census.

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"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish and carry out a program, to be known as the 'Local and Regional Project Assistance Program', to provide for capital investments in surface transportation infrastructure.

"(2) GOAL.—The goal of the program shall be to fund eligible projects that will have a significant local or regional impact and improve transportation infrastructure.

"(c) GRANTS.—

"(1) IN GENERAL.—In carrying out the program, the Secretary may make grants to eligible entities, on a competitive basis, in accordance with this section.

"(2) AMOUNT.—Except as otherwise provided in this section, each grant made under the program shall be in an amount equal to—

"(A) not less than $5,000,000 for an urbanized area;

"(B) not less than $1,000,000 for a rural area; and

"(C) not more than $25,000,000.

"(3) LIMITATION.—Not more than 15 percent of the funds made available to carry out the program for a fiscal year may be awarded to eligible projects in a single State during that fiscal year.

"(d) SELECTION OF ELIGIBLE PROJECTS.—

"(1) NOTICE OF FUNDING OPPORTUNITY.—Not later than 60 days after the date on which funds are made available to carry out the program, the Secretary shall publish a notice of funding opportunity for the funds.

"(2) APPLICATIONS.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Secretary an application—

"(A) in such form and containing such information as the Secretary considers to be appropriate; and

"(B) by such date as the Secretary may establish, subject to the condition that the date shall be not later than 90 days after the date on which the Secretary issues the solicitation under paragraph (1).

"(3) PRIMARY SELECTION CRITERIA.—In awarding grants under the program, the Secretary shall evaluate the extent to which a project—

"(A) improves safety;

"(B) improves environmental sustainability;

"(C) improves the quality of life of rural areas or urbanized areas;

"(D) increases economic competitiveness and opportunity, including increasing tourism opportunities;

"(E) contributes to a state of good repair; and

"(F) improves mobility and community connectivity.

"(4) ADDITIONAL SELECTION CRITERIA.—In selecting projects to receive grants under the program, the Secretary shall take into consideration the extent to which—

"(A) the project sponsors collaborated with other public and private entities;

"(B) the project adopts innovative technologies or techniques, including—

"(i) innovative technology;

"(ii) innovative project delivery techniques; and

"(iii) innovative project financing;

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"(C) the project has demonstrated readiness; and

"(D) the project is cost effective.

"(5) TRANSPARENCY.—

"(A) IN GENERAL.—The Secretary, shall evaluate, through a methodology that is discernible and transparent to the public, the means by which each application submitted under paragraph (2) addresses the criteria under paragraphs (3) and (4) or otherwise established by the Secretary.

"(B) PUBLICATION.—The methodology under subparagraph (A) shall be published by the Secretary as part of the notice of funding opportunity under the program.

"(6) AWARDS.—Not later than 270 days after the date on which amounts are made available to provide grants under the program for a fiscal year, the Secretary shall announce the selection by the Secretary of eligible projects to receive the grants in accordance with this section.

"(7) TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—On request of an eligible entity that submitted an application under paragraph (2) for a project that is not selected to receive a grant under the program, the Secretary shall provide to the eligible entity technical assistance and briefings relating to the project.

"(B) TREATMENT.—Technical assistance provided under this paragraph shall not be considered a guarantee of future selection of the applicable project under the program.

"(e) FEDERAL SHARE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of an eligible project carried out using a grant provided under the program shall not exceed 80 percent.

"(2) EXCEPTION.—The Federal share of the cost of an eligible project carried out in a rural area, a historically disadvantaged community, or an area of persistent poverty using a grant under this subsection may exceed 80 percent, at the discretion of the Secretary.

"(3) TREATMENT OF OTHER FEDERAL FUNDS.—Amounts provided under any of the following programs shall be considered to be a part of the non-Federal share for purposes of this subsection:

"(A) The tribal transportation program under section 202 of title 23.

"(B) The Federal lands transportation program under section 203 of title 23.

"(C) The TIFIA program (as defined in section 601(a) of title 23).

"(D) The Railroad Rehabilitation and Improvement Financing Program under chapter 224.

"(f) OTHER CONSIDERATIONS.—

"(1) IN GENERAL.—Of the total amount made available to carry out the program for each fiscal year—

"(A) not more than 50 percent shall be allocated for eligible projects located in rural areas; and

"(B) not more than 50 percent shall be allocated for eligible projects located in urbanized areas.

"(2) HISTORICALLY DISADVANTAGED COMMUNITIES AND AREAS OF PERSISTENT POVERTY.—Of the total amount made

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available to carry out the program for each fiscal year, not less than 1 percent shall be awarded for projects in historically disadvantaged communities or areas of persistent poverty.

"(3) MULTIMODAL AND GEOGRAPHICAL CONSIDERATIONS.—In selecting projects to receive grants under the program, the Secretary shall take into consideration geographical and modal diversity.

"(g) PROJECT PLANNING.—Of the amounts made available to carry out the program for each fiscal year, not less than 5 percent shall be made available for the planning, preparation, or design of eligible projects.

"(h) TRANSFER OF AUTHORITY.—Of the amounts made available to carry out the program for each fiscal year, the Secretary may transfer not more than 2 percent for a fiscal year to the Administrator of any of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, or the Maritime Administration to award and oversee grants and credit assistance in accordance with this section.

"(i) CREDIT PROGRAM COSTS.—

"(1) IN GENERAL.—Subject to paragraph (2), at the request of an eligible entity, the Secretary may use a grant provided to the eligible entity under the program to pay the subsidy or credit risk premium, and the administrative costs, of an eligible project that is eligible for Federal credit assistance under—

"(A) chapter 224; or

"(B) chapter 6 of title 23.

"(2) LIMITATION.—Not more than 20 percent of the funds made available to carry out the program for a fiscal year may be used to carry out paragraph (1).

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000,000 for each of fiscal years 2022 through 2026, to remain available for a period of 3 fiscal years following the fiscal year for which the amounts are appropriated.

"(k) REPORTS.—

"(1) ANNUAL REPORT.—The Secretary shall make available on the website of the Department of Transportation at the end of each fiscal year an annual report that describes each eligible project for which a grant was provided under the program during that fiscal year.

"(2) COMPTROLLER GENERAL.—Not later than 1 year after the date on which the initial grants are awarded for eligible projects under the program, the Comptroller General of the United States shall—

"(A) review the administration of the program, including—

"(i) the solicitation process; and

"(ii) the selection process, including—

"(I) the adequacy and fairness of the process; and

"(II) the selection criteria; and

"(B) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the findings of the review

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under subparagraph (A), including recommendations for improving the administration of the program, if any.".

(b) STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct, and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of, a study of how changes to Federal share matching requirements and selection criteria, such as using State population data in Department discretionary programs, may impact the allocations made to States.

(c) CLERICAL AMENDMENT.—The analysis for subtitle III of title 49, United States Code, is amended by adding at the end the following:

"CHAPTER 67—MULTIMODAL INFRASTRUCTURE INVESTMENTS

"6701. National infrastructure project assistance.
"6702. Local and regional project assistance.".

SEC. 21203. NATIONAL CULVERT REMOVAL, REPLACEMENT, AND RESTORATION GRANT PROGRAM.

(a) IN GENERAL.—Chapter 67 of title 49, United States Code (as amended by section 21202(a)), is amended by adding at the end the following:

"§ 6703. National culvert removal, replacement, and restoration grant program

"(a) DEFINITIONS.—In this section:

"(1) DIRECTOR.—The term 'Director' means the Director of the United States Fish and Wildlife Service.

"(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) PROGRAM.—The term 'program' means the annual competitive grant program established under subsection (b).

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(5) UNDERSECRETARY.—The term 'Undersecretary' means the Undersecretary of Commerce for Oceans and Atmosphere.

"(b) ESTABLISHMENT.—The Secretary, in consultation with the Undersecretary, shall establish an annual competitive grant program to award grants to eligible entities for projects for the replacement, removal, and repair of culverts or weirs that—

"(1) would meaningfully improve or restore fish passage for anadromous fish; and

"(2) with respect to weirs, may include—

"(A) infrastructure to facilitate fish passage around or over the weir; and

"(B) weir improvements.

"(c) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under the program is—

"(1) a State;

"(2) a unit of local government; or

"(3) an Indian Tribe.

"(d) GRANT SELECTION PROCESS.—The Secretary, in consultation with the Undersecretary and the Director, shall establish a process for determining criteria for awarding grants under the program, subject to subsection (e).

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"(e) PRIORITIZATION.—The Secretary, in consultation with the Undersecretary and the Director, shall establish procedures to prioritize awarding grants under the program to—

"(1) projects that would improve fish passage for—

"(A) anadromous fish stocks listed as an endangered species or a threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533);

"(B) anadromous fish stocks identified by the Undersecretary or the Director that could reasonably become listed as an endangered species or a threatened species under that section;

"(C) anadromous fish stocks identified by the Undersecretary or the Director as prey for endangered species, threatened species, or protected species, including Southern resident orcas (Orcinus orcas); or

"(D) anadromous fish stocks identified by the Undersecretary or the Director as climate resilient stocks; and

"(2) projects that would open up more than 200 meters of upstream habitat before the end of the natural habitat.

"(f) FEDERAL SHARE.—The Federal share of the cost of a project carried out with a grant to a State or a unit of local government under the program shall be not more than 80 percent.

"(g) TECHNICAL ASSISTANCE.—The Secretary, in consultation with the Undersecretary and the Director, shall develop a process to provide technical assistance to Indian Tribes and underserved communities to assist in the project design and grant process and procedures.

"(h) ADMINISTRATIVE EXPENSES.—Of the amounts made available for each fiscal year to carry out the program, the Secretary, the Undersecretary, and the Director may use not more than 2 percent to pay the administrative expenses necessary to carry out this section.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $800,000,000 for each of fiscal years 2022 through 2026.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 67 of title 49, United States Code (as added by section 21202(c)), is amended by adding at the end the following:

"6703. National culvert removal, replacement, and restoration grant program.".

SEC. 21204. NATIONAL MULTIMODAL COOPERATIVE FREIGHT RESEARCH PROGRAM.

(a) IN GENERAL.—Chapter 702 of title 49, United States Code (as amended by section 21106(a)), is amended by inserting after section 70204 the following:

"§ 70205. National multimodal cooperative freight research program

"(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this section, the Secretary of Transportation (referred to in this section as the 'Secretary') shall establish and support a national cooperative freight transportation research program.

"(b) ADMINISTRATION BY NATIONAL ACADEMY OF SCIENCES.—

"(1) IN GENERAL.—The Secretary shall enter into an agreement with the National Academy of Sciences to support and

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carry out administrative and management activities under the program established under subsection (a).

"(2) ADVISORY COMMITTEE.—To assist the National Academy of Sciences in carrying out this subsection, the National Academy shall establish an advisory committee, the members of which represent a cross-section of multimodal freight stakeholders, including—

"(A) the Department of Transportation and other relevant Federal departments and agencies;

"(B) State (including the District of Columbia) departments of transportation;

"(C) units of local government, including public port authorities;

"(D) nonprofit entities;

"(E) institutions of higher education;

"(F) labor organizations representing employees in freight industries; and

"(G) private sector entities representing various transportation modes.

"(c) ACTIVITIES.—

"(1) NATIONAL RESEARCH AGENDA.—

"(A) IN GENERAL.—The advisory committee established under subsection (b)(2), in consultation with interested parties, shall recommend a national research agenda for the program in accordance with subsection (d), which shall include a multiyear strategic plan.

"(B) ACTION BY INTERESTED PARTIES.—For purposes of subparagraph (A), an interested party may—

"(i) submit to the advisory committee research proposals;

"(ii) participate in merit reviews of research proposals and peer reviews of research products; and

"(iii) receive research results.

"(2) RESEARCH CONTRACTS AND GRANTS.—

"(A) IN GENERAL.—The National Academy of Sciences may award research contracts and grants under the program established under subsection (a) through—

"(i) open competition; and

"(ii) merit review, conducted on a regular basis.

"(B) EVALUATION.—

"(i) PEER REVIEW.—A contract or grant for research under subparagraph (A) may allow peer review of the research results.

"(ii) PROGRAMMATIC EVALUATIONS.—The National Academy of Sciences may conduct periodic programmatic evaluations on a regular basis of a contract or grant for research under subparagraph (A).

"(C) DISSEMINATION OF FINDINGS.—The National Academy of Sciences shall disseminate the findings of any research conducted under this paragraph to relevant researchers, practitioners, and decisionmakers through—

"(i) conferences and seminars;

"(ii) field demonstrations;

"(iii) workshops;

"(iv) training programs;

"(v) presentations;

"(vi) testimony to government officials;

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"(vii) publicly accessible websites;
"(viii) publications for the general public; and
"(ix) other appropriate means.

"(3) REPORT.—Not later than 1 year after the date of establishment of the program under subsection (a), and annually thereafter, the Secretary shall make available on a public website a report that describes the ongoing research and findings under the program.

"(d) AREAS FOR RESEARCH.—The national research agenda under subsection (c)(1) shall consider research in the following areas:

"(1) Improving the efficiency and resiliency of freight movement, including—
"(A) improving the connections between rural areas and domestic and foreign markets;
"(B) maximizing infrastructure utility, including improving urban curb-use efficiency;
"(C) quantifying the national impact of blocked railroad crossings;
"(D) improved techniques for estimating and quantifying public benefits derived from freight transportation projects; and
"(E) low-cost methods to reduce congestion at bottlenecks.
"(2) Adapting to future trends in freight, including—
"(A) considering the impacts of e-commerce;
"(B) automation; and
"(C) zero-emissions transportation.
"(3) Workforce considerations in freight, including—
"(A) diversifying the freight transportation industry workforce; and
"(B) creating and transitioning a workforce capable of designing, deploying, and operating emerging technologies.

"(e) FEDERAL SHARE.—
"(1) IN GENERAL.—The Federal share of the cost of an activity carried out under this section shall be up to 100 percent.
"(2) USE OF NON-FEDERAL FUNDS.—In addition to using funds made available to carry out this section, the National Academy of Sciences may seek and accept additional funding from public and private entities capable of accepting funding from the Department of Transportation, States, units of local government, nonprofit entities, and the private sector.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $3,750,000 for each fiscal year to carry out the program established under subsection (a), to remain available until expended.

"(g) SUNSET.—The program established under subsection (a) shall terminate 5 years after the date of enactment of this section.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 702 of title 49, United States Code (as amended by section 21106(b)), is amended by inserting after the item relating to section 70204 the following:

"70205. National multimodal cooperative freight research program.".

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SEC. 21205. RURAL AND TRIBAL INFRASTRUCTURE ADVANCEMENT.

(a) DEFINITIONS.—In this section:

(1) BUILD AMERICA BUREAU.—The term "Build America Bureau" means the National Surface Transportation and Innovative Finance Bureau established under section 116 of title 49, United States Code.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a unit of local government or political subdivision that is located outside of an urbanized area with a population of more than 150,000 residents, as determined by the Bureau of the Census;

(B) a State seeking to advance a project located in an area described in subparagraph (A);

(C) a federally recognized Indian Tribe; and

(D) the Department of Hawaiian Home Lands.

(3) ELIGIBLE PROGRAM.—The term "eligible program" means any program described in—

(A) subparagraph (A) or (B) of section 116(d)(1) of title 49, United States Code;

(B) section 118(d)(3)(A) of that title (as added by section 21101(a)); or

(C) chapter 67 of that title (as added by section 21201).

(4) PILOT PROGRAM.—The term "pilot program" means the Rural and Tribal Assistance Pilot Program established under subsection (b)(1).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish within the Build America Bureau a pilot program, to be known as the "Rural and Tribal Assistance Pilot Program", to provide to eligible entities the assistance and information described in paragraph (2).

(2) ASSISTANCE AND INFORMATION.—In carrying out the pilot program, the Secretary may provide to an eligible entity the following:

(A) Financial, technical, and legal assistance to evaluate potential projects reasonably expected to be eligible to receive funding or financing assistance under an eligible program.

(B) Assistance with development-phase activities, including—

(i) project planning;

(ii) feasibility studies;

(iii) revenue forecasting and funding and financing options analyses;

(iv) environmental review;

(v) preliminary engineering and design work;

(vi) economic assessments and cost-benefit analyses;

(vii) public benefit studies;

(viii) statutory and regulatory framework analyses;

(ix) value for money studies;

(x) evaluations of costs to sustain the project;

(xi) evaluating opportunities for private financing and project bundling; and

(xii) any other activity determined to be appropriate by the Secretary.

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(C) Information regarding innovative financing best practices and case studies, if the eligible entity is interested in using innovative financing methods.

(c) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms, including counsel, in the field of municipal and project finance to assist in providing financial, technical, and legal assistance to eligible entities under the pilot program.

(d) WEBSITE.—

(1) DESCRIPTION OF PILOT PROGRAM.—

(A) IN GENERAL.—The Secretary shall make publicly available on the website of the Department a description of the pilot program, including—

(i) the resources available to eligible entities under the pilot program; and

(ii) the application process established under paragraph (2)(A).

(B) CLEARINGHOUSE.—The Secretary may establish a clearinghouse for tools, templates, and best practices on the page of the website of the Department that contains the information described in subparagraph (A).

(2) APPLICATIONS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a process by which an eligible entity may submit to the Secretary an application under the pilot program, in such form and containing such information as the Secretary may require.

(B) ONLINE PORTAL.—The Secretary shall develop and make available to the public an online portal through which the Secretary may receive applications under subparagraph (A), on a rolling basis.

(C) APPROVAL.—

(i) IN GENERAL.—Not later than 60 days after the date on which the Secretary receives a complete application under subparagraph (A), the Secretary shall provide to each eligible entity that submitted the application a notice describing whether the application is approved or disapproved.

(ii) ADDITIONAL WRITTEN NOTIFICATION.—

(I) IN GENERAL.—Not later than 30 days after the date on which the Secretary provides to an eligible entity a notification under clause (i), the Secretary shall provide to the eligible entity an additional written notification of the approval or disapproval of the application.

(II) DISAPPROVED APPLICATIONS.—If the application of an eligible entity is disapproved under this subparagraph, the additional written notification provided to the eligible entity under subclause (I) shall include an offer for a written or telephonic debrief by the Secretary that will provide an explanation of, and guidance regarding, the reasons why the application was disapproved.

(iii) INSUFFICIENT APPLICATIONS.—The Secretary shall not approve an application under this subparagraph if the application fails to meet the applicable criteria established under this section.

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(3) DASHBOARD.—The Secretary shall publish on the website of the Department a monthly report that includes, for each application received under the pilot program—

(A) the type of eligible entity that submitted the application;

(B) the location of each potential project described in the application;

(C) a brief description of the assistance requested;

(D) the date on which the Secretary received the application; and

(E) the date on which the Secretary provided the notice of approval or disapproval under paragraph (2)(C)(i).

(e) EXPERTS.—An eligible entity that receives assistance under the pilot program may retain the services of an expert for any phase of a project carried out using the assistance, including project development, regardless of whether the expert is retained by the Secretary under subsection (c).

(f) FUNDING.—

(1) IN GENERAL.—For each of fiscal years 2022 through 2026, the Secretary may use to carry out the pilot program, including to retain the services of expert firms under subsection (c), any amount made available to the Secretary to provide credit assistance under an eligible program that is not otherwise obligated, subject to paragraph (2).

(2) LIMITATION.—The amount used under paragraph (1) to carry out the pilot program shall be not more than—

(A) $1,600,000 for fiscal year 2022;

(B) $1,800,000 for fiscal year 2023;

(C) $2,000,000 for fiscal year 2024;

(D) $2,200,000 for fiscal year 2025; and

(E) $2,400,000 for fiscal year 2026.

(3) GEOGRAPHICAL DISTRIBUTION.—Not more than 20 percent of the funds made available to carry out the pilot program for a fiscal year may be used for projects in a single State during that fiscal year.

(g) SUNSET.—The pilot program shall terminate on the date that is 5 years after the date of enactment of this Act.

(h) NONAPPLICABILITY.—Nothing in this section limits the ability of the Build America Bureau or the Secretary to establish or carry out any other assistance program under title 23 or title 49, United States Code.

(i) ADMINISTRATION BY BUILD AMERICA BUREAU.—Section 116(d)(1) of title 49, United States Code (as amended by section 21101(d)(4)), is amended by adding at the end the following:

"(D) The Rural and Tribal Assistance Pilot Program established under section 21205(b)(1) of the Surface Transportation Investment Act of 2021.".

Subtitle C—Railroad Rehabilitation and Improvement Financing Reforms

SEC. 21301. RRIF CODIFICATION AND REFORMS.

(a) CODIFICATION OF TITLE V OF THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976.—Part B of subtitle V of title 49, United States Code, is amended—

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(1) by inserting after chapter 223 the following chapter analysis:

"CHAPTER 224—RAILROAD REHABILITATION AND IMPROVEMENT FINANCING

"Sec.
"22401. Definitions.
"22402. Direct loans and loan guarantees.
"22403. Administration of direct loans and loan guarantees.
"22404. Employee protection.
"22405. Substantive criteria and standards.
"22406. Authorization of appropriations.";

(2) by inserting after the chapter analysis the following section headings:

"§ 22401. Definitions

"§ 22402. Direct loans and loan guarantees

"§ 22403. Administration of direct loans and loan guarantees

"§ 22404. Employee protection";

(3) by inserting after the section heading for section 22401, as added by paragraph (2), the text of section 501 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821);

(4) by inserting after the section heading for section 22402, as added by paragraph (2), the text of section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822);

(5) by inserting after the section heading for section 22403, as added by paragraph (2), the text of section 503 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 823); and

(6) by inserting after the section heading for section 22404, as added by paragraph (2), the text of section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836).

(b) CONFORMING REPEALS.—

(1) REPEALS.—

(A) Sections 501, 502, 503, and 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821, 822, 823, and 836) are repealed.

(B) Section 9003(j) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (45 U.S.C. 822 note) is repealed.

(2) SAVINGS PROVISION.—The repeals under paragraph (1) shall not affect the rights and duties that matured under the repealed sections, the penalties that were incurred under such sections, or any proceeding authorized under any such section that commenced before the date of enactment of this Act.

(c) DEFINITIONS.—

(1) HEADINGS.—Section 22401 of title 49, United States Code, as added by subsection (a)(2), and amended by subsection (a)(3), is further amended—

(A) in paragraph (1)—

(i) by striking "(1)(A) The" and inserting the following:

"(1) COST.—

"(A) The"; and

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(ii) by indenting subparagraphs (B) through (F) appropriately; and

(B) in each of paragraphs (2) through (14), by inserting a paragraph heading, the text of which is comprised of the term defined in the paragraph.

(2) OTHER TECHNICAL AMENDMENTS.—Section 22401 of title 49, United States Code, as added by subsection (a)(2), and amended by subsection (a)(3) and paragraph (1) of this subsection, is further amended—

(A) in the matter preceding paragraph (1), by striking "For purposes of this title:" and inserting "In this chapter:";

(B) in paragraph (11), by striking "under this title" and inserting "under this chapter";

(C) by amending paragraph (12) to read as follows: "(12) RAILROAD.—The term 'railroad' includes—

"(A) any railroad or railroad carrier (as such terms are defined in section 20102); and

"(B) any rail carrier (as defined in section 24102).";

(D) by redesignating paragraph (14) as paragraph (15); and

(E) by inserting after paragraph (13) the following: "(14) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.".

(d) DIRECT LOANS AND LOAN GUARANTEES.—Section 22402 of title 49, United States Code, as added by subsection (a)(2), and amended by subsection (a)(4), is further amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting "entities implementing" before "interstate compacts";

(B) in paragraph (5)—

(i) by inserting "entities participating in" before "joint ventures"; and

(ii) by striking "and" at the end; and

(C) by striking paragraph (6) and inserting the following:

"(6) limited option freight shippers that own or operate a plant or other facility, solely for the purpose of constructing a rail connection between a plant or facility and a railroad; and

"(7) private entities with controlling ownership in 1 or more freight railroads other than Class I carriers.";

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows: "(1) IN GENERAL.—Direct loans and loan guarantees authorized under this section shall be used—

"(A) to acquire, improve, or rehabilitate intermodal or rail equipment or facilities, including track, components of track, cuts and fills, stations, tunnels, bridges, yards, buildings, and shops, and to finance costs related to those activities, including pre-construction costs;

"(B) to develop or establish new intermodal or railroad facilities;

"(C) to develop landside port infrastructure for seaports serviced by rail;

"(D) to refinance outstanding debt incurred for the purposes described in subparagraph (A) , (B), or (C);

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"(E) to reimburse planning, permitting, and design expenses relating to activities described in subparagraph (A), (B), or (C); or

"(F) to finance economic development, including commercial and residential development, and related infrastructure and activities, that—

"(i) incorporates private investment of greater than 20 percent of total project costs;

"(ii) is physically connected to, or is within ½ mile of, a fixed guideway transit station, an intercity bus station, a passenger rail station, or a multimodal station, provided that the location includes service by a railroad;

"(iii) demonstrates the ability of the applicant to commence the contracting process for construction not later than 90 days after the date on which the direct loan or loan guarantee is obligated for the project under this chapter; and

"(iv) demonstrates the ability to generate new revenue for the relevant passenger rail station or service by increasing ridership, increasing tenant lease payments, or carrying out other activities that generate revenue exceeding costs."; and

(B) by striking paragraph (3);

(3) in subsection (c)—

(A) in paragraph (1), by striking "of title 49, United States Code"; and

(B) in paragraph (5), by striking "title 49, United States Code," and inserting "this title";

(4) in subsection (e), by amending paragraph (1) to read as follows:

"(1) DIRECT LOANS.—The interest rate on a direct loan under this section shall be not less than the yield on United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.";

(5) in subsection (f)—

(A) in paragraph (3)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "An applicant may propose and" and inserting "Upon receipt of a proposal from an applicant under this section,"; and

(II) by striking "tangible asset" and inserting "collateral described in paragraph (6)";

(ii) in subparagraph (B)(ii), by inserting ", including operating or tenant charges, facility rents, or other fees paid by transportation service providers or operators for access to, or the use of, infrastructure, including rail lines, bridges, tunnels, yards, or stations" after "user fees";

(iii) in subparagraph (C), by striking "$75,000,000" and inserting "$150,000,000"; and

(iv) by adding at the end the following:

"(D) Revenue from projected freight or passenger demand for the project based on regionally developed economic forecasts, including projections of any modal diversion resulting from the project."; and

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(B) by adding at the end the following:

"(5) COHORTS OF LOANS.—Subject to the availability of funds appropriated by Congress under section 22406(a)(2), for any direct loan issued before the date of enactment of the Fixing America's Surface Transportation Act (Public Law 114–94) pursuant to sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), the Secretary shall repay the credit risk premiums of such loan, with interest accrued thereon, not later than—

"(A) 60 days after the date of enactment of the Surface Transportation Investment Act of 2021 if the borrower has satisfied all obligations attached to such loan; or

"(B) if the borrower has not yet satisfied all obligations attached to such loan, 60 days after the date on which all obligations attached to such loan have been satisfied.

"(6) COLLATERAL.—

"(A) TYPES OF COLLATERAL.—An applicant or infrastructure partner may propose tangible and intangible assets as collateral, exclusive of goodwill. The Secretary, after evaluating each such asset—

"(i) shall accept a net liquidation value of collateral; and

"(ii) shall consider and may accept—

"(I) the market value of collateral; or

"(II) in the case of a blanket pledge or assignment of an entire operating asset or basket of assets as collateral, the market value of assets, or, the market value of the going concern, considering—

"(aa) inclusion in the pledge of all the assets necessary for independent operational utility of the collateral, including tangible assets such as real property, track and structure, motive power, equipment and rolling stock, stations, systems and maintenance facilities and intangible assets such as long-term shipping agreements, easements, leases and access rights such as for trackage and haulage;

"(bb) interchange commitments; and

"(cc) the value of the asset as determined through the cost or market approaches, or the market value of the going concern, with the latter considering discounted cash flows for a period not to exceed the term of the direct loan or loan guarantee.

"(B) APPRAISAL STANDARDS.—In evaluating appraisals of collateral under subparagraph (A), the Secretary shall consider—

"(i) adherence to the substance and principles of the Uniform Standards of Professional Appraisal Practice, as developed by the Appraisal Standards Board of the Appraisal Foundation; and

"(ii) the qualifications of the appraisers to value the type of collateral offered.

"(7) REPAYMENT OF CREDIT RISK PREMIUMS.—The Secretary shall return credit risk premiums paid, and interest accrued

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on such premiums, to the original source when all obligations of a loan or loan guarantee have been satisfied. This paragraph applies to any project that has been granted assistance under this section after the date of enactment of the Surface Transportation Investment Act of 2021.";

(6) in subsection (g), by amending paragraph (1) the read as follows:

"(1) repayment of the obligation is required to be made within a term that is not longer than the shorter of—

"(A) 75 years after the date of substantial completion of the project;

"(B) the estimated useful life of the rail equipment or facilities to be acquired, rehabilitated, improved, developed, or established, subject to an adequate determination of long-term risk; or

"(C) for projects determined to have an estimated useful life that is longer than 35 years, the period that is equal to the sum of—

"(i) 35 years; and

"(ii) the product of—

"(I) the difference between the estimated useful life and 35 years; multiplied by

"(II) 75 percent.";

(7) in subsection (h)—

(A) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking "of title 49, United States Code";

(II) by striking "the National Railroad Passenger Corporation" and inserting "Amtrak"; and

(III) by striking "of that title"; and

(ii) in subparagraph (B), by striking "section 504 of this Act" and inserting "section 22404"; and

(B) in paragraph (4), by striking "(b)(1)(E)" and inserting "(b)(1)(F)";

(8) in subsection (i)—

(A) by amending paragraph (4) to read as follows:

"(4) STREAMLINED APPLICATION REVIEW PROCESS.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Surface Transportation Investment Act of 2021, the Secretary shall implement procedures and measures to economize and make available an streamlined application process or processes at the request of applicants seeking loans or loan guarantees.

"(B) CRITERIA.—Applicants seeking loans and loan guarantees under this section shall—

"(i) seek a total loan or loan guarantee value not exceeding $150,000,000;

"(ii) meet eligible project purposes described in subparagraphs (A) and (B) of subsection (b)(1); and

"(iii) meet other criteria considered appropriate by the Secretary, in consultation with the Council on Credit and Finance of the Department of Transportation.

"(C) EXPEDITED CREDIT REVIEW.—The total period between the submission of an application and the approval or disapproval of an application for a direct loan or loan guarantee under this paragraph may not exceed 90 days.

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If an application review conducted under this paragraph exceeds 90 days, the Secretary shall—

"(i) provide written notice to the applicant, including a justification for the delay and updated estimate of the time needed for approval or disapproval; and

"(ii) publish the notice on the dashboard described in paragraph (5).";

(B) in paragraph (5)—

(i) in subparagraph (E), by striking "and" at the end;

(ii) in subparagraph (F), by adding "; and" at the end; and

(iii) by adding at the end the following:

"(G) whether the project utilized the streamlined application process under paragraph (4)."; and

(C) by adding at the end the following:

"(6) CREDITWORTHINESS REVIEW STATUS.—

"(A) IN GENERAL.—The Secretary shall maintain status information related to each application for a loan or loan guarantee, which shall be provided to the applicant upon request, including—

"(i) the total value of the proposed loan or loan guarantee;

"(ii) the name of the applicant or applicants submitting the application;

"(iii) the proposed capital structure of the project to which the loan or loan guarantee would be applied, including the proposed Federal and non-Federal shares of the total project cost;

"(iv) the type of activity to receive credit assistance, including whether the project is new construction, the rehabilitation of existing rail equipment or facilities, or the refinancing an existing loan or loan guarantee;

"(v) if a deferred payment is proposed, the length of such deferment;

"(vi) the credit rating or ratings provided for the applicant;

"(vii) if other credit instruments are involved, the proposed subordination relationship and a description of such other credit instruments;

"(viii) a schedule for the readiness of proposed investments for financing;

"(ix) a description of any Federal permits required, including under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any waivers under section 5323(j) (commonly known as the 'Buy America Act');

"(x) other characteristics of the proposed activity to be financed, borrower, key agreements, or the nature of the credit that the Secretary considers to be fundamental to the creditworthiness review;

"(xi) the status of the application in the pre-application review and selection process;

"(xii) the cumulative amounts paid by the Secretary to outside advisors related to the application, including financial and legal advisors;

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"(xiii) a description of the key rating factors used by the Secretary to determine credit risk, including—

"(I) the factors used to determine risk for the proposed application;

"(II) an adjectival risk rating for each identified factor, ranked as either low, moderate, or high;

"(xiv) a nonbinding estimate of the credit risk premium, which may be in the form of—

"(I) a range, based on the assessment of risk factors described in clause (xiii); or

"(II) a justification for why the estimate of the credit risk premium cannot be determined based on available information; and

"(xv) a description of the key information the Secretary needs from the applicant to complete the credit review process and make a final determination of the credit risk premium.

"(B) REPORT UPON REQUEST.—The Secretary shall provide the information described in subparagraph (A) not later than 30 days after a request from the applicant.

"(C) EXCEPTION.—Applications processed using the streamlined application review process under paragraph (4) are not subject to the requirements under this paragraph.";

(9) in subsection (l)(2)(A)(iii), by striking "under this title" and inserting "under this chapter";

(10) in subsection (m)(1), by striking "under this title" and inserting "under this chapter"; and

(11) by adding at the end the following:

"(n) NON-FEDERAL SHARE.—The proceeds of a loan provided under this section may be used as the non-Federal share of project costs for any grant program administered by the Secretary if such loan is repayable from non-Federal funds.".

(e) ADMINISTRATION OF DIRECT LOANS AND LOAN GUARANTEES.—Section 22403 of title 49, United States Code, as added by subsection (a)(2), and amended by subsection (a)(5), is further amended—

(1) in subsection (a)—

(A) by striking "The Secretary shall" and inserting the following:

"(1) IN GENERAL.—The Secretary shall";

(B) in paragraph (1), as designated by subparagraph (A), by striking "section 502" and inserting "section 22402"; and

(C) by adding at the end the following:

"(2) DOCUMENTATION.—An applicant meeting the size standard for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)) may provide unaudited financial statements as documentation of historical financial information if such statements are accompanied by the applicant's Federal tax returns and Internal Revenue Service tax verifications for the corresponding years.";

(2) in subsection (d)(3), by striking "section 502(f)" and inserting "section 22402(f)";

(3) in subsection (l)(3)(B), by striking "serving a direct loan" and inserting "servicing a direct loan"; and

(4) in each of subsections (b) through (m), as applicable—

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(A) by striking "section 502" each place it appears and inserting "section 22402"; and

(B) by striking "this title" each place it appears and inserting "this chapter".

(f) EMPLOYEE PROTECTION.—Section 22404 of title 49, United States Code, as added by subsection (a)(2), and amended by subsection (a)(6), is further amended—

(1) in subsection (a)—

(A) by striking "not otherwise protected under title V of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 771 et seq.),";

(B) by striking "under this title" and inserting "under this chapter";

(C) by striking "within 120 days after the date of enactment of this title" and inserting "not later than 120 days after February 5, 1976"; and

(D) by striking "within 150 days after the date of enactment of this title" and inserting "not later than 150 days after February 5, 1976";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1)—

(i) by striking "applicable financial assistance under this title" and inserting "applicable financial assistance under this chapter"; and

(ii) by striking "from financial assistance under this title" and inserting "from financial assistance under this chapter";

(B) in paragraph (3), by striking "under this title" and inserting "under this chapter"; and

(C) in paragraph (4), by striking "to this title" and inserting "to this chapter"; and

(3) in subsection (c), by striking "to this title" and inserting "to this chapter".

(g) SUBSTANTIVE CRITERIA AND STANDARDS.—Chapter 224 of title 49, United States Code, as added by subsection (a), and amended by subsections (c) through (f), is further amended by adding at the end the following:

"§ 22405. Substantive criteria and standards

"The Secretary shall—

"(1) publish in the Federal Register and post on a website of the Department of Transportation the substantive criteria and standards used by the Secretary to determine whether to approve or disapprove applications submitted under section 22402; and

"(2) ensure that adequate procedures and guidelines are in place to permit the filing of complete applications not later than 30 days after the publication referred to in paragraph (1).".

(h) AUTHORIZATION OF APPROPRIATIONS.—Chapter 224 of title 49, United States Code, as added by subsection (a), and amended by subsections (c) through (g), is further amended by adding at the end the following:

"§ 22406. Authorization of appropriations.

"(a) AUTHORIZATION.—

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"(1) IN GENERAL.—There is authorized to be appropriated for credit assistance under this chapter, which shall be provided at the discretion of the Secretary, $50,000,000 for each of fiscal years 2022 through 2026.

"(2) REFUND OF PREMIUM.—There is authorized to be appropriated to the Secretary $70,000,000 to repay the credit risk premium in accordance with section 22402(f)(5).

"(3) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—Credit assistance provided under subsection (a) may not exceed $20,000,000 for any loan or loan guarantee.

"(2) ADMINISTRATIVE COSTS.—Not less than 3 percent of the amounts appropriated pursuant to subsection (a) in each fiscal year shall be made available to the Secretary for use in place of charges collected under section 22403(l)(1) for passenger railroads and freight railroads other than Class I carriers.

"(3) SHORT LINE SET-ASIDE.—Not less than 50 percent of the amounts appropriated pursuant to subsection (a)(1) for each fiscal year shall be set aside for freight railroads other than Class I carriers.".

(i) CLERICAL AMENDMENT.—The analysis for title 49, United States Code, is amended by inserting after the item relating to chapter 223 the following:

"224 . Railroad rehabilitation and improvement financing .....22401".

(j) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) NATIONAL TRAILS SYSTEM ACT.—Section 8(d) of the National Trails System Act (16 U.S.C. 1247(d)) is amended by inserting "(45 U.S.C. 801 et seq.) and chapter 224 of title 49, United States Code" after "1976".

(2) PASSENGER RAIL REFORM AND INVESTMENT ACT.—Section 11315(c) of the Passenger Rail Reform and Investment Act of 2015 (23 U.S.C. 322 note; Public Law 114–94) is amended by striking "sections 502 and 503 of the Railroad Revitalization and Regulatory Reform Act of 1976" and inserting "sections 22402 and 22403 of title 49, United States Code".

(3) PROVISIONS CLASSIFIED IN TITLE 45, UNITED STATES CODE.—

(A) RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976.—Section 101 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801) is amended—

(i) in subsection (a), in the matter preceding paragraph (1), by striking "It is the purpose of the Congress in this Act to" and inserting "The purpose of this Act and chapter 224 of title 49, United States Code, is to"; and

(ii) in subsection (b), in the matter preceding paragraph (1), by striking "It is declared to be the policy of the Congress in this Act" and inserting "The policy of this Act and chapter 224 of title 49, United States Code, is".

(B) RAILROAD INFRASTRUCTURE FINANCING IMPROVEMENT ACT.—The Railroad Infrastructure Financing

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Improvement Act (subtitle F of title XI of Public Law 114–94) is amended—

(i) in section 11607(b) (45 U.S.C. 821 note), by striking "All provisions under sections 502 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.)" and inserting "All provisions under section 22402 through 22404 of title 49, United States Code,"; and

(ii) in section 11610(b) (45 U.S.C. 821 note), by striking "section 502(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)), as amended by section 11607 of this Act" and inserting "section 22402(f) of title 49, United States Code".

(C) TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY.—Section 7203(b)(2) of the Transportation Equity Act for the 21st Century (Public Law 105–178; 45 U.S.C. 821 note) is amended by striking "title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.)" and inserting "chapter 224 of title 49, United States Code,".

(D) HAMM ALERT MARITIME SAFETY ACT OF 2018.—Section 212(d)(1) of Hamm Alert Maritime Safety Act of 2018 (title II of Public Law 115–265; 45 U.S.C. 822 note) is amended, in the matter preceding subparagraph (A), by striking "for purposes of section 502(f)(4) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)(4))" and inserting "for purposes of section 22402 of title 49, United States Code".

(E) MILWAUKEE RAILROAD RESTRUCTURING ACT.—Section 15(f) of the Milwaukee Railroad Restructuring Act (45 U.S.C. 914(f)) is amended by striking "Section 516 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836)" and inserting "Section 22404 of title 49, United States Code,".

(F) ROCK ISLAND RAILROAD TRANSITION AND EMPLOYEE ASSISTANCE ACT.—Section 104(b) of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1003(b)) is amended—

(i) in paragraph (1)—

(I) by striking "title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.)" and inserting "chapter 224 of title 49, United States Code,"; and

(II) by striking "and section 18(b) of the Milwaukee Railroad Restructuring Act"; and

(ii) in paragraph (2), by striking "title V of the Railroad Revitalization and Regulatory Reform Act of 1976, and section 516 of such Act (45 U.S.C. 836)" and inserting "chapter 224 of title 49, United States Code, including section 22404 of such title,".

(4) TITLE 49.—

(A) NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU.—Section 116(d)(1)(B) of title 49, United States Code, is amended by striking "sections 501 through 503 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821–823)" and inserting "sections 22401 through 22403".

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(B) PROHIBITED DISCRIMINATION.—Section 306(b) of title 49, United States Code, is amended—

(i) by striking "chapter 221 or 249 of this title," and inserting "chapter 221, 224, or 249 of this title, or"; and

(ii) by striking ", or title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.)".

(C) PASSENGER RAIL REFORM AND INVESTMENT ACT OF 2015.—Section 11311(d) of the Passenger Rail Reform and Investment Act of 2015 (Public Law 114–94; 49 U.S.C. 20101 note) is amended by striking ", and section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822)".

(D) GRANT CONDITIONS.—Section 22905(c)(2)(B) of title 49, United States Code, is amended by striking "section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836)" and inserting "section 22404".

(E) PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008.—Section 205(g) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432; 49 U.S.C. 24101 note) is amended by striking "title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.)" and inserting "chapter 224 of title 49, United States Code".

(F) AMTRAK AUTHORITY.—Section 24903 of title 49, United States Code, is amended—

(i) in subsection (a)(6), by striking "and the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.)" and inserting ", the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.), and chapter 224 of this title"; and

(ii) in subsection (c)(2), by striking "and the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.)" and inserting ", the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.), and chapter 224 of this title".

SEC. 21302. SUBSTANTIVE CRITERIA AND STANDARDS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall update the publicly available credit program guide in accordance with the provisions of chapter 224 of title 49, United States Code, as added by section 21301.

SEC. 21303. SEMIANNUAL REPORT ON TRANSIT-ORIENTED DEVELOPMENT ELIGIBILITY.

Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that identifies—

(1) the number of applications submitted to the Department for a direct loan or loan guarantee under section 22402(b)(1)(E) of title 49, United States Code, as amended by section 21301;

(2) the number of such loans or loan guarantees that were provided to the applicants; and

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(3) for each such application, the reasons for providing or declining to provide the requested loan or loan guarantee.

TITLE II—RAIL

SEC. 22001. SHORT TITLE.

This title may be cited as the "Passenger Rail Expansion and Rail Safety Act of 2021".

Subtitle A—Authorization of Appropriations

SEC. 22101. GRANTS TO AMTRAK.

(a) NORTHEAST CORRIDOR.—There are authorized to be appropriated to the Secretary for grants to Amtrak for activities associated with the Northeast Corridor the following amounts:

(1) For fiscal year 2022, $1,570,000,000.
(2) For fiscal year 2023, $1,100,000,000.
(3) For fiscal year 2024, $1,200,000,000.
(4) For fiscal year 2025, $1,300,000,000.
(5) For fiscal year 2026, $1,400,000,000.

(b) NATIONAL NETWORK.—There are authorized to be appropriated to the Secretary for grants to Amtrak for activities associated with the National Network the following amounts:

(1) For fiscal year 2022, $2,300,000,000.
(2) For fiscal year 2023, $2,200,000,000.
(3) For fiscal year 2024, $2,450,000,000.
(4) For fiscal year 2025, $2,700,000,000.
(5) For fiscal year 2026, $3,000,000,000.

(c) OVERSIGHT.—The Secretary may withhold up to 0.5 percent from the amount appropriated for each fiscal year pursuant to subsections (a) and (b) for the costs of oversight of Amtrak.

(d) STATE-SUPPORTED ROUTE COMMITTEE.—The Secretary may withhold up to $3,000,000 from the amount appropriated for each fiscal year pursuant to subsection (b) for use by the State-Supported Route Committee established under section 24712(a) of title 49, United States Code.

(e) NORTHEAST CORRIDOR COMMISSION.—The Secretary may withhold up to $6,000,000 from the amount appropriated for each fiscal year pursuant to subsection (a) for use by the Northeast Corridor Commission established under section 24905(a) of title 49, United States Code.

(f) INTERSTATE RAIL COMPACTS.—The Secretary may withhold up to $3,000,000 from the amount appropriated for each fiscal year pursuant to subsection (b) for grants authorized under section 22910 of title 49, United States Code.

(g) ACCESSIBILITY UPGRADES.—

(1) IN GENERAL.—The Secretary shall withhold $50,000,000 from the amount appropriated for each fiscal year pursuant to subsections (a) and (b) for grants to assist Amtrak in financing capital projects to upgrade the accessibility of the national rail passenger transportation system by increasing the number of existing facilities that are compliant with the requirements under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) until the Secretary determines

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Amtrak's existing facilities are in compliance with such requirements.

(2) SAVINGS PROVISION.—Nothing in paragraph (1) may be construed to prevent Amtrak from using additional funds appropriated pursuant to this section to carry out the activities authorized under such paragraph.

(h) CORRIDOR DEVELOPMENT.—In addition to the activities authorized under subsection (b), Amtrak may use up to 10 percent of the amounts appropriated under subsection (b) in each fiscal year to support Amtrak-operated corridors selected under section 22306 for—

(1) planning and capital costs; and

(2) operating assistance consistent with the Federal funding limitations under section 22908 of title 49, United States Code.

SEC. 22102. FEDERAL RAILROAD ADMINISTRATION.

(a) SAFETY AND OPERATIONS.—There are authorized to be appropriated to the Secretary for the operations of the Federal Railroad Administration and to carry out railroad safety activities the following amounts:

(1) For fiscal year 2022, $248,000,000.
(2) For fiscal year 2023, $254,000,000.
(3) For fiscal year 2024, $263,000,000.
(4) For fiscal year 2025, $271,000,000.
(5) For fiscal year 2026, $279,000,000.

(b) RAILROAD RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to the Secretary for the use of the Federal Railroad Administration for activities associated with railroad research and development the following amounts:

(1) For fiscal year 2022, $43,000,000.
(2) For fiscal year 2023, $44,000,000.
(3) For fiscal year 2024, $45,000,000.
(4) For fiscal year 2025, $46,000,000.
(5) For fiscal year 2026, $47,000,000.

(c) TRANSPORTATION TECHNOLOGY CENTER.—The Secretary may withhold up to $3,000,000 from the amount appropriated for each fiscal year pursuant to subsection (b) for activities authorized under section 20108(d) of title 49, United States Code.

(d) RAIL RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.—The Secretary may withhold up to 10 percent of the amount appropriated for each fiscal year under subsection (b) for grants authorized under section 20108(j) of title 49, United States Code.

SEC. 22103. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS GRANTS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary for grants under section 22907 of title 49, United States Code, $1,000,000,000 for each of fiscal years 2022 through 2026.

(b) OVERSIGHT.—The Secretary may withhold up to 2 percent from the amount appropriated for each fiscal year pursuant to subsection (a) for the costs of project management oversight of grants authorized under title 49, United States Code.

SEC. 22104. RAILROAD CROSSING ELIMINATION PROGRAM.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary for grants under section 22909 of title 49, United

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States Code, as added by section 22305, $500,000,000 for each of fiscal years 2022 through 2026.

(b) PLANNING PROJECTS.—Not less than 3 percent of the amount appropriated in each fiscal year pursuant to subsection (a) year shall be used for planning projects described in section 22909(d)(6) of title 49, United States Code.

(c) HIGHWAY-RAIL GRADE CROSSING SAFETY INFORMATION AND EDUCATION PROGRAM.—Of the amount appropriated under subsection (a) in each fiscal year, 0.25 percent shall be used for contracts or grants to carry out a highway-rail grade crossing safety information and education program—

(1) to help prevent and reduce pedestrian, motor vehicle, and other accidents, incidents, injuries, and fatalities; and

(2) to improve awareness along railroad rights-of-way and at highway-rail grade crossings.

(d) OVERSIGHT.—The Secretary may withhold up to 2 percent from the amount appropriated for each fiscal year pursuant to subsection (a) for the costs of project management oversight of grants authorized under title 49, United States Code.

SEC. 22105. RESTORATION AND ENHANCEMENT GRANTS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary for grants under section 22908 of title 49, United States Code, $50,000,000 for each of fiscal years 2022 through 2026.

(b) OVERSIGHT.—The Secretary may withhold up to 1 percent of the amount appropriated for each fiscal year pursuant to subsection (a) for the costs of project management oversight of grants authorized under title 49, United States Code.

SEC. 22106. FEDERAL-STATE PARTNERSHIP FOR INTERCITY PASSENGER RAIL GRANTS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary for grants under section 24911 of title 49, United States Code, $1,500,000,000 for each of fiscal years 2022 through 2026.

(b) OVERSIGHT.—The Secretary may withhold up to 2 percent of the amount appropriated under subsection (a) for the costs of project management oversight of grants authorized under title 49, United States Code.

SEC. 22107. AMTRAK OFFICE OF INSPECTOR GENERAL.

There are authorized to be appropriated to the Office of Inspector General of Amtrak the following amounts:

(1) For fiscal year 2022, $26,500,000.
(2) For fiscal year 2023, $27,000,000.
(3) For fiscal year 2024, $27,500,000.
(4) For fiscal year 2025, $28,000,000.
(5) For fiscal year 2026, $28,500,000.

Subtitle B—Amtrak Reforms

SEC. 22201. AMTRAK FINDINGS, MISSION, AND GOALS.

(a) FINDINGS.—Section 24101(a) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking "between crowded urban areas and in other areas of" and inserting "throughout";

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(2) in paragraph (4), by striking "to Amtrak to achieve a performance level sufficient to justify expending public money" and inserting "in order to meet the intercity passenger rail needs of the United States";

(3) in paragraph (5)—

(A) by inserting "intercity passenger and" before "commuter"; and

(B) by inserting "and rural" after "major urban;" and

(4) by adding at the end the following:

"(9) Long-distance routes are valuable resources of the United States that are used by rural and urban communities.".

(b) GOALS.—Section 24101(c) of title 49, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

"(1) use its best business judgment in acting to maximize the benefits of Federal investments, including—

"(A) offering competitive fares;

"(B) increasing revenue from the transportation of mail and express;

"(C) offering food service that meets the needs of its customers;

"(D) improving its contracts with rail carriers over whose tracks Amtrak operates;

"(E) controlling or reducing management and operating costs; and

"(F) providing economic benefits to the communities it serves;";

(2) in paragraph (11), by striking "and" at the end;

(3) in paragraph (12), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(13) support and maintain established long-distance routes to provide value to the Nation by serving customers throughout the United States and connecting urban and rural communities.".

(c) INCREASING REVENUES.—Section 24101(d) of title 49, United States Code, is amended to read as follows:

"(d) INCREASING REVENUES.—Amtrak is encouraged to make agreements with private sector entities and to undertake initiatives that are consistent with good business judgment and designed to generate additional revenues to advance the goals described in subsection (c).".

SEC. 22202. COMPOSITION OF AMTRAK'S BOARD OF DIRECTORS.

(a) SELECTION; COMPOSITION; CHAIR.—Section 24302(a) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking "President" and inserting "Chief Executive Officer"; and

(B) in subparagraph (C), by inserting ", at least 1 of whom shall be an individual with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)) who has a demonstrated history of, or experience with, accessibility, mobility, and inclusive transportation in passenger rail or commuter rail" before the period at the end;

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(2) in paragraph (2), by striking "and try to provide adequate and balanced representation of the major geographic regions of the United States served by Amtrak";

(3) by redesignating paragraph (5) as paragraph (7); and

(4) by striking paragraph (4) and inserting the following:

"(4) Of the individuals appointed pursuant to paragraph (1)(C)—

"(A) 2 individuals shall reside in or near a location served by a regularly scheduled Amtrak service along the Northeast Corridor;

"(B) 4 individuals shall reside in or near regions of the United States that are geographically distributed outside of the Northeast Corridor, of whom—

"(i) 2 individuals shall reside in States served by a long-distance route operated by Amtrak;

"(ii) 2 individuals shall reside in States served by a State-supported route operated by Amtrak; and

"(iii) an individual who resides in a State that is served by a State-supported route and a long-distance route may be appointed to serve either position referred to in clauses (i) and (ii);

"(C) 2 individuals shall reside either—

"(i) in or near a location served by a regularly scheduled Amtrak service on the Northeast Corridor; or

"(ii) in a State served by long-distance or a State-supported route; and

"(D) each individual appointed to the Board pursuant to this paragraph may only fill 1 of the allocations set forth in subparagraphs (A) through (C).

"(5) The Board shall elect a chairperson and vice chairperson, other than the Chief Executive Officer of Amtrak, from among its membership. The vice chairperson shall act as chairperson in the absence of the chairperson.

"(6) The Board shall meet at least annually with—

"(A) representatives of Amtrak employees;

"(B) representatives of persons with disabilities; and

"(C) the general public, in an open meeting with a virtual attendance option, to discuss financial performance and service results.".

(b) RULE OF CONSTRUCTION.—None of the amendments made by subsection (a) may be construed as affecting the term of any director serving on the Amtrak Board of Directors under section 24302(a)(1)(C) of title 49, United States Code, as of the date of enactment of this Act.

SEC. 22203. STATION AGENTS.

Section 24312 of title 49, United States Code, is amended by adding at the end the following:

"(c) AVAILABILITY OF STATION AGENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), beginning on the date that is 1 year after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, Amtrak shall ensure that at least 1 Amtrak ticket agent is employed at each station building—

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"(A) that Amtrak owns, or operates service through, as part of a long-distance or Northeast Corridor passenger service route;

"(B) where at least 1 Amtrak ticket agent was employed on or after October 1, 2017; and

"(C) for which an average of 40 passengers boarded or deboarded an Amtrak train per day during all of the days in fiscal year 2017 when the station was serviced by Amtrak, regardless of the number of Amtrak trains servicing the station per day.

"(2) EXCEPTION.—Paragraph (1) shall not apply to any station building in which a commuter rail ticket agent has the authority to sell Amtrak tickets.".

SEC. 22204. INCREASING OVERSIGHT OF CHANGES TO AMTRAK LONG-DISTANCE ROUTES AND OTHER INTERCITY SERVICES.

(a) AMTRAK ANNUAL OPERATIONS REPORT.—Section 24315(a)(1) of title 49, United States Code, is amended—

(1) in subparagraph (G), by striking "and" at the end;

(2) in subparagraph (H), by adding "and" at the end; and

(3) by adding at the end the following:

"(I) any change made to a route's or service's frequency or station stops;".

(b) 5-YEAR BUSINESS LINE PLANS.—Section 24320(b)(2) of title 49, United States Code, is amended—

(1) by redesignating subparagraphs (B) through (L) as subparagraphs (C) through (M), respectively; and

(2) by inserting after subparagraph (A) the following:

"(B) a detailed description of any plans to permanently change a route's or service's frequency or station stops for the service line;".

SEC. 22205. IMPROVED OVERSIGHT OF AMTRAK ACCOUNTING.

Section 24317 of title 49, United States Code, is amended—

(1) in subsection (a)(2), by striking "and costs among Amtrak business lines" and inserting ", including Federal grant funds, and costs among Amtrak service lines";

(2) by amending subsection (b) to read as follows:

"(b) ACCOUNT STRUCTURE.—

"(1) IN GENERAL.—The Secretary of Transportation, in consultation with Amtrak, shall define, maintain, and periodically update an account structure and improvements to accounting methodologies, as necessary, to support the Northeast Corridor and the National Network.

"(2) NOTIFICATION OF SUBSTANTIVE CHANGES.—The Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Appropriations of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Appropriations of the House of Representatives regarding any substantive changes made to the account structure, including changes to—

"(A) the service lines described in section 24320(b)(1); and

"(B) the asset lines described in section 24320(c)(1).";

(3) in subsection (c), in the matter preceding paragraph (1), by inserting ", maintaining, and updating" after "defining";

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(4) in subsection (d), in the matter preceding paragraph (1), by inserting ", maintaining, and updating" after "defining";

(5) by amending subsection (e) to read as follows:

"(e) IMPLEMENTATION AND REPORTING.—

"(1) IN GENERAL.—Amtrak, in consultation with the Secretary of Transportation, shall maintain and implement any account structures and improvements defined under subsection (b) to enable Amtrak to produce sources and uses statements for each of the service lines described in section 24320(b)(1) and, as appropriate, each of the asset lines described in section 24320(c)(1), that identify sources and uses of revenues, appropriations, and transfers between accounts.

"(2) UPDATED SOURCES AND USES STATEMENTS.—Not later than 30 days after the implementation of subsection (b), and monthly thereafter, Amtrak shall submit to the Secretary of Transportation updated sources and uses statements for each of the service lines and asset lines referred to in paragraph (1). The Secretary and Amtrak may agree to a different frequency of reporting.";

(6) by striking subsection (h); and

(7) by redesignating subsection (i) as subsection (h).

SEC. 22206. IMPROVED OVERSIGHT OF AMTRAK SPENDING.

(a) ALLOCATION OF COSTS AND REVENUES.—Section 24318(a) of title 49, United States Code, is amended by striking "Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015,".

(b) GRANT PROCESS AND REPORTING.—Section 24319 of title 49, United States Code, is amended—

(1) in the section heading, by inserting "**and reporting**" after "**process**";

(2) by amending subsection (a) to read as follows:

"(a) PROCEDURES FOR GRANT REQUESTS.—The Secretary of Transportation shall—

"(1) establish and maintain substantive and procedural requirements, including schedules, for grant requests under this section; and

"(2) report any changes to such procedures to—

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

"(B) the Committee on Appropriations of the Senate;

"(C) the Committee on Transportation and Infrastructure of the House of Representatives; and

"(D) the Committee on Appropriations of the House of Representatives.";

(3) in subsection (b), by striking "grant requests" and inserting "a grant request annually, or as additionally required,";

(4) by amending subsection (c) to read as follows:

"(c) CONTENTS.—

"(1) IN GENERAL.—Each grant request under subsection (b) shall, as applicable—

"(A) categorize and identify, by source, the Federal funds and program income that will be used for the upcoming fiscal year for each of the Northeast Corridor and National Network in 1 of the categories or subcategories set forth in paragraph (2);

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"(B) describe the operations, services, programs, projects, and other activities to be funded within each of the categories set forth in paragraph (2), including—

"(i) the estimated scope, schedule, and budget necessary to complete each project and program; and

"(ii) the performance measures used to quantify expected and actual project outcomes and benefits, aggregated by fiscal year, project milestone, and any other appropriate grouping; and

"(C) describe the status of efforts to improve Amtrak's safety culture.

"(2) GRANT CATEGORIES.—

"(A) OPERATING EXPENSES.—Each grant request to use Federal funds for operating expenses shall—

"(i) include estimated net operating costs not covered by other Amtrak revenue sources;

"(ii) specify Federal funding requested for each service line described in section 24320(b)(1); and

"(iii) be itemized by route.

"(B) DEBT SERVICE.—A grant request to use Federal funds for expenses related to debt, including payment of principle and interest, as allowed under section 205 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432; 49 U.S.C. 24101 note).

"(C) CAPITAL.—A grant request to use Federal funds and program income for capital expenses shall include capital projects and programs primarily associated with—

"(i) normalized capital replacement programs, including regularly recurring work programs implemented on a systematic basis on classes of physical railroad assets, such as track, structures, electric traction and power systems, rolling stock, and communications and signal systems, to maintain and sustain the condition and performance of such assets to support continued railroad operations;

"(ii) improvement projects to support service and safety enhancements, including discrete projects implemented in accordance with a fixed scope, schedule, and budget that result in enhanced or new infrastructure, equipment, or facilities;

"(iii) backlog capital replacement projects, including discrete projects implemented in accordance with a fixed scope, schedule, and budget that primarily replace or rehabilitate major infrastructure assets, including tunnels, bridges, stations, and similar assets, to reduce the state of good repair backlog on the Amtrak network;

"(iv) strategic initiative projects, including discrete projects implemented in accordance with a fixed scope, schedule, and budget that primarily improve overall operational performance, lower costs, or otherwise improve Amtrak's corporate efficiency; and

"(v) statutory, regulatory, or other legally mandated projects, including discrete projects implemented in accordance with a fixed scope, schedule, and budget that enable Amtrak to fulfill specific legal or regulatory mandates.

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"(D) CONTINGENCY.—A grant request to use Federal funds for operating and capital expense contingency shall include—

"(i) contingency levels for specified activities and operations; and

"(ii) a process for the utilization of such contingency.

"(3) MODIFICATION OF CATEGORIES.—The Secretary of Transportation and Amtrak may jointly agree to modify the categories set forth in paragraph (2) if such modifications are necessary to improve the transparency, oversight, or delivery of projects funded through grant requests under this section.";

(5) in subsection (d)(1)(A)—

(A) by inserting "complete" after "submits a";

(B) by striking "shall complete" and inserting "shall finish"; and

(C) in clause (ii), by striking "incomplete or";

(6) in subsection (e)—

(A) in paragraph (1)—

(i) by striking "and other activities to be funded by the grant" and inserting "programs, projects, and other activities to be funded by the grant, consistent with the categories required for Amtrak in a grant request under subsection (c)(1)(A)"; and

(ii) by striking "or activities" and inserting "programs, projects, and other activities"; and

(B) in paragraph (3)—

(i) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(ii) by inserting before subparagraph (B), as redesignated, the following:

"(A) using an otherwise allowable approach to the method prescribed for a specific project or category of projects under paragraph (2) if the Secretary and Amtrak agree that a different payment method is necessary to more successfully implement and report on an operation, service, program, project, or other activity;";

(7) by redesignating subsection (h) as subsection (j); and

(8) by inserting after subsection (g) the following:

"(h) APPLICABLE LAWS AND REGULATIONS.—

"(1) SINGLE AUDIT ACT OF 1984.—Notwithstanding section 24301(a)(3) of this title and section 7501(a)(13) of title 31, Amtrak shall be deemed a 'non-Federal entity' for purposes of chapter 75 of title 31.

"(2) REGULATIONS AND GUIDANCE.—The Secretary of Transportation may apply some or all of the requirements set forth in the regulations and guidance promulgated by the Secretary relating to the management, administration, cost principles, and audit requirements for Federal awards.

"(i) AMTRAK GRANT REPORTING.—The Secretary of Transportation shall determine the varying levels of detail and information that will be included in reports for operations, services, program, projects, program income, cash on hand, and other activities within each of the grant categories described in subsection (c)(2).".

(c) CONFORMING AMENDMENTS.—

(1) REPORTS AND AUDITS.—Section 24315(b)(1) of title 49, United States Code, is amended—

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(A) in subparagraph (A), by striking "the goal of section 24902(b) of this title; and" and inserting "the goal described in section 24902(a);";

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(C) shall incorporate the category described in section 24319(c)(2)(C).".

(2) CLERICAL AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is amended by striking the item relating to section 24319 and inserting the following:

"24319. Grant process and reporting.".

SEC. 22207. INCREASING SERVICE LINE AND ASSET LINE PLAN TRANSPARENCY.

(a) IN GENERAL.—Section 24320 of title 49, United States Code, is amended—

(1) in the section heading, by striking "**business line and asset plans**" and inserting "**service line and asset line plans**";

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "of each year" and inserting ", 2020, and biennially thereafter";

(ii) by striking "5-year business line plans and 5-year asset plans" and inserting "5-year service line plans and 5-year asset line plans"; and

(iii) by adding at the end the following: "During each year in which Amtrak is not required to submit a plan under this paragraph, Amtrak shall submit to Congress updated financial sources and uses statements and forecasts with the annual report required under section 24315(b).."; and

(B) in paragraph (2), by striking "asset plan required in" and inserting "asset line plan required under";

(3) in subsection (b)—

(A) in the subsection heading, by striking "BUSINESS" and inserting "SERVICE";

(B) in paragraph (1)—

(i) in the paragraph heading, by striking "BUSINESS" and inserting "SERVICE";

(ii) by striking "business" each place such term appears and inserting "service";

(iii) by amending subparagraph (B) to read as follows:

"(B) Amtrak State-supported train services.";

(iv) in subparagraph (C), by striking "routes" and inserting "train services"; and

(v) by adding at the end the following:

"(E) Infrastructure access services for use of Amtrak-owned or Amtrak-controlled infrastructure and facilities.";

(C) in paragraph (2)—

(i) in the paragraph heading, by striking "BUSINESS" and inserting "SERVICE";

(ii) by striking "business" each place such term appears and inserting "service";

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(iii) in subparagraph (A), by striking "Strategic Plan and 5-year asset plans" and inserting "5-year asset line plans";

(iv) in subparagraph (F) (as redesignated by section 22204(b)(1)), by striking "profit and loss" and inserting "sources and uses";

(v) by striking subparagraph (G) (as redesignated by section 22204(b)(1));

(vi) by redesignating subparagraphs (H) through (M) (as redesignated by section 22204(b)(1)) as subparagraphs (G) through (L), respectively; and

(vii) by amending subparagraph (I) (as so redesignated) to read as follows:

"(I) financial performance for each route, if deemed applicable by the Secretary, within each service line, including descriptions of the cash operating loss or contribution;";

(D) in paragraph (3)—

(i) in the paragraph heading, by striking "BUSINESS" and inserting "SERVICE";

(ii) by striking "business" each place such term appears and inserting "service";

(iii) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively, and moving such clauses 2 ems to the right;

(iv) by inserting before clause (i), as redesignated, the following:

"(A) not later than 180 days after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, submit to the Secretary, for approval, a consultation process for the development of each service line plan that requires Amtrak to—";

(v) in subparagraph (A), as amended by clause (iv)—

(I) in clause (iii), as redesignated, by inserting "and submit the final service line plan required under subsection (a)(1) to the State-Supported Route Committee" before the semicolon at the end;

(II) in clause (iv), as redesignated, by inserting "and" after the semicolon at the end; and

(III) by adding at the end the following:

"(v) for the infrastructure access service line plan, consult with the Northeast Corridor Commission and other entities, as appropriate, and submit the final asset line plan under subsection (a)(1) to the Northeast Corridor Commission;"; and

(vi) by redesignating subparagraphs (E) and (F) as subparagraphs (B) and (C), respectively;

(E) by redesignating paragraph (4) as paragraph (5); and

(F) by inserting after paragraph (3)(C), as redesignated, the following:

"(4) 5-YEAR SERVICE LINE PLANS UPDATES.—Amtrak may modify the content to be included in the service line plans described in paragraph (1), upon the approval of the Secretary, if the Secretary determines that such modifications are necessary to improve the transparency, oversight, and delivery

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of Amtrak services and the use of Federal funds by Amtrak."; and

(4) in subsection (c)—

(A) in the subsection heading, by inserting "LINE" after "ASSET";

(B) in paragraph (1)—

(i) in the paragraph heading, by striking "CATEGORIES" and inserting "LINES";

(ii) in the matter preceding subparagraph (A), by striking "asset plan for each of the following asset categories" and inserting "asset line plan for each of the following asset lines";

(iii) by redesignating subparagraphs (A), (B), (C), and (D) as subparagraphs (B), (C), (D), and (E), respectively;

(iv) by inserting before subparagraph (B), as redesignated, the following:

"(A) Transportation, including activities and resources associated with the operation and movement of Amtrak trains, onboard services, and amenities.";

(v) in subparagraph (B), as redesignated, by inserting "and maintenance-of-way equipment" after "facilities"; and

(vi) in subparagraph (C), as redesignated, by striking "Passenger rail equipment" and inserting "Equipment";

(C) in paragraph (2)—

(i) in the paragraph heading, by inserting "LINE" after "ASSET";

(ii) in the matter preceding subparagraph (A), by inserting "line" after "asset";

(iii) in subparagraph (A), by striking "category" and inserting "line";

(iv) in subparagraph (C)(iii)(III), by striking "and" at the end;

(v) by amending subparagraph (D) to read as follows:

"(D) annual sources and uses statements and forecasts for each asset line; and"; and

(vi) by adding at the end the following:

"(E) other elements that Amtrak elects to include.";

(D) in paragraph (3)—

(i) in the paragraph heading, by inserting "LINE" after "ASSET";

(ii) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and moving such clauses 2 ems to the right;

(iii) by inserting before clause (i), as redesignated, the following:

"(A) not later than 180 days after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, submit to the Secretary, for approval, a consultation process for the development of each asset line plan that requires Amtrak to—";

(iv) in subparagraph (A), as added by clause (iii)—

(I) in clause (i), as redesignated—

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(aa) by striking "business" each place such term appears and inserting "service";

(bb) by inserting "line" after "asset" each place such term appears; and

(cc) by adding "and" at the end; and

(II) in clause (ii), as redesignated—

(aa) by inserting "consult with the Secretary of Transportation in the development of asset line plans and," before "as applicable"; and

(bb) by inserting "line" after "5-year asset";

(v) by redesignating subparagraph (C) as subparagraph (B); and

(vi) in subparagraph (B), as redesignated, by striking "category" and inserting "line";

(E) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively;

(F) by inserting after paragraph (3) the following:

"(4) 5-YEAR ASSET LINE PLAN UPDATES.—Amtrak may modify the content to be included in the asset line plans described in paragraph (1), on approval of the Secretary, if the Secretary determines that such modifications are necessary to improve the transparency, oversight, and delivery of Amtrak services and the use of Federal funds by Amtrak.";

(G) in paragraph (5)(A), as redesignated, by inserting ", but shall not include corporate services (as defined pursuant to section 24317(b))" after "national assets"; and

(H) in paragraph (7), as redesignated, by striking "paragraph (4)" and inserting "paragraph (5)".

(b) CLERICAL AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is amended by striking the item relating to section 24320 and inserting the following:

"24320. Amtrak 5-year service line and asset line plans.".

(c) EFFECTIVE DATES.—Section 11203(b) of the Passenger Rail Reform and Investment Act of 2015 (49 U.S.C. 24320 note) is amended—

(1) by striking "business" each place such term appears and inserting "service"; and

(2) by inserting "line" after "asset" each place such term appears.

SEC. 22208. PASSENGER EXPERIENCE ENHANCEMENT.

(a) IN GENERAL.—Section 24305(c)(4) of title 49, United States Code, is amended by striking "only if revenues from the services each year at least equal the cost of providing the services".

(b) FOOD AND BEVERAGE SERVICE WORKING GROUP.—

(1) IN GENERAL.—Section 24321 of title 49, United States Code, is amended to read as follows:

"§ 24321. Food and beverage service

"(a) WORKING GROUP.—

"(1) ESTABLISHMENT.—Not later than 180 days after enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, Amtrak shall establish a working group to provide recommendations to improve Amtrak's onboard food and beverage service.

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"(2) MEMBERSHIP.—The working group shall consist of individuals representing—

"(A) Amtrak;

"(B) the labor organizations representing Amtrak employees who prepare or provide on-board food and beverage service;

"(C) nonprofit organizations representing Amtrak passengers; and

"(D) States that are providing funding for State-supported routes.

"(b) REPORT.—Not later than 1 year after the establishment of the working group pursuant to subsection (a), the working group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives containing recommendations for improving Amtrak's food and beverage service, including—

"(1) ways to improve the financial performance of Amtrak;

"(2) ways to increase and retain ridership;

"(3) the differing needs of passengers traveling on long-distance routes, State supported routes, and the Northeast Corridor;

"(4) Amtrak passenger survey data about the food and beverages offered on Amtrak trains;

"(5) ways to incorporate local food and beverage items on State-supported routes; and

"(6) any other issue that the working group determines to be appropriate.

"(c) IMPLEMENTATION.—Not later than 180 days after the submission of the report pursuant to subsection (b), Amtrak shall submit a plan for implementing the recommendations of the working group, and an explanation for any of the working group's recommendations it does not agree with and does not plan on implementing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

"(d) SAVINGS CLAUSE.—Amtrak shall ensure that no Amtrak employee who held a position on a long-distance or Northeast Corridor route as of the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, is involuntarily separated because of the development and implementation of the plan required under this section.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is amended by striking the item relating to section 24321 and inserting the following:

"24321. Food and beverage service.".

SEC. 22209. AMTRAK SMOKING POLICY.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"§ 24323. Prohibition on smoking on Amtrak trains

"(a) PROHIBITION.—Beginning on the date of enactment of this section, Amtrak shall prohibit smoking, including the use of electronic cigarettes, onboard all Amtrak trains.

"(b) ELECTRONIC CIGARETTE DEFINED.—In this section, the term 'electronic cigarette' means a device that delivers nicotine or other

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substances to a user of the device in the form of a vapor that is inhaled to simulate the experience of smoking.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"24323. Prohibition on smoking on Amtrak trains.".

SEC. 22210. PROTECTING AMTRAK ROUTES THROUGH RURAL COMMUNITIES.

Section 24706 of title 49, United States Code, is amended—

(1) in subsection (a), by striking "subsection (b) of this section, at least 180 days" and inserting "subsection (c), not later than 180 days";

(2) by redesignating subsections (b) and (c) as subsections (c) and (e), respectively;

(3) by inserting after subsection (a) the following:

"(b) DISCONTINUANCE OR SUBSTANTIAL ALTERATION OF LONG-DISTANCE ROUTES.—Except as provided in subsection (c), in an emergency, or during maintenance or construction outages impacting Amtrak routes, Amtrak may not discontinue, reduce the frequency of, suspend, or substantially alter the route of rail service on any segment of any long-distance route in any fiscal year in which Amtrak receives adequate Federal funding for such route on the National Network."; and

(4) by inserting after subsection (c), as redesignated, the following:

"(d) CONGRESSIONAL NOTIFICATION OF DISCONTINUANCE.—Except as provided in subsection (c), not later than 210 days before discontinuing service over a route, Amtrak shall give written notice of such discontinuance to all of the members of Congress representing any State or district in which the discontinuance would occur.".

SEC. 22211. STATE-SUPPORTED ROUTE COMMITTEE.

(a) STATE-SUPPORTED ROUTE COMMITTEE.—Section 24712(a) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation shall establish" and inserting "There is established"; and

(B) by inserting "current and future" before "rail operations";

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(3) by inserting after paragraph (3) the following:

"(4) ABILITY TO CONDUCT CERTAIN BUSINESS.—If all of the members of 1 voting bloc described in paragraph (3) abstain from a Committee decision, agreement between the other 2 voting blocs consistent with the procedures set forth in such paragraph shall be deemed sufficient for purpose of achieving unanimous consent.";

(4) in paragraph (5), as redesignated, in the matter preceding subparagraph (A)—

(A) by striking "convene a meeting and shall define and implement" and inserting "define and periodically update"; and

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(B) by striking "not later than 180 days after the date of establishment of the Committee by the Secretary"; and

(5) in paragraph (7), as redesignated—

(A) in the paragraph heading, by striking "ALLOCATION METHODOLOGY" and inserting "METHODOLOGY POLICY";

(B) in subparagraph (A), by striking "allocation methodology" and inserting "methodology policy";

(C) by amending subparagraph (B) to read as follows:

"(B) REVISIONS TO COST METHODOLOGY POLICY.—

"(i) REQUIREMENT TO REVISE AND UPDATE.—Subject to rules and procedures established pursuant to clause (iii), not later than March 31, 2022, the Committee shall revise and update the cost methodology policy required and previously approved under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 20901 note). The Committee shall implement a revised cost methodology policy during fiscal year 2023. Not later than 30 days after the adoption of the revised cost methodology policy, the Committee shall submit a report documenting and explaining any changes to the cost methodology policy and plans for implementation of such policy, including a description of the improvements to the accounting information provided by Amtrak to the States, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The revised cost methodology policy shall ensure that States will be responsible for costs attributable to the provision of service for their routes.

"(ii) IMPLEMENTATION IMPACTS ON FEDERAL FUNDING.—To the extent that a revision developed pursuant to clause (i) assigns to Amtrak costs that were previously allocated to States, Amtrak shall request with specificity such additional funding in the general and legislative annual report required under section 24315 or in any appropriate subsequent Federal funding request for the fiscal year in which the revised cost methodology policy will be implemented.

"(iii) PROCEDURES FOR CHANGING METHODOLOGY.—Notwithstanding section 209(b) of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 20901 note), the rules and procedures implemented pursuant to paragraph (5) shall include—

"(I) procedures for changing the cost methodology policy in accordance with clause (i); and

"(II) procedures or broad guidelines for conducting financial planning, including operating and capital forecasting, reporting, data sharing, and governance.";

(D) in subparagraph (C)—

(i) in the matter preceding clause (i), by striking "allocation methodology" and inserting "methodology policy";

(ii) in clause (i), by striking "and" at the end;

(iii) in clause (ii)—

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(I) by striking "allocate" and inserting "assign"; and

(II) by striking the period and inserting "; and"; and

(iv) by adding at the end the following:

"(iii) promote increased efficiency in Amtrak's operating and capital activities."; and

(E) by adding at the end the following:

"(D) INDEPENDENT EVALUATION.—Not later than March 31 of each year, the Committee shall ensure that an independent entity selected by the Committee has completed an evaluation to determine whether State payments for the most recently concluded fiscal year are accurate and comply with the applicable cost allocation methodology.".

(b) INVOICES AND REPORTS.—Section 24712(b) of title 49, United States Code, is amended to read as follows:

"(b) INVOICES AND REPORTS.—

"(1) INVOICES.—Amtrak shall provide monthly invoices to the Committee and to each State that sponsors a State-supported route that identify the operating costs for such route, including fixed costs and third-party costs.

"(2) REPORTS.—

"(A) IN GENERAL.—The Committee shall determine the frequency and contents of—

"(i) the financial and performance reports that Amtrak is required to provide to the Committee and the States; and

"(ii) the planning and demand reports that the States are required to provide to the Committee and Amtrak.

"(B) MONTHLY STATISTICAL REPORT.—

"(i) DEVELOPMENT.—Consistent with the revisions to the policy required under subsection (a)(7)(B), the Committee shall develop a report that contains the general ledger data and operating statistics from Amtrak's accounting systems used to calculate payments to States.

"(ii) PROVISION OF NECESSARY DATA.—Not later than 30 days after the last day of each month, Amtrak shall provide to the States and to the Committee the necessary data to complete the report developed pursuant to clause (i) for such month.".

(c) DISPUTE RESOLUTION.—Section 24712(c) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "(a)(4)" and inserting "(a)(5)"; and

(B) by striking "(a)(6)" and inserting "(a)(7)"; and

(2) in paragraph (4), by inserting "related to a State-supported route that a State sponsors that is" after "amount".

(d) PERFORMANCE METRICS.—Section 24712(e) of title 49, United States Code, is amended by inserting ", including incentives to increase revenue, reduce costs, finalize contracts by the beginning of the fiscal year, and require States to promptly make payments for services delivered" before the period at the end.

(e) STATEMENT OF GOALS AND OBJECTIVES.—Section 24712(f) of title 49, United States Code, is amended—

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(1) in paragraph (1), by inserting ", and review and update, as necessary," after "shall develop";

(2) in paragraph (2), by striking "Not later than 2 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Committee shall transmit the statement" and inserting "As applicable, based on updates, the Committee shall submit an updated statement"; and

(3) by adding at the end the following:

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

"(A) the Committee shall be the forum where Amtrak and the States collaborate on the planning, improvement, and development of corridor routes across the National Network; and

"(B) such collaboration should include regular consultation with interstate rail compact parties and other regional planning organizations that address passenger rail.".

(f) OTHER REFORMS RELATED TO STATE-SUPPORTED ROUTES.—Section 24712 of title 49, United States Code, as amended by subsections (a) through (e), is further amended—

(1) by redesignating subsections (g) and (h) as subsections (k) and (l), respectively; and

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

"(g) NEW STATE-SUPPORTED ROUTES.—

"(1) CONSULTATION.—In developing a new State-supported route, Amtrak shall consult with—

"(A) the State or States and local municipalities through which such new service would operate;

"(B) commuter authorities and regional transportation authorities in the areas that would be served by the planned route;

"(C) host railroads;

"(D) the Administrator of the Federal Railroad Administration; and

"(E) other stakeholders, as appropriate.

"(2) STATE COMMITMENTS.—Notwithstanding any other provision of law, before beginning construction necessary for, or beginning operation of, a State-supported route that is initiated on or after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, Amtrak shall enter into a memorandum of understanding, or otherwise secure an agreement, with each State that would be providing funding for such route for sharing—

"(A) ongoing operating costs and capital costs in accordance with the cost methodology policy referred to in subsection (a)(7) then in effect; or

"(B) ongoing operating costs and capital costs in accordance with the maximum funding limitations described in section 22908(e).

"(3) APPLICATION OF TERMS.—In this subsection, the terms 'capital costs' and 'operating costs' shall apply in the same manner as such terms apply under the cost methodology policy developed pursuant to subsection (a)(7).

"(h) COST METHODOLOGY POLICY UPDATE IMPLEMENTATION REPORT.—Not later than 18 months after the updated cost methodology policy required under subsection (a)(7)(B) is implemented,

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the Committee shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that assesses the implementation of the updated policy.

"(i) IDENTIFICATION OF STATE-SUPPORTED ROUTE CHANGES.—Amtrak shall—

"(1) not later than 120 days before the submission of the general and legislative annual report required under section 24315(b), consult with the Committee and any additional States through which a State-supported route may operate regarding any proposed changes to such route; and

"(2) include in such report an update of any planned or proposed changes to State-supported routes, including the introduction of new State-supported routes, including—

"(A) the timeframe in which such changes would take effect; and

"(B) whether Amtrak has entered into commitments with the affected States pursuant subsection (g)(2).

"(j) ECONOMIC ANALYSIS.—Not later than 3 years after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, the Committee shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

"(1) describes the role of the State-supported routes in economic development; and

"(2) examines the impacts of the State-supported routes on local station areas, job creation, transportation efficiency, State economies, and the national economy.".

SEC. 22212. ENHANCING CROSS BORDER SERVICE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, Amtrak, after consultation with the Secretary, the Secretary of Homeland Security, relevant State departments of transportation, Canadian governmental agencies and entities, and owners of the relevant rail infrastructure and facilities, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives regarding enhancing Amtrak passenger rail service between the United States and Canada that—

(1) identifies challenges to Amtrak operations in Canada, including delays associated with custom and immigration inspections in both the United States and Canada; and

(2) includes recommendations to improve such cross border service, including the feasibility of and costs associated with a preclearance facility or facilities.

(b) ASSISTANCE AND SUPPORT.—The Secretary, the Secretary of State, and the Secretary of Homeland Security may provide assistance and support requested by Amtrak that is necessary to carry out this section, as determined appropriate by the respective Secretary.

SEC. 22213. CREATING QUALITY JOBS.

Section 121 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24312 note) is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following:

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"(d) FURLOUGHED WORK.—Amtrak may not contract out work within the classification of work performed by an employee in a bargaining unit covered by a collective bargaining agreement entered into between Amtrak and an organization representing Amtrak employees during the period such employee has been laid off and has not been recalled to perform such work.

"(e) AGREEMENT PROHIBITIONS ON CONTRACTING OUT.—This section does not—

"(1) supersede a prohibition or limitation on contracting out work covered by an agreement entered into between Amtrak and an organization representing Amtrak employees; or

"(2) prohibit Amtrak and an organization representing Amtrak employees from entering into an agreement that allows for contracting out the work of a furloughed employee that would otherwise be prohibited under subsection (d).".

SEC. 22214. AMTRAK DAILY LONG-DISTANCE SERVICE STUDY.

(a) IN GENERAL.—The Secretary shall conduct a study to evaluate the restoration of daily intercity rail passenger service along—

(1) any Amtrak long-distance routes that, as of the date of enactment of this Act, were discontinued; and

(2) any Amtrak long-distance routes that, as of the date of enactment of this Act, occur on a nondaily basis.

(b) INCLUSIONS.—The study under subsection (a) shall—

(1) evaluate all options for restoring or enhancing to daily-basis intercity rail passenger service along each Amtrak route described in that subsection;

(2) select a preferred option for restoring or enhancing the service described in paragraph (1);

(3) develop a prioritized inventory of capital projects and other actions that are required to restore or enhance the service described in paragraph (1), including cost estimates for those projects and actions;

(4) develop recommendations for methods by which Amtrak could work with local communities and organizations to develop activities and programs to continuously improve public use of intercity passenger rail service along each route; and

(5) identify Federal and non-Federal funding sources required to restore or enhance the service described in paragraph (1), including—

(A) increased Federal funding for Amtrak based on applicable reductions or discontinuations in service; and

(B) options for entering into public-private partnerships to restore that service.

(c) OTHER FACTORS WHEN CONSIDERING EXPANSIONS.—In evaluating intercity passenger rail routes under this section, the Secretary may evaluate potential new Amtrak long-distance routes, including with specific attention provided to routes in service as of April 1971 but not continued by Amtrak, taking into consideration whether those new routes would—

(1) link and serve large and small communities as part of a regional rail network;

(2) advance the economic and social well-being of rural areas of the United States;

(3) provide enhanced connectivity for the national long-distance passenger rail system; and

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(4) reflect public engagement and local and regional support for restored passenger rail service.

(d) CONSULTATION.—In conducting the study under this section, the Secretary shall consult, through working groups or other forums as the Secretary determines to be appropriate, with—

(1) Amtrak;

(2) each State along a relevant route;

(3) regional transportation planning organizations and metropolitan planning organizations, municipalities, and communities along those relevant routes, to be selected by the Secretary;

(4) host railroad carriers the tracks of which may be used for a service described in subsection (a);

(5) organizations representing onboard Amtrak employees;

(6) nonprofit organizations representing Amtrak passengers;

(7) relevant regional passenger rail authorities and federally recognized Indian Tribes; and

(8) such other entities as the Secretary may select.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) the preferred options selected under subsection (b)(2), including the reasons for selecting each option;

(2) the information described in subsection (b)(3);

(3) the funding sources identified pursuant to subsection (b)(5);

(4) the estimated costs and public benefits of restoring or enhancing intercity rail passenger transportation in the region impacted for each relevant Amtrak route; and

(5) any other information the Secretary determines to be appropriate.

(f) FUNDING.—There are authorized to be appropriated to the Secretary to conduct the study under this section and to carry out the consultations required by subsection (d)—

(1) $7,500,000 for fiscal year 2022; and

(2) $7,500,000 for fiscal year 2023.

Subtitle C—Intercity Passenger Rail Policy

SEC. 22301. NORTHEAST CORRIDOR PLANNING.

Section 24904 of title 49, United States Code, is amended—

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

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting before subsection (c), as redesignated, the following:

"(a) NORTHEAST CORRIDOR SERVICE DEVELOPMENT PLAN.—

"(1) IN GENERAL.—Not later than March 31, 2022, the Northeast Corridor Commission established under section 24905 (referred to in this section as the 'Commission') shall submit a service development plan to Congress.

"(2) CONTENTS.—The plan required under paragraph (1) shall—

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"(A) identify key state-of-good-repair, capacity expansion, and capital improvement projects planned for the Northeast Corridor;

"(B) provide a coordinated and consensus-based plan covering a 15-year period;

"(C) identify service objectives and the capital investments required to meet such objectives;

"(D) provide a delivery-constrained strategy that identifies—

"(i) capital investment phasing;

"(ii) an evaluation of workforce needs; and

"(iii) strategies for managing resources and mitigating construction impacts on operations; and

"(E) include a financial strategy that identifies funding needs and potential funding sources.

"(3) UPDATES.—The Commission shall update the service development plan not less frequently than once every 5 years.

"(b) NORTHEAST CORRIDOR CAPITAL INVESTMENT PLAN.—

"(1) IN GENERAL.—Not later than November 1 of each year, the Commission shall—

"(A) develop an annual capital investment plan for the Northeast Corridor; and

"(B) submit the capital investment plan to—

"(i) the Secretary of Transportation;

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

"(iii) the Committee on Transportation and Infrastructure of the House of Representatives.

"(2) CONTENTS.—The plan required under paragraph (1) shall—

"(A) reflect coordination across the entire Northeast Corridor;

"(B) integrate the individual capital plans developed by Amtrak, States, and commuter authorities in accordance with the cost allocation policy developed and approved under section 24905(c);

"(C) cover a period of 5 fiscal years, beginning with the fiscal year during which the plan is submitted;

"(D) notwithstanding section 24902(b), document the projects and programs being undertaken to advance the service objectives and capital investments identified in the Northeast Corridor service development plan developed under subsection (a), and the asset condition needs identified in the Northeast Corridor asset management plans, after considering—

"(i) the benefits and costs of capital investments in the plan;

"(ii) project and program readiness;

"(iii) the operational impacts; and

"(iv) Federal and non-Federal funding availability;

"(E) categorize capital projects and programs as primarily associated with 1 of the categories listed under section 24319(c)(2)(C);

"(F) identify capital projects and programs that are associated with more than 1 category described in subparagraph (E); and

"(G) include a financial plan that identifies—

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"(i) funding sources and financing methods;

"(ii) the status of cost sharing agreements pursuant to the cost allocation policy developed under section 24905(c);

"(iii) the projects and programs that the Commission expects will receive Federal financial assistance; and

"(iv) the eligible entity or entities that the Commission expects—

"(I) to receive the Federal financial assistance referred to in clause (iii); and

"(II) to implement each capital project.

"(3) REVIEW AND COORDINATION.—The Commission shall require that the information described in paragraph (2) be submitted in a timely manner to allow for a reasonable period of review by, and coordination with, affected agencies before the Commission submits the capital investment plan pursuant to paragraph (1).";

(4) in subsection (c), as redesignated, by striking "spent only on—" and all that follows and inserting "spent only on capital projects and programs contained in the Commission's capital investment plan for the prior fiscal year."; and

(5) by amending subsection (d), as redesignated, to read as follows:

"(d) NORTHEAST CORRIDOR CAPITAL ASSET MANAGEMENT SYSTEM.—

"(1) IN GENERAL.—Amtrak and other infrastructure owners that provide or support intercity rail passenger transportation along the Northeast Corridor shall develop an asset management system and use and update such system, as necessary, to develop submissions to the Northeast Corridor capital investment plan described in subsection (b).

"(2) FEATURES.—The system required under paragraph (1) shall develop submissions that—

"(A) are consistent with the transit asset management system (as defined in section 5326(a)(3)); and

"(B) include—

"(i) an inventory of all capital assets owned by the developer of the plan;

"(ii) an assessment of condition of such capital assets;

"(iii) a description of the resources and processes that will be necessary to bring or to maintain such capital assets in a state of good repair; and

"(iv) a description of changes in the condition of such capital assets since the submission of the prior version of the plan.".

SEC. 22302. NORTHEAST CORRIDOR COMMISSION.

Section 24905 of title 49, United States Code, is amended—

(1) in subsection (a)(1)(D), by inserting "authorities" after "carriers";

(2) in subsection (b)(3)(B)—

(A) in clause (i)—

(i) by inserting ", including ridership trends," after "transportation"; and

(ii) by striking "and" at the end;

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(B) in clause (ii)—

(i) by inserting "first year of the" after "the delivery of the"; and

(ii) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iii) progress in assessing and eliminating the state-of-good-repair backlog.";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the paragraph heading, by striking "DEVELOPMENT OF POLICY" and inserting "POLICY";

(ii) in subparagraph (A), by striking "develop a standardized policy" and inserting "develop and maintain the standardized policy first approved on September 17, 2015, and update, as appropriate,";

(iii) by amending subparagraph (B) to read as follows:

"(B) develop timetables for implementing and maintaining the policy;";

(iv) in subparagraph (C), by striking "the policy and the timetable" and inserting "updates to the policy and timetables"; and

(v) by amending subparagraph (D) to read as follows:

"(D) support the efforts of the members of the Commission to implement the policy in accordance with the timetables developed pursuant to subparagraph (B);";

(B) by amending paragraph (2) to read as follows:

"(2) IMPLEMENTATION.—

"(A) IN GENERAL.—In accordance with the timetables developed pursuant to paragraph (1)(B), Amtrak and commuter authorities on the Northeast Corridor shall implement the policy developed under paragraph (1) in their agreements for usage of facilities or services.

"(B) EFFECT OF FAILURE TO IMPLEMENT OR COMPLY WITH POLICY.—If the entities referred to in subparagraph (A) fail to implement the policy in accordance with paragraph (1)(D) or fail to comply with the policy thereafter, the Surface Transportation Board shall—

"(i) determine the appropriate compensation in accordance with the procedures and procedural schedule applicable to a proceeding under section 24903(c), after taking into consideration the policy developed under paragraph (1); and

"(ii) enforce its determination on the party or parties involved."; and

(C) in paragraph (4), by striking "public authorities providing commuter rail passenger transportation" and inserting "commuter authorities"; and

(4) in subsection (d)—

(A) by striking "2016 through 2020" and inserting "2022 through 2026"; and

(B) by striking "section 11101(g) of the Passenger Rail Reform and Investment Act of 2015" and inserting "section 22101(e) of the Passenger Rail Expansion and Rail Safety Act of 2021".

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SEC. 22303. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS.

(a) IN GENERAL.—Section 22907 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting "(including the District of Columbia)" after "State";

(B) in paragraph (6), by inserting "rail carrier and intercity rail passenger transportation are" before "defined";

(C) by redesignating paragraphs (8) through (11) as paragraphs (10) through (13), respectively; and

(D) by inserting after paragraph (7) the following:

"(8) An association representing 1 or more railroads described in paragraph (7).";

"(9) A federally recognized Indian Tribe.";

(2) in subsection (c)—

(A) in paragraph (3), by adding "or safety" after "congestion";

(B) in paragraph (6), by striking "and" and inserting "or";

(C) by redesignating paragraphs (11) and (12) as paragraphs (12) and (13), respectively;

(D) by inserting after paragraph (10) the following:

"(11) The development and implementation of measures to prevent trespassing and reduce associated injuries and fatalities."; and

(E) by inserting after paragraph (13), as redesignated, the following:

"(14) Research, development, and testing to advance and facilitate innovative rail projects, including projects using electromagnetic guideways in an enclosure in a very low-pressure environment.

"(15) The preparation of emergency plans for communities through which hazardous materials are transported by rail.

"(16) Rehabilitating, remanufacturing, procuring, or overhauling locomotives, provided that such activities result in a significant reduction of emissions."; and

(3) in subsection (h), by adding at the end the following:

"(4) GRADE CROSSING AND TRESPASSING PROJECTS.—Applicants may use costs incurred previously for preliminary engineering associated with highway-rail grade crossing improvement projects under subsection (c)(5) and trespassing prevention projects under subsection (c)(11) to satisfy the non-Federal share requirements.".

(b) RULE OF CONSTRUCTION.—The amendments made by subsection (a) may not be construed to affect any grant, including any application for a grant, made under section 22907 of title 49, United States Code, before the date of enactment of this Act.

(c) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 22907(l)(1)(A) of title 49, United States Code, is amended by inserting ", including highway construction over rail facilities as an alternative to construction or improvement of a highway-rail grade crossing," after "under chapter 227".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to amounts remaining under section 22907(l)

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of title 49, United States Code, from appropriations for prior fiscal years.

SEC. 22304. RESTORATION AND ENHANCEMENT GRANTS.

Section 22908 of title 49, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) DEFINITIONS.—In this section:

"(1) APPLICANT.—Notwithstanding section 22901(1), the term 'applicant' means—

"(A) a State, including the District of Columbia;

"(B) a group of States;

"(C) an entity implementing an interstate compact;

"(D) a public agency or publicly chartered authority established by 1 or more States;

"(E) a political subdivision of a State;

"(F) a federally recognized Indian Tribe;

"(G) Amtrak or another rail carrier that provides intercity rail passenger transportation;

"(H) any rail carrier in partnership with at least 1 of the entities described in subparagraphs (A) through (F); and

"(I) any combination of the entities described in subparagraphs (A) through (F).

"(2) OPERATING ASSISTANCE.—The term 'operating assistance', with respect to any route subject to section 209 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432), means any cost allocated, or that may be allocated, to a route pursuant to the cost methodology established under such section or under section 24712.";

(2) in subsection (c)(3), by striking "3 years" each place such term appears and inserting "6 years";

(3) in subsection (d)—

(A) in paragraph (8), by striking "and";

(B) in paragraph (9), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(10) for routes selected under the Corridor Identification and Development Program and operated by Amtrak."; and

(4) in subsection (e)—

(A) in paragraph (1)—

(i) by striking "assistance"; and

(ii) by striking "3 years" and inserting "6 years (including for any such routes selected for funding before the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021)"; and

(B) in paragraph (3), by striking subparagraphs (A), (B), and (C) and inserting the following:

"(A) 90 percent of the projected net operating costs for the first year of service;

"(B) 80 percent of the projected net operating costs for the second year of service;

"(C) 70 percent of the projected net operating costs for the third year of service;

"(D) 60 percent of the projected net operating costs for the fourth year of service;

"(E) 50 percent of the projected net operating costs for the fifth year of service; and

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"(F) 30 percent of the projected net operating costs for the sixth year of service.".

SEC. 22305. RAILROAD CROSSING ELIMINATION PROGRAM.

(a) IN GENERAL.—Chapter 229 of title 49, United States Code, is amended by adding at the end the following:

"§ 22909. Railroad Crossing Elimination Program

"(a) IN GENERAL.—The Secretary of Transportation, in cooperation with the Administrator of the Federal Railroad Administration, shall establish a competitive grant program (referred to in this section as the 'Program') under which the Secretary shall award grants to eligible recipients described in subsection (c) for highway-rail or pathway-rail grade crossing improvement projects that focus on improving the safety and mobility of people and goods.

"(b) GOALS.—The goals of the Program are—

"(1) to eliminate highway-rail grade crossings that are frequently blocked by trains;

"(2) to improve the health and safety of communities;

"(3) to reduce the impacts that freight movement and railroad operations may have on underserved communities; and

"(4) to improve the mobility of people and goods.

"(c) ELIGIBLE RECIPIENTS.—The following entities are eligible to receive a grant under this section:

"(1) A State, including the District of Columbia, Puerto Rico, and other United States territories and possessions.

"(2) A political subdivision of a State.

"(3) A federally recognized Indian Tribe.

"(4) A unit of local government or a group of local governments.

"(5) A public port authority.

"(6) A metropolitan planning organization.

"(7) A group of entities described in any of paragraphs (1) through (6).

"(d) ELIGIBLE PROJECTS.—The Secretary may award a grant under the Program for a highway-rail or pathway-rail grade crossing improvement project (including acquiring real property interests) involving—

"(1) grade separation or closure, including through the use of a bridge, embankment, tunnel, or combination thereof;

"(2) track relocation;

"(3) the improvement or installation of protective devices, signals, signs, or other measures to improve safety, provided that such activities are related to a separation or relocation project described in paragraph (1) or (2);

"(4) other means to improve the safety and mobility of people and goods at highway-rail grade crossings (including technological solutions);

"(5) a group of related projects described in paragraphs (1) through (4) that would collectively improve the mobility of people and goods; or

"(6) the planning, environmental review, and design of an eligible project described in paragraphs (1) through (5).

"(e) APPLICATION PROCESS.—

"(1) IN GENERAL.—An eligible entity seeking a grant under the Program shall submit an application to the Secretary at

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such time, in such manner, and containing such information as the Secretary may require.

"(2) RAILROAD APPROVALS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall require applicants to obtain the necessary approvals from any impacted rail carriers or real property owners before proceeding with the construction of a project funded by a grant under the Program.

"(B) EXCEPTION.—The requirement under subparagraph (A) shall not apply to planning projects described in subsection (d)(6) if the applicant agrees to work collaboratively with rail carriers and right-of-way owners.

"(f) PROJECT SELECTION CRITERIA.—

"(1) IN GENERAL.—In awarding grants under the Program, the Secretary shall evaluate the extent to which proposed projects would—

"(A) improve safety at highway-rail or pathway-rail grade crossings;

"(B) grade separate, eliminate, or close highway-rail or pathway-rail grade crossings;

"(C) improve the mobility of people and goods;

"(D) reduce emissions, protect the environment, and provide community benefits, including noise reduction;

"(E) improve access to emergency services;

"(F) provide economic benefits; and

"(G) improve access to communities separated by rail crossings.

"(2) ADDITIONAL CONSIDERATIONS.—In awarding grants under the Program, the Secretary shall consider—

"(A) the degree to which the proposed project will use—

"(i) innovative technologies;

"(ii) innovative design and construction techniques; or

"(iii) construction materials that reduce greenhouse gas emissions;

"(B) the applicant's planned use of contracting incentives to employ local labor, to the extent permissible under Federal law;

"(C) whether the proposed project will improve the mobility of—

"(i) multiple modes of transportation, including ingress and egress from freight facilities; or

"(ii) users of nonvehicular modes of transportation, such as pedestrians, bicyclists, and public transportation;

"(D) whether the proposed project is identified in—

"(i) the freight investment plan component of a State freight plan, as required under section 70202(b)(9);

"(ii) a State rail plan prepared in accordance with chapter 227; or

"(iii) a State highway-rail grade crossing action plan, as required under section 11401(b) of the Passenger Rail Reform and Investment Act of 2015 (title XI of Public Law 114–94); and

"(E) the level of financial support provided by impacted rail carriers.

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"(3) AWARD DISTRIBUTION.—In selecting grants for Program funds in any fiscal year, the Secretary shall comply with the following limitations:

"(A) GRANT FUNDS.—Not less than 20 percent of the grant funds available for the Program in any fiscal year shall be reserved for projects located in rural areas or on Tribal lands. The requirement under section 22907(l), which applies to this section, shall not apply to grant funds reserved specifically under this subparagraph. Not less than 5 percent of the grant funds reserved under this subparagraph shall be reserved for projects in counties with 20 or fewer residents per square mile, according to the most recent decennial census, provided that sufficient eligible applications have been submitted.

"(B) PLANNING GRANTS.—Not less than 25 percent of the grant funds set aside for planning projects in any fiscal year pursuant to section 22104(b) of the Passenger Rail Expansion and Rail Safety Act of 2021 shall be awarded for projects located in rural areas or on tribal lands.

"(C) STATE LIMITATION.—Not more than 20 percent of the grant funds available for the Program in any fiscal year may be selected for projects in any single State.

"(D) MINIMUM SIZE.—No grant awarded under this section shall be for less than $1,000,000, except for a planning grant described in subsection (d)(6).

"(g) COST SHARE.—Except as provided in paragraph (2), the Federal share of the cost of a project carried out using a grant under the Program may not exceed 80 percent of the total cost of the project. Applicants may count costs incurred for preliminary engineering associated with highway-rail and pathway-rail grade crossing improvement projects as part of the total project costs.

"(h) CONGRESSIONAL NOTIFICATION.—Not later than 3 days before awarding a grant for a project under the Program, the Secretary shall submit written notification of the proposed grant to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, which shall include—

"(1) a summary of the project; and

"(2) the amount of the proposed grant award.

"(i) ANNUAL REPORT.—Not later than 60 days after each round of award notifications, the Secretary shall post, on the public website of the Department of Transportation—

"(1) a list of all eligible applicants that submitted an application for funding under the Program during the current fiscal year;

"(2) a list of the grant recipients and projects that received grant funding under the Program during such fiscal year; and

"(3) a list of the proposed projects and applicants that were determined to be ineligible.

"(j) COMMUTER RAIL ELIGIBILITY AND GRANT CONDITIONS.—

"(1) IN GENERAL.—Section 22905(f) shall not apply to grants awarded under this section for commuter rail passenger transportation projects.

"(2) ADMINISTRATION OF FUNDS.—The Secretary of Transportation shall transfer amounts awarded under this section for commuter rail passenger transportation projects to

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the Federal Transit Administration, which shall administer such funds in accordance with chapter 53.

"(3) PROTECTIVE ARRANGEMENTS.—

"(A) IN GENERAL.—Notwithstanding paragraph (2) and section 22905(e)(1), as a condition of receiving a grant under this section, any employee covered by the Railway Labor Act (45 U.S.C. 151 et seq.) and the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.) who is adversely affected by actions taken in connection with the project financed in whole or in part by such grant shall be covered by employee protective arrangements required to be established under section 22905(c)(2)(B).

"(B) IMPLEMENTATION.—A grant recipient under this section, and the successors, assigns, and contractors of such grant recipient—

"(i) shall be bound by the employee protective arrangements required under subparagraph (A); and

"(ii) shall be responsible for the implementation of such arrangements and for the obligations under such arrangements, but may arrange for another entity to take initial responsibility for compliance with the conditions of such arrangement.

"(k) DEFINED TERM.—In this section, the term 'rural area' means any area that is not within an area designated as an urbanized area by the Bureau of the Census.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 229 of title 49, United States Code, is amended by adding at the end the following:

"22909. Railroad Crossing Elimination Program.".

SEC. 22306. INTERSTATE RAIL COMPACTS.

(a) IN GENERAL.—Chapter 229 of title 49, United States Code (as amended by section 22305(a)), is further amended by adding at the end the following:

"§ 22910. Interstate Rail Compacts Grant Program

"(a) GRANTS AUTHORIZED.—The Secretary of Transportation shall establish a competitive grant program to provide financial assistance to entities implementing interstate rail compacts pursuant to section 410 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 note) for—

"(1) costs of administration;

"(2) systems planning, including studying the impacts on freight rail operations and ridership;

"(3) promotion of intercity passenger rail operation;

"(4) preparation of applications for competitive Federal grant programs; and

"(5) operations coordination.

"(b) MAXIMUM AMOUNT.—The Secretary may not award a grant under this section in an amount exceeding $1,000,000 per year.

"(c) SELECTION CRITERIA.—In selecting a recipient of a grant for an eligible project under this section, the Secretary shall consider—

"(1) the amount of funding received (including funding from a rail carrier (as defined in section 24102)) or other participation by State, local, and regional governments and the private sector;

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"(2) the applicant's work to foster economic development through rail service, particularly in rural communities;

"(3) whether the applicant seeks to restore service over routes formerly operated by Amtrak, including routes described in section 11304(a) of the Passenger Rail Reform and Investment Act of 2015 (title XI of division A of Public Law 114–94);

"(4) the applicant's dedication to providing intercity passenger rail service to regions and communities that are underserved or not served by other intercity public transportation;

"(5) whether the applicant is enhancing connectivity and geographic coverage of the existing national network of intercity passenger rail service;

"(6) whether the applicant has prepared regional rail or corridor service development plans and corresponding environmental analysis; and

"(7) whether the applicant has engaged with appropriate government entities and transportation providers to identify projects necessary to enhance multimodal connections or facilitate service integration between rail service and other modes, including between intercity passenger rail service and intercity bus service or commercial air service.

"(d) NUMERICAL LIMITATION.—The Secretary may not award grants under this section for more than 10 interstate rail compacts in any fiscal year.

"(e) OPERATOR LIMITATION.—The Secretary may only award grants under this section to applicants with eligible expenses related to intercity passenger rail service to be operated by Amtrak.

"(f) NON-FEDERAL MATCH.—The Secretary shall require each recipient of a grant under this section to provide a non-Federal match of not less than 50 percent of the eligible expenses of carrying out the interstate rail compact under this section.

"(g) REPORT.—Not later than 3 years after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, the Secretary, after consultation with grant recipients under this section, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

"(1) the implementation of this section;

"(2) the status of the planning efforts and coordination funded by grants awarded under this section;

"(3) the plans of grant recipients for continued implementation of the interstate rail compacts;

"(4) the status of, and data regarding, any new, restored, or enhanced rail services initiated under the interstate rail compacts; and

"(5) any legislative recommendations.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 229 of title 49, United States Code (as amended by section 22305(b)), is amended by adding at the end the following:

"22910. Interstate Rail Compacts Grant Program.".

(c) IDENTIFICATION.—Section 410 of the Amtrak Reform and Accountability Act of 1997 (Public Law 105–134; 49 U.S.C. 24101 note) is amended—

(1) in subsection (b)(2), by striking "(except funds made available for Amtrak)"; and

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(2) by adding at the end the following:

"(c) NOTIFICATION REQUIREMENT.—Any State that enters into an interstate compact pursuant to subsection (a) shall notify the Secretary of Transportation of such compact not later than 60 days after it is formed. The failure of any State to notify the Secretary under this subsection shall not affect the status of the interstate compact.

"(d) INTERSTATE RAIL COMPACTS PROGRAM.—The Secretary of Transportation shall—

"(1) make available on a publicly accessible website a list of interstate rail compacts established under subsection (a) before the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021 and interstate rail compacts established after such date; and

"(2) make information regarding interstate rail compacts available to the public, including how States may establish interstate rail compacts under subsection (a), and update such information, as necessary.".

SEC. 22307. FEDERAL-STATE PARTNERSHIP FOR INTERCITY PASSENGER RAIL GRANTS.

(a) IN GENERAL.—Section 24911 of title 49, United States Code, is amended—

(1) in the section heading, by striking "**for state of good repair**" and inserting "**for intercity passenger rail**";

(2) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (F), by striking "or" at the end;

(ii) by redesignating subsection (G) as subsection (H);

(iii) by inserting after subparagraph (F), the following:

"(G) a federally recognized Indian Tribe; or"; and

(iv) in subsection (H), as redesignated, by striking "(F)" and inserting "(G)";

(B) by striking paragraphs (2) and (5); and

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(3) in subsection (b), by striking "with respect to qualified railroad assets" and inserting ", improve performance, or expand or establish new intercity passenger rail service, including privately operated intercity passenger rail service if an eligible applicant is involved;";

(4) by striking subsections (c) through (e) and inserting the following:

"(c) ELIGIBLE PROJECTS.—The following capital projects, including acquisition of real property interests, are eligible to receive grants under this section:

"(1) A project to replace, rehabilitate, or repair infrastructure, equipment, or a facility used for providing intercity passenger rail service to bring such assets into a state of good repair.

"(2) A project to improve intercity passenger rail service performance, including reduced trip times, increased train frequencies, higher operating speeds, improved reliability,

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expanded capacity, reduced congestion, electrification, and other improvements, as determined by the Secretary.

"(3) A project to expand or establish new intercity passenger rail service.

"(4) A group of related projects described in paragraphs (1) through (3).

"(5) The planning, environmental studies, and final design for a project or group of projects described in paragraphs (1) through (4).

"(d) PROJECT SELECTION CRITERIA.—In selecting a project for funding under this section—

"(1) for projects located on the Northeast Corridor, the Secretary shall—

"(A) make selections consistent with the Northeast Corridor Project Inventory published pursuant to subsection (e)(1), unless when necessary to address materially changed infrastructure or service conditions, changes in project sponsor capabilities or commitments, or other significant changes since the completion of the most recently issued Northeast Corridor Project Inventory; and

"(B) for projects that benefit intercity and commuter rail services, only make such selections when Amtrak and the public authorities providing commuter rail passenger transportation at the eligible project location—

"(i) are in compliance with section 24905(c)(2); and

"(ii) identify funding for the intercity passenger rail share, the commuter rail share, and the local share of the eligible project before the commencement of the project;

"(2) for projects not located on the Northeast Corridor, the Secretary shall—

"(A) give preference to eligible projects—

"(i) for which Amtrak is not the sole applicant;

"(ii) that improve the financial performance, reliability, service frequency, or address the state of good repair of an Amtrak route; and

"(iii) that are identified in, and consistent with, a corridor inventory prepared under the Corridor Identification and Development Program pursuant to section 25101; and

"(B) take into account—

"(i) the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project, including—

"(I) effects on system and service performance, including as measured by applicable metrics set forth in part 273 of title 49, Code of Federal Regulations (or successor regulations);

"(II) effects on safety, competitiveness, reliability, trip or transit time, greenhouse gas emissions, and resilience;

"(III) anticipated positive economic and employment impacts, including development in areas near passenger stations, historic districts, or other opportunity zones;

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"(IV) efficiencies from improved connections with other modes; and

"(V) ability to meet existing or anticipated demand;

"(ii) the degree to which the proposed project's business plan considers potential private sector participation in the financing, construction, or operation of the proposed project;

"(iii) the applicant's past performance in developing and delivering similar projects, and previous financial contributions;

"(iv) whether the applicant has, or will have—

"(I) the legal, financial, and technical capacity to carry out the project;

"(II) satisfactory continuing access to the equipment or facilities; and

"(III) the capability and willingness to maintain the equipment or facilities;

"(v) if applicable, the consistency of the project with planning guidance and documents set forth by the Secretary or otherwise required by law;

"(vi) whether the proposed project serves historically unconnected or underconnected communities; and

"(vii) any other relevant factors, as determined by the Secretary; and

"(3) the Secretary shall reserve—

"(A) not less than 45 percent of the amounts appropriated for grants under this section for projects not located along the Northeast Corridor, of which not less than 20 percent shall be for projects that benefit (in whole or in part) a long-distance route; and

"(B) not less than 45 percent of the amounts appropriated for grants under this section for projects listed on the Northeast Corridor project inventory published pursuant to subsection (e)(1).

"(e) LONG-TERM PLANNING.—Not later than 1 year after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, and every 2 years thereafter, the Secretary shall create a predictable project pipeline that will assist Amtrak, States, and the public with long-term capital planning by publishing a Northeast Corridor project inventory that—

"(1) identifies capital projects for Federal investment, project applicants, and proposed Federal funding levels under this section;

"(2) specifies the order in which the Secretary will provide grant funding to projects that have identified sponsors and are located along the Northeast Corridor, including a method and plan for apportioning funds to project sponsors for the 2-year period, which may be altered by the Secretary, as necessary, if recipients are not carrying out projects in accordance with the anticipated schedule;

"(3) takes into consideration the appropriate sequence and phasing of projects described in the Northeast Corridor capital investment plan developed pursuant to section 24904(a);

"(4) is consistent with the most recent Northeast Corridor service development plan update described in section 24904(d);

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"(5) takes into consideration the existing commitments and anticipated Federal, project applicant, sponsor, and other relevant funding levels for the next 5 fiscal years based on information currently available to the Secretary; and

"(6) is developed in consultation with the Northeast Corridor Commission and the owners of Northeast Corridor infrastructure and facilities.";

(5) in subsection (f)(2), by inserting ", except as specified under paragraph (4)" after "80 percent";

(6) in subsection (g)—

(A) in the subsection heading, by inserting "; PHASED FUNDING AGREEMENTS" after "INTENT";

(B) in paragraph (1)—

(i) in the paragraph heading, by striking "IN GENERAL" and inserting "LETTERS OF INTENT"; and

(ii) by striking "shall, to the maximum extent practicable," and inserting "may";

(C) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(D) by inserting after paragraph (1) the following:

"(2) PHASED FUNDING AGREEMENTS.—

"(A) IN GENERAL.—The Secretary may enter into a phased funding agreement with an applicant if—

"(i) the project is highly rated, based on the evaluations and ratings conducted pursuant to this section and the applicable notice of funding opportunity; and

"(ii) the Federal assistance to be provided for the project under this section is more than $80,000,000.

"(B) TERMS.—A phased funding agreement shall—

"(i) establish the terms of participation by the Federal Government in the project;

"(ii) establish the maximum amount of Federal financial assistance for the project;

"(iii) include the period of time for completing the project, even if such period extends beyond the period for which Federal financial assistance is authorized;

"(iv) make timely and efficient management of the project easier in accordance with Federal law; and

"(v) if applicable, specify when the process for complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and related environmental laws will be completed for the project.

"(C) SPECIAL FINANCIAL RULES.—

"(i) IN GENERAL.—A phased funding agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

"(ii) STATEMENT OF CONTINGENT COMMITMENT.—The agreement shall state that the contingent commitment is not an obligation of the Government.

"(iii) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a phased

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funding agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, to the satisfaction of the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

"(iv) FAILURE TO CARRY OUT PROJECT.—If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Federal grant funds awarded for the project from all Federal funding sources, for all project activities, facilities, and equipment, plus reasonable interest and penalty charges allowable by law or established by the Secretary in the phased funding agreement. For purposes of this clause, a process for complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that results in the selection of the no build alternative is not within the applicant's control.

"(v) CREDITING OF FUNDS RECEIVED.—Any funds received by the Government under this paragraph, except for interest and penalty charges, shall be credited to the appropriation account from which the funds were originally derived.";

(E) in paragraph (3), as redesignated—

(i) in subparagraph (A), in the matter preceding clause (i), by inserting "a phased funding agreement under paragraph (2) or" after "issuing"; and

(ii) in subparagraph (B)(i), by inserting "the phased funding agreement or" after "a copy of"; and

(F) in paragraph (4), as redesignated—

(i) by striking "An obligation" and inserting the following:

"(B) APPROPRIATIONS REQUIRED.—An obligation"; and

(ii) by inserting before subparagraph (B), as added by clause (i), the following:

"(A) IN GENERAL.—The Secretary may enter into phased funding agreements under this subsection that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.";

(7) in subsection (i), by striking "section 22905" and inserting "sections 22903 and 22905"; and

(8) by adding at the end the following:

"(j) ANNUAL REPORT ON PHASED FUNDING AGREEMENTS AND LETTERS OF INTENT.—Not later than the first Monday in February of each year, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Appropriations of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Appropriations of the House of Representatives that includes—

"(1) a proposal for the allocation of amounts to be available to finance grants for projects under this section among applicants for such amounts;

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"(2) evaluations and ratings, as applicable, for each project that has received a phased funding agreement or a letter of intent; and

"(3) recommendations for each project that has received a phased funding agreement or a letter of intent for funding based on the evaluations and ratings, as applicable, and on existing commitments and anticipated funding levels for the next 3 fiscal years based on information currently available to the Secretary.

"(k) REGIONAL PLANNING GUIDANCE CORRIDOR PLANNING.—The Secretary may withhold up to 5 percent of the total amount made available for this section to carry out planning and development activities related to section 25101, including—

"(1) providing funding to public entities for the development of service development plans selected under the Corridor Identification and Development Program;

"(2) facilitating and providing guidance for intercity passenger rail systems planning; and

"(3) providing funding for the development and refinement of intercity passenger rail systems planning analytical tools and models.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 249 of title 49, United States Code, is amended by striking the item relating to section 24911 and inserting the following:

"24911. Federal-State partnership for intercity passenger rail.".

SEC. 22308. CORRIDOR IDENTIFICATION AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Part C of subtitle V of title 49, United States Code, is amended by adding at the end the following:

"CHAPTER 251—PASSENGER RAIL PLANNING

"Sec.
"25101. Corridor Identification and Development Program.

"§ 25101. Corridor Identification and Development Program

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, the Secretary of Transportation shall establish a program to facilitate the development of intercity passenger rail corridors. The program shall include—

"(1) a process for eligible entities described in subsection (b) to submit proposals for the development of intercity passenger rail corridors;

"(2) a process for the Secretary to review and select proposals in accordance with subsection (c);

"(3) criteria for determining the level of readiness for Federal financial assistance of an intercity passenger rail corridor, which shall include—

"(A) identification of a service operator which may include Amtrak or private rail carriers;

"(B) identification of a service sponsor or sponsors;

"(C) identification capital project sponsors;

"(D) engagement with the host railroads; and

"(E) other criteria as determined appropriate by the Secretary;

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"(4) a process for preparing service development plans in accordance with subsection (d), including the identification of planning funds, such as funds made available under section 24911(k) and interstate rail compact grants established under section 22210;

"(5) the creation of a pipeline of intercity passenger rail corridor projects under subsection (g);

"(6) planning guidance to achieve the purposes of this section, including guidance for intercity passenger rail corridors not selected under this section; and

"(7) such other features as the Secretary considers relevant to the successful development of intercity passenger rail corridors.

"(b) ELIGIBLE ENTITIES.—The Secretary may receive proposals under this section from Amtrak, States, groups of States, entities implementing interstate compacts, regional passenger rail authorities, regional planning organizations, political subdivisions of a State, federally recognized Indian Tribes, and other public entities, as determined by the Secretary.

"(c) CORRIDOR SELECTION.—In selecting intercity passenger rail corridors pursuant to subsection (a), the Secretary shall consider—

"(1) whether the route was identified as part of a regional or interregional intercity passenger rail systems planning study;

"(2) projected ridership, revenues, capital investment, and operating funding requirements;

"(3) anticipated environmental, congestion mitigation, and other public benefits;

"(4) projected trip times and their competitiveness with other transportation modes;

"(5) anticipated positive economic and employment impacts, including development in the areas near passenger stations, historic districts, or other opportunity zones;

"(6) committed or anticipated State, regional transportation authority, or other non-Federal funding for operating and capital costs;

"(7) benefits to rural communities;

"(8) whether the corridor is included in a State's approved State rail plan developed pursuant to chapter 227;

"(9) whether the corridor serves historically unserved or underserved and low-income communities or areas of persistent poverty;

"(10) whether the corridor would benefit or improve connectivity with existing or planned transportation services of other modes;

"(11) whether the corridor connects at least 2 of the 100 most populated metropolitan areas;

"(12) whether the corridor would enhance the regional equity and geographic diversity of intercity passenger rail service;

"(13) whether the corridor is or would be integrated into the national rail passenger transportation system and whether the corridor would create benefits for other passenger rail routes and services; and

"(14) whether a passenger rail operator, including a private rail carrier, has expressed support for the corridor.

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"(d) SERVICE DEVELOPMENT PLANS.—For each corridor proposal selected for development under this section, the Secretary shall partner with the entity that submitted the proposal, relevant States, and Amtrak, as appropriate, to prepare a service development plan (or to update an existing service development plan), which shall include—

"(1) a detailed description of the proposed intercity passenger rail service, including train frequencies, peak and average operating speeds, and trip times;

"(2) a corridor project inventory that—

"(A) identifies the capital projects necessary to achieve the proposed intercity passenger rail service, including—

"(i) the capital projects for which Federal investment will be sought;

"(ii) the likely project applicants; and

"(iii) the proposed Federal funding levels;

"(B) specifies the order in which Federal funding will be sought for the capital projects identified under subparagraph (A), after considering the appropriate sequence and phasing of projects based on the anticipated availability of funds; and

"(C) is developed in consultation with the entities listed in subsection (e);

"(3) a schedule and any associated phasing of projects and related service initiation or changes;

"(4) project sponsors and other entities expected to participate in carrying out the plan;

"(5) a description of how the corridor would comply with Federal rail safety and security laws, orders, and regulations;

"(6) the locations of existing and proposed stations;

"(7) the needs for rolling stock and other equipment;

"(8) a financial plan identifying projected—

"(A) annual revenues;

"(B) annual ridership;

"(C) capital investments before service could be initiated;

"(D) capital investments required to maintain service;

"(E) annual operating and costs; and

"(F) sources of capital investment and operating financial support;

"(9) a description of how the corridor would contribute to the development of a multi-State regional network of intercity passenger rail;

"(10) an intermodal plan describing how the new or improved corridor facilitates travel connections with other passenger transportation services;

"(11) a description of the anticipated environmental benefits of the corridor; and

"(12) a description of the corridor's impacts on highway and aviation congestion, energy consumption, land use, and economic development in the service area.

"(e) CONSULTATION.—In partnering on the preparation of a service development plan under subsection (d), the Secretary shall consult with—

"(1) Amtrak;

"(2) appropriate State and regional transportation authorities and local officials;

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"(3) representatives of employee labor organizations representing railroad and other appropriate employees;

"(4) host railroads for the proposed corridor; and

"(5) other stakeholders, as determined by the Secretary.

"(f) UPDATES.—Every 5 years, after the initial development of the service development plan under subsection (d), if at least 40 percent of the work to implement a service development plan prepared under subsection (d) has not yet been completed, the plan's sponsor, in consultation with the Secretary, shall determine whether such plan should be updated.

"(g) PROJECT PIPELINE.—Not later than 1 year after the establishment of the program under this section, and by February 1st of each year thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Appropriations of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Appropriations of the House of Representatives a project pipeline, in accordance with this section, that—

"(1) identifies intercity passenger rail corridors selected for development under this section;

"(2) identifies capital projects for Federal investment, project applicants, and proposed Federal funding levels, as applicable, consistent with the corridor project inventory;

"(3) specifies the order in which the Secretary would provide Federal financial assistance, subject to the availability of funds, to projects that have identified sponsors, including a method and plan for apportioning funds to project sponsors for a 5-year period, which may be altered by the Secretary, as necessary, if recipients are not carrying out projects on the anticipated schedule;

"(4) takes into consideration the appropriate sequence and phasing of projects described in the corridor project inventory;

"(5) takes into consideration the existing commitments and anticipated Federal, project applicant, sponsor, and other relevant funding levels for the next 5 fiscal years based on information currently available to the Secretary;

"(6) is prioritized based on the level of readiness of the corridor; and

"(7) reflects consultation with Amtrak.

"(h) DEFINITION.—In this section, the term 'intercity passenger rail corridor' means—

"(1) a new intercity passenger rail route of less than 750 miles;

"(2) the enhancement of an existing intercity passenger rail route of less than 750 miles;

"(3) the restoration of service over all or portions of an intercity passenger rail route formerly operated by Amtrak; or

"(4) the increase of service frequency of a long-distance intercity passenger rail route.".

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle V of title 49, United States Code, is amended by inserting after the item relating to chapter 249 the following:

"Chapter 251. Passenger rail planning ..... 25101".

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SEC. 22309. SURFACE TRANSPORTATION BOARD PASSENGER RAIL PROGRAM.

The Surface Transportation Board shall—

(1) establish a passenger rail program with primary responsibility for carrying out the Board's passenger rail responsibilities; and

(2) hire up to 10 additional full-time employees to assist in carrying out the responsibilities referred to in paragraph (1).

Subtitle D—Rail Safety

SEC. 22401. RAILWAY-HIGHWAY CROSSINGS PROGRAM EVALUATION.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall evaluate the requirements of the railway-highway crossings program authorized under section 130 of title 23, United States Code, to determine whether—

(1) the requirements of the program provide States sufficient flexibility to adequately address current and emerging highway-rail grade crossing safety issues;

(2) the structure of the program provides sufficient incentives and resources to States and local agencies to make changes at highway-rail grade crossings that are most effective at reducing deaths and injuries;

(3) there are appropriate tools and resources to support States in using data driven programs to determine the most cost-effective use of program funds; and

(4) any statutory changes are recommended to improve the effectiveness of the program.

(b) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives that summarizes and describes the results of the evaluation conducted pursuant to subsection (a), including any recommended statutory changes.

SEC. 22402. GRADE CROSSING ACCIDENT PREDICTION MODEL.

Not later than 2 years after the date of enactment of this Act, the Administrator of the Federal Railroad Administration shall—

(1) update the grade crossing accident prediction and severity model used by the Federal Railroad Administration to analyze accident risk at highway-rail grade crossings; and

(2) provide training on the use of the updated grade crossing accident prediction and severity model.

SEC. 22403. PERIODIC UPDATES TO HIGHWAY-RAIL CROSSING REPORTS AND PLANS.

(a) HIGHWAY-RAIL GRADE CROSSING SAFETY.—Section 11401 of the Fixing America's Surface Transportation Act (Public Law 114–94; 49 U.S.C. 22907 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) REPORTS ON HIGHWAY-RAIL GRADE CROSSING SAFETY.—

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(1) IN GENERAL.—Chapter 201 of title 49, United States Code, is amended by inserting after section 20166 the following:

"§ 20167. Reports on highway-rail grade crossing safety

"(a) REPORT.—Not later than 4 years after the date by which States are required to submit State highway-rail grade crossing action plans under section 11401(b) of the Fixing America's Surface Transportation Act (49 U.S.C. 22907 note), the Administrator of the Federal Railroad Administration, in consultation with the Administrator of the Federal Highway Administration, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that summarizes the State highway-rail grade crossing action plans, including—

"(1) an analysis and evaluation of each State railway-highway crossings program under section 130 of title 23, including—

"(A) compliance with section 11401 of the Fixing America's Surface Transportation Act and section 130(g) of title 23; and

"(B) the specific strategies identified by each State to improve safety at highway-rail grade crossings, including crossings with multiple accidents or incidents;

"(2) the progress of each State in implementing its State highway-rail grade crossings action plan;

"(3) the number of highway-rail grade crossing projects undertaken pursuant to section 130 of title 23, including the distribution of such projects by cost range, road system, nature of treatment, and subsequent accident experience at improved locations;

"(4) which States are not in compliance with their schedule of projects under section 130(d) of title 23; and

"(5) any recommendations for future implementation of the railway-highway crossings program under section 130 of title 23.

"(b) UPDATES.—Not later than 5 years after the submission of the report required under subsection (a), the Administrator of the Federal Railroad Administration, in consultation with the Administrator of the Federal Highway Administration, shall—

"(1) update the report based on the State annual reports submitted pursuant to section 130(g) of title 23 and any other information obtained by or available to the Administrator of the Federal Railroad Administration; and

"(2) submit the updated report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

"(c) DEFINITIONS.—In this section:

"(1) HIGHWAY-RAIL GRADE CROSSING.—The term 'highway-rail grade crossing' means a location within a State, other than a location at which 1 or more railroad tracks cross 1 or more railroad tracks at grade, at which—

"(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses 1 or more railroad tracks, either at grade or grade-separated; or

"(B) a pathway explicitly authorized by a public authority or a railroad carrier that—

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"(i) is dedicated for the use of nonvehicular traffic, including pedestrians, bicyclists, and others;

"(ii) is not associated with a public highway, road, or street, or a private roadway; and

"(iii) crosses 1 or more railroad tracks, either at grade or grade-separated.

"(2) STATE.—The term 'State' means a State of the United States or the District of Columbia.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20166 the following:

"20167. Reports on highway-rail grade crossing safety.".

(c) ANNUAL REPORT.—Section 130(g) of title 23, United States Code, is amended to read as follows:

"(g) ANNUAL REPORT.—

"(1) IN GENERAL.—Not later than August 31 of each year, each State shall submit a report to the Administrator of the Federal Highway Administration that describes—

"(A) the progress being made to implement the railway-highway crossings program authorized under this section; and

"(B) the effectiveness of the improvements made as a result of such implementation.

"(2) CONTENTS.—Each report submitted pursuant to paragraph (1) shall contain an assessment of—

"(A) the costs of the various treatments employed by the State to implement the railway-highway crossings program; and

"(B) the effectiveness of such treatments, as measured by the accident experience at the locations that received such treatments.

"(3) COORDINATION.—Not later than 30 days after the Federal Highway Administration's acceptance of each report submitted pursuant to paragraph (1), the Administrator of the Federal Highway Administration shall make such report available to the Administrator of the Federal Railroad Administration.".

SEC. 22404. BLOCKED CROSSING PORTAL.

(a) IN GENERAL.—The Administrator of the Federal Railroad Administration shall establish a 3-year blocked crossing portal, which shall include the maintenance of the portal and corresponding database to receive, store, and retrieve information regarding blocked highway-rail grade crossings.

(b) BLOCKED CROSSING PORTAL.—The Administrator of the Federal Railroad Administration shall establish a blocked crossing portal that—

(1) collects information from the public, including first responders, regarding blocked highway-rail grade crossing events;

(2) solicits the apparent cause of the blocked crossing and provides examples of common causes of blocked crossings, such as idling trains or instances when lights or gates are activated when no train is present;

(3) provides each complainant with the contact information for reporting a blocked crossing to the relevant railroad; and

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(4) encourages each complainant to report the blocked crossing to the relevant railroad.

(c) COMPLAINTS.—The blocked crossing portal shall be programmed to receive complaints from the general public about blocked highway-rail grade crossings. Any complaint reported through the portal shall indicate whether the complainant also reported the blocked crossing to the relevant railroad.

(d) INFORMATION RECEIVED.—In reviewing complaints received pursuant to subsection (c), the Federal Railroad Administration shall review, to the extent practicable, the information received from the complainant to account for duplicative or erroneous reporting.

(e) USE OF INFORMATION.—The information received and maintained in the blocked crossing portal database shall be used by the Federal Railroad Administration—

(1) to identify frequent and long-duration blocked highway-rail grade crossings;

(2) as a basis for conducting outreach to communities, emergency responders, and railroads;

(3) to support collaboration in the prevention of incidents at highway-rail grade crossings; and

(4) to assess the impacts of blocked crossings.

(f) SHARING INFORMATION RECEIVED.—

(1) IN GENERAL.—The Administrator of the Federal Railroad Administration shall implement and make publicly available procedures for sharing any nonaggregated information received through the blocked crossing portal with the public.

(2) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the Federal Railroad Administration to make publically available sensitive security information.

(g) ADDITIONAL INFORMATION.—If the information submitted to the blocked crossing portal is insufficient to determine the locations and potential impacts of blocked highway-rail grade crossings, the Federal Railroad Administration may collect, from the general public, State and local law enforcement personnel, and others as appropriate, and on a voluntary basis, such additional information as may be necessary to make such determinations.

(h) LIMITATIONS.—Complaints, data, and other information received through the blocked crossing portal may not be used—

(1) to infer or extrapolate the rate or instances of crossings beyond the data received through the portal; or

(2) for any regulatory or enforcement purposes except those specifically described in this section.

(i) REPORTS.—

(1) ANNUAL PUBLIC REPORT.—The Administrator of the Federal Railroad Administration shall publish an annual report on a public website regarding the blocked crossing program, including the underlying causes of blocked crossings, program challenges, and other findings.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Railroad Administration shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(A) based on the information received through the blocked crossing portal, frequent and long-duration blocked

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highway-rail grade crossings, including the locations, dates, durations, and impacts resulting from such occurrences;

(B) the Federal Railroad Administration's process for verifying the accuracy of the complaints submitted to the blocked crossing portal, including whether the portal continues to be effective in collecting such information and identifying blocked crossings;

(C) the Federal Railroad Administration's use of the data compiled by the blocked crossing portal to assess the underlying cause and overall impacts of blocked crossings;

(D) the engagement of the Federal Railroad Administration with affected parties to identify and facilitate solutions to frequent and long-duration blocked highway-rail grade crossings identified by the blocked crossing portal; and

(E) whether the blocked crossing portal continues to be an effective method to collect blocked crossing information and what changes could improve its effectiveness.

(j) SUNSET.—This section (other than subsection (k)) shall have no force or effect beginning on the date that is 3 years after the date of enactment of this Act.

(k) RULE OF CONSTRUCTION.—Nothing in this section may be construed to invalidate any authority of the Secretary with respect to blocked highway-rail grade crossings. The Secretary may continue to use any such authority after the sunset date set forth in subsection (j).

SEC. 22405. DATA ACCESSIBILITY.

(a) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Chief Information Officer of the Department shall—

(1) conduct a review of the website of the Office of Safety Analysis of the Federal Railroad Administration; and

(2) provide recommendations to the Secretary for improving the public's usability and accessibility of the website referred to in paragraph (1).

(b) UPDATES.—Not later than 1 year after receiving recommendations from the Chief Information Officer pursuant to subsection (a)(2), the Secretary, after considering such recommendations, shall update the website of the Office of Safety Analysis of the Federal Railroad Administration to improve the usability and accessibility of the website.

SEC. 22406. EMERGENCY LIGHTING.

Not later than 1 year after the date of enactment of this Act, the Secretary shall initiate a rulemaking to require that all rail carriers providing intercity passenger rail transportation or commuter rail passenger transportation (as such terms are defined in section 24102 of title 49, United States Code), develop and implement periodic inspection plans to ensure that passenger equipment offered for revenue service complies with the requirements under part 238 of title 49, Code of Federal Regulations, including ensuring that, in the event of a loss of power, there is adequate emergency lighting available to allow passengers, crew members, and first responders—

(1) to see and orient themselves;

(2) to identify obstacles;

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(3) to safely move throughout the rail car; and
(4) to evacuate safely.

SEC. 22407. COMPREHENSIVE RAIL SAFETY REVIEW OF AMTRAK.

(a) COMPREHENSIVE SAFETY ASSESSMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) conduct a focused review of Amtrak's safety-related processes and procedures, compliance with safety regulations and requirements, and overall safety culture; and

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes the findings and recommendations resulting from such assessment.

(b) PLAN.—

(1) INITIAL PLAN.—Not later than 6 months after the completion of the comprehensive safety assessment under subsection (a)(1), Amtrak shall submit a plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives for addressing the findings and recommendations raised in the comprehensive safety assessment.

(2) ANNUAL UPDATES.—Amtrak shall submit annual updates of its progress toward implementing the plan submitted pursuant to paragraph (1) to the committees listed in such paragraph.

SEC. 22408. COMPLETION OF HOURS OF SERVICE AND FATIGUE STUDIES.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Railroad Administration shall commence the pilot programs required under subparagraphs (A) and (B) of section 21109(e)(1) of title 49, United States Code.

(b) CONSULTATION.—The Federal Railroad Administration shall consult with the class or craft of employees impacted by the pilot projects, including railroad carriers, and representatives of labor organizations representing the impacted employees when designing and conducting the pilot programs referred to in subsection (a).

(c) REPORT.—If the pilot programs required under section 21109(e)(1) of title 49, United States Code, have not commenced on the date that is 1 year and 120 days after the date of enactment of this Act, the Secretary, not later than 30 days after such date, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(1) the status of such pilot programs;

(2) actions that the Federal Railroad Administration has taken to commence the pilot programs, including efforts to recruit participant railroads;

(3) any challenges impacting the commencement of the pilot programs; and

(4) any other details associated with the development of the pilot programs that affect progress toward meeting the mandate under such section 21109(e)(1).

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SEC. 22409. POSITIVE TRAIN CONTROL STUDY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to determine the annual positive train control system operation and maintenance costs for public commuter railroads.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that summarizes the study conducted pursuant to subsection (a), including the estimated annual positive train control system operation and maintenance costs for public commuter railroads.

SEC. 22410. OPERATING CREW MEMBER TRAINING, QUALIFICATION, AND CERTIFICATION.

(a) AUDITS.—Not later than 60 days after the date of enactment of this Act, the Secretary shall initiate audits of the training, qualification, and certification programs of locomotive engineers and conductors of railroad carriers, subject to the requirements of parts 240 and 242 of title 49, Code of Federal Regulations, which audits shall—

(1) be conducted in accordance with subsection (b);

(2) consider whether such programs are in compliance with such parts 240 and 242;

(3) assess the type and content of training that such programs provide locomotive engineers and conductors, relevant to their respective roles, including training related to installed technology;

(4) determine whether such programs provide locomotive engineers and conductors the knowledge, skill, and ability to safely operate a locomotive or train, consistent with such parts 240 and 242;

(5) determine whether such programs reflect the current operating practices of the railroad carrier;

(6) assess the current practice by which railroads utilize simulator training, or any other technologies used to train and qualify locomotive engineers and conductors by examining how such technologies are used;

(7) consider international experience and practice using similar technology, as appropriate, particularly before qualifying locomotive engineers on new or unfamiliar equipment, new train control, diagnostics, or other on-board technology;

(8) assess the current practice for familiarizing locomotive engineers and conductors with new territory and using recurrency training to expose such personnel to normal and abnormal conditions; and

(9) ensure that locomotive engineers and conductor training programs are considered separately, as appropriate, based on the unique requirements and regulations.

(b) AUDIT SCHEDULING.—The Secretary shall—

(1) schedule the audits required under subsection (a) to ensure that—

(A) each Class I railroad, including the National Railroad Passenger Corporation and other intercity passenger rail providers, is audited not less frequently than once every 5 years; and

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(B) a select number, as determined appropriate by the Secretary, of Class II and Class III railroads, along with other railroads providing passenger rail service that are not included in subparagraph (A), are audited annually; and

(2) conduct the audits described in paragraph (1)(B) in accordance with the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) and appendix C of part 209 of title 49, Code of Federal Regulations.

(c) UPDATES TO QUALIFICATION AND CERTIFICATION PROGRAM.—If the Secretary, while conducting the audits required under this section, identifies a deficiency in a railroad's training, qualification, and certification program for locomotive engineers or conductors, the railroad shall update the program to eliminate such deficiency.

(d) CONSULTATION AND COOPERATION.—

(1) CONSULTATION.—In conducting any audit required under this section, the Secretary shall consult with the railroad and its employees, including any nonprofit employee labor organization representing the engineers or conductors of the railroad.

(2) COOPERATION.—The railroad and its employees, including any nonprofit employee labor organization representing engineers or conductors of the railroad, shall fully cooperate with any such audit, including by—

(A) providing any relevant documents requested; and

(B) making available any employees for interview without undue delay or obstruction.

(3) FAILURE TO COOPERATE.—If the Secretary determines that a railroad or any of its employees, including any nonprofit employee labor organization representing engineers or conductors of the railroad is not fully cooperating with an audit, the Secretary shall electronically notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) REVIEW OF REGULATIONS.—The Secretary shall triennially determine whether any update to part 240 or 242 of title 49, Code of Federal Regulations, is necessary to better prepare locomotive engineers and conductors to safely operate trains by evaluating whether such regulations establish appropriate Federal standards requiring railroads—

(1) to provide locomotive engineers or conductors the knowledge and skills to safely operate trains under conditions that reflect industry practices;

(2) to adequately address locomotive engineer or conductor route situational awareness, including ensuring locomotive engineers and conductors to demonstrate knowledge on the physical characteristics of a territory under various conditions and using various resources;

(3) to provide relevant and adequate hands-on training before a locomotive engineer or conductor is certified;

(4) to adequately prepare locomotive engineers or conductors to understand relevant locomotive operating characteristics, to include instructions on functions they are required to operate on any installed technology; and

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(5) to address any other safety issue that the Secretary determines to be appropriate for better preparing locomotive engineers or conductors.

(f) ANNUAL REPORT.—The Secretary shall publish an annual report on the public website of the Federal Railroad Administration that—

(1) summarizes the findings of the prior year's audits;

(2) summarizes any updates made pursuant to subsection (c); and

(3) excludes and confidential business information or sensitive security information.

SEC. 22411. TRANSPARENCY AND SAFETY.

Section 20103(d) of title 49, United States Code, is amended to read as follows:

"(d) NONEMERGENCY WAIVERS.—

"(1) IN GENERAL.—The Secretary of Transportation may waive, or suspend the requirement to comply with, any part of a regulation prescribed or an order issued under this chapter if such waiver or suspension is in the public interest and consistent with railroad safety.

"(2) NOTICE REQUIRED.—The Secretary shall—

"(A) provide timely public notice of any request for a waiver under this subsection or for a suspension under subpart E of part 211 of title 49, Code of Federal Regulations, or successor regulations;

"(B) make available the application for such waiver or suspension and any nonconfidential underlying data to interested parties;

"(C) provide the public with notice and a reasonable opportunity to comment on a proposed waiver or suspension under this subsection before making a final decision; and

"(D) publish on a publicly accessible website the reasons for granting each such waiver or suspension.

"(3) INFORMATION PROTECTION.—Nothing in this subsection may be construed to require the release of information protected by law from public disclosure.

"(4) RULEMAKING.—

"(A) IN GENERAL.—Not later than 1 year after the first day on which a waiver under this subsection or a suspension under subpart E of part 211 of title 49, Code of Federal Regulations, or successor regulations, has been in continuous effect for a 6-year period, the Secretary shall complete a review and analysis of such waiver or suspension to determine whether issuing a rule that is consistent with the waiver is—

"(i) in the public interest; and

"(ii) consistent with railroad safety.

"(B) FACTORS.—In conducting the review and analysis under subparagraph (A), the Secretary shall consider—

"(i) the relevant safety record under the waiver or suspension;

"(ii) the likelihood that other entities would have similar safety outcomes;

"(iii) the materials submitted in the applications, including any comments regarding such materials; and

"(iv) related rulemaking activity.

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"(C) NOTICE AND COMMENT.—

"(i) IN GENERAL.—The Secretary shall publish the review and analysis required under this paragraph in the Federal Register, which shall include a summary of the data collected and all relevant underlying data, if the Secretary decides not to initiate a regulatory update under subparagraph (D).

"(ii) NOTICE OF PROPOSED RULEMAKING.—The review and analysis under this paragraph shall be included as part of the notice of proposed rulemaking if the Secretary initiates a regulatory update under subparagraph (D).

"(D) REGULATORY UPDATE.—The Secretary may initiate a rulemaking to incorporate relevant aspects of a waiver under this subsection or a suspension under subpart E of part 211 of title 49, Code of Federal Regulations, or successor regulations, into the relevant regulation, to the extent the Secretary considers appropriate.

"(5) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to delay any waiver granted pursuant to this subsection that is in the public interest and consistent with railroad safety.".

SEC. 22412. RESEARCH AND DEVELOPMENT.

Section 20108 of title 49, United States Code, is amended by adding at the end the following:

"(d) FACILITIES.—The Secretary may erect, alter, and repair buildings and make other public improvements to carry out necessary railroad research, safety, and training activities at the Transportation Technology Center in Pueblo, Colorado.

"(e) OFFSETTING COLLECTIONS.—The Secretary may collect fees or rents from facility users to offset appropriated amounts for the cost of providing facilities or research, development, testing, training, or other services, including long-term sustainment of the on-site physical plant.

"(f) REVOLVING FUND.—Amounts appropriated to carry out subsection (d) and all fees and rents collected pursuant to subsection (e) shall be credited to a revolving fund and remain available until expended. The Secretary may use such fees and rents for operation, maintenance, repair, or improvement of the Transportation Technology Center.

"(g) LEASES AND CONTRACTS.—Notwithstanding section 1302 of title 40, the Secretary may lease to others or enter into contracts for terms of up to 20 years, for such consideration and subject to such terms and conditions as the Secretary determines to be in the best interests of the Government of the United States, for the operation, maintenance, repair, and improvement of the Transportation Technology Center.

"(h) PROPERTY AND CASUALTY LOSS INSURANCE.—The Secretary may allow its lessees and contractors to purchase property and casualty loss insurance for its assets and activities at the Transportation Technology Center to mitigate the lessee's or contractor's risk associated with operating a facility.

"(i) ENERGY PROJECTS.—Notwithstanding section 1341 of title 31, the Secretary may enter into contracts or agreements, or commit to obligations in connection with third-party contracts or agreements, including contingent liability for the purchase of electric

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power in connection with such contracts or agreements, for terms not to exceed 20 years, to enable the use of the land at the Transportation Technology Center for projects to produce energy from renewable sources.".

SEC. 22413. RAIL RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.

Section 20108 of title 49, United States Code, as amended by section 22412, is further amended by adding at the end the following:

"(j) RAIL RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.—

"(1) CENTER OF EXCELLENCE.—The Secretary shall award grants to establish and maintain a center of excellence to advance research and development that improves the safety, efficiency, and reliability of passenger and freight rail transportation.

"(2) ELIGIBILITY.—An institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or a consortium of nonprofit institutions of higher education shall be eligible to receive a grant from the center established pursuant to paragraph (1).

"(3) SELECTION CRITERIA.—In awarding a grant under this subsection, the Secretary shall—

"(A) give preference to applicants with strong past performance related to rail research, education, and workforce development activities;

"(B) consider the extent to which the applicant would involve public and private sector passenger and freight railroad operators; and

"(C) consider the regional and national impacts of the applicant's proposal.

"(4) USE OF FUNDS.—Grant funds awarded pursuant to this subsection shall be used for basic and applied research, evaluation, education, workforce development, and training efforts related to safety, project delivery, efficiency, reliability, resiliency, and sustainability of urban commuter, intercity high-speed, and freight rail transportation, to include advances in rolling stock, advanced positive train control, human factors, rail infrastructure, shared corridors, grade crossing safety, inspection technology, remote sensing, rail systems maintenance, network resiliency, operational reliability, energy efficiency, and other advanced technologies.

"(5) FEDERAL SHARE.—The Federal share of a grant awarded under this subsection shall be 50 percent of the cost of establishing and operating the center of excellence and related research activities carried out by the grant recipient.".

SEC. 22414. QUARTERLY REPORT ON POSITIVE TRAIN CONTROL SYSTEM PERFORMANCE.

Section 20157 of title 49, United States Code, is amended by adding at the end the following:

"(m) REPORTS ON POSITIVE TRAIN CONTROL SYSTEM PERFORMANCE.—

"(1) IN GENERAL.—Each host railroad subject to this section or subpart I of part 236 of title 49, Code of Federal Regulations, shall electronically submit to the Secretary of Transportation a Report of PTC System Performance on Form FRA F 6180.152,

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which shall be submitted on or before the applicable due date set forth in paragraph (3) and contain the information described in paragraph (2), which shall be separated by the host railroad, each applicable tenant railroad, and each positive train control-governed track segment, consistent with the railroad's positive train control Implementation Plan described in subsection (a)(1).

"(2) REQUIRED INFORMATION.—Each report submitted pursuant to paragraph (1) shall include, for the applicable reporting period—

"(A) the number of positive train control system initialization failures, disaggregated by the number of initialization failures for which the source or cause was the onboard subsystem, the wayside subsystem, the communications subsystem, the back office subsystem, or a non-positive train control component;

"(B) the number of positive train control system cut outs, disaggregated by each component listed in subparagraph (A) that was the source or cause of such cut outs;

"(C) the number of positive train control system malfunctions, disaggregated by each component listed in subparagraph (A) that was the source or cause of such malfunctions;

"(D) the number of enforcements by the positive train control system;

"(E) the number of enforcements by the positive train control system in which it is reasonable to assume an accident or incident was prevented;

"(F) the number of scheduled attempts at initialization of the positive train control system;

"(G) the number of train miles governed by the positive train control system; and

"(H) a summary of any actions the host railroad and its tenant railroads are taking to reduce the frequency and rate of initialization failures, cut outs, and malfunctions, such as any actions to correct or eliminate systemic issues and specific problems.

"(3) DUE DATES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each host railroad shall electronically submit the report required under paragraph (1) not later than—

"(i) April 30, for the period from January 1 through March 31;

"(ii) July 31, for the period from April 1 through June 30;

"(iii) October 31, for the period from July 1 through September 30; and

"(iv) January 31, for the period from October 1 through December 31 of the prior calendar year.

"(B) FREQUENCY REDUCTION.—Beginning on the date that is 3 years after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, the Secretary shall reduce the frequency with which host railroads are required to submit the report described in paragraph (1) to not less frequently than twice per year, unless the Secretary—

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"(i) determines that quarterly reporting is in the public interest; and

"(ii) publishes a justification for such determination in the Federal Register.

"(4) TENANT RAILROADS.—Each tenant railroad that operates on a host railroad's positive train control-governed main line and is not currently subject to an exception under section 236.1006(b) of title 49, Code of Federal Regulations, shall submit the information described in paragraph (2) to each applicable host railroad on a continuous basis.

"(5) ENFORCEMENTS.—Any railroad operating a positive train control system classified under Federal Railroad Administration Type Approval number FRA–TA–2010–001 or FRA–TA–2013–003 shall begin submitting the metric required under paragraph (2)(D) not later than January 31, 2023.".

SEC. 22415. SPEED LIMIT ACTION PLANS.

(a) CODIFICATION OF, AND AMENDMENT TO, SECTION 11406 OF THE FAST ACT.—Subchapter II of chapter 201 of subtitle V of title 49, United States Code, is amended by inserting after section 20168 the following:

"§ 20169. Speed limit action plans

"(a) IN GENERAL.—Not later than March 3, 2016, each railroad carrier providing intercity rail passenger transportation or commuter rail passenger transportation, in consultation with any applicable host railroad carrier, shall survey its entire system and identify each main track location where there is a reduction of more than 20 miles per hour from the approach speed to a curve, bridge, or tunnel and the maximum authorized operating speed for passenger trains at that curve, bridge, or tunnel.

"(b) ACTION PLANS.—Not later than 120 days after the date that the survey under subsection (a) is complete, a railroad carrier described in subsection (a) shall submit to the Secretary of Transportation an action plan that—

"(1) identifies each main track location where there is a reduction of more than 20 miles per hour from the approach speed to a curve, bridge, or tunnel and the maximum authorized operating speed for passenger trains at that curve, bridge, or tunnel;

"(2) describes appropriate actions to enable warning and enforcement of the maximum authorized speed for passenger trains at each location identified under paragraph (1), including—

"(A) modification to automatic train control systems, if applicable, or other signal systems;

"(B) increased crew size;

"(C) installation of signage alerting train crews of the maximum authorized speed for passenger trains in each location identified under paragraph (1);

"(D) installation of alerters;

"(E) increased crew communication; and

"(F) other practices;

"(3) contains milestones and target dates for implementing each appropriate action described under paragraph (2); and

"(4) ensures compliance with the maximum authorized speed at each location identified under paragraph (1).

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"(c) APPROVAL.—Not later than 90 days after the date on which an action plan is submitted under subsection (b) or (d)(2), the Secretary shall approve, approve with conditions, or disapprove the action plan.

"(d) PERIODIC REVIEWS AND UPDATES.—Each railroad carrier that submits an action plan to the Secretary pursuant to subsection (b) shall—

"(1) not later than 1 year after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, and annually thereafter, review such plan to ensure the effectiveness of actions taken to enable warning and enforcement of the maximum authorized speed for passenger trains at each location identified pursuant to subsection (b)(1); and

"(2) not later than 90 days before implementing any significant operational or territorial operating change, including initiating a new service or route, submit to the Secretary a revised action plan, after consultation with any applicable host railroad, that addresses such operational or territorial operating change.

"(e) NEW SERVICE.—If a railroad carrier providing intercity rail passenger transportation or commuter rail passenger transportation did not exist on the date of enactment of the FAST Act (Public Law 114–94; 129 Stat. 1312), such railroad carrier, in consultation with any applicable host railroad carrier, shall—

"(1) survey its routes pursuant to subsection (a) not later than 90 days after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021; and

"(2) develop an action plan pursuant to subsection (b) not later than 120 days after the date on which such survey is complete.

"(f) ALTERNATIVE SAFETY MEASURES.—The Secretary may exempt from the requirements under this section each segment of track for which operations are governed by a positive train control system certified under section 20157, or any other safety technology or practice that would achieve an equivalent or greater level of safety in reducing derailment risk.

"(g) PROHIBITION.—No new intercity or commuter rail passenger service may begin operation unless the railroad carrier providing such service is in compliance with the requirements under this section.

"(h) SAVINGS CLAUSE.—Nothing in this section may be construed to prohibit the Secretary from applying the requirements under this section to other segments of track at high risk of overspeed derailment.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 201 of subtitle V of title 49, United States Code, is amended by adding at the end the following:

"20169. Speed limit action plans.".

SEC. 22416. NEW PASSENGER SERVICE PRE-REVENUE SAFETY VALIDATION PLAN.

(a) IN GENERAL.—Subchapter II of chapter 201 of subtitle V of title 49, United States Code, as amended by section 22415, is further amended by adding at the end the following:

"§ 20170. Pre-revenue service safety validation plan

"(a) PLAN SUBMISSION.—Any railroad providing new, regularly scheduled, intercity or commuter rail passenger transportation, an

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extension of existing service, or a renewal of service that has been discontinued for more than 180 days shall develop and submit for review a comprehensive pre-revenue service safety validation plan to the Secretary of Transportation not later than 60 days before initiating such revenue service. Such plan shall include pertinent safety milestones and a minimum period of simulated revenue service to ensure operational readiness and that all safety sensitive personnel are properly trained and qualified.

"(b) COMPLIANCE.—After submitting a plan pursuant to subsection (a), the railroad shall adopt and comply with such plan and may not amend the plan without first notifying the Secretary of the proposed amendment. Revenue service may not begin until the railroad has completed the requirements of its plan, including the minimum simulated service period required by the plan.

"(c) RULEMAKING.—The Secretary shall promulgate regulations to carry out this section, including—

"(1) requiring that any identified safety deficiencies be addressed and corrected before the initiation of revenue service; and

"(2) establishing appropriate deadlines to enable the Secretary to review and approve the pre-revenue service safety validation plan to ensure that service is not unduly delayed.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 201 of title 49, United States Code, as amended by section 22415(b), is further amended by adding at the end the following:

"20170. Pre-revenue service safety validation plan.".

SEC. 22417. FEDERAL RAILROAD ADMINISTRATION ACCIDENT AND INCIDENT INVESTIGATIONS.

Section 20902 of title 49, United States Code, is amended—

(1) in subsection (b) by striking "subpena" and inserting "subpoena"; and

(2) by adding at the end the following:

"(d) GATHERING INFORMATION AND TECHNICAL EXPERTISE.—

"(1) IN GENERAL.—The Secretary shall create a standard process for investigators to use during accident and incident investigations conducted under this section for determining when it is appropriate and the appropriate method for—

"(A) gathering information about an accident or incident under investigation from railroad carriers, contractors or employees of railroad carriers or representatives of employees of railroad carriers, and others, as determined relevant by the Secretary; and

"(B) consulting with railroad carriers, contractors or employees of railroad carriers or representatives of employees of railroad carriers, and others, as determined relevant by the Secretary, for technical expertise on the facts of the accident or incident under investigation.

"(2) CONFIDENTIALITY.—In developing the process required under paragraph (1), the Secretary shall factor in ways to maintain the confidentiality of any entity identified under paragraph (1) if—

"(A) such entity requests confidentiality;

"(B) such entity was not involved in the accident or incident; and

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"(C) maintaining such entity's confidentiality does not adversely affect an investigation of the Federal Railroad Administration.

"(3) APPLICABILITY.—This subsection shall not apply to any investigation carried out by the National Transportation Safety Board.".

SEC. 22418. CIVIL PENALTY ENFORCEMENT AUTHORITY.

Section 21301(a) of title 49, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) The Secretary may find that a person has violated this chapter or a regulation prescribed or order, special permit, or approval issued under this chapter only after notice and an opportunity for a hearing. The Secretary shall impose a penalty under this section by giving the person written notice of the amount of the penalty. The Secretary may compromise the amount of a civil penalty by settlement agreement without issuance of an order. In determining the amount of a compromise, the Secretary shall consider—

"(A) the nature, circumstances, extent, and gravity of the violation;

"(B) with respect to the violator, the degree of culpability, any history of violations, the ability to pay, and any effect on the ability to continue to do business; and

"(C) other matters that justice requires.

"(4) The Attorney General may bring a civil action in an appropriate district court of the United States to collect a civil penalty imposed or compromise under this section and any accrued interest on the civil penalty. In the civil action, the amount and appropriateness of the civil penalty shall not be subject to review.".

SEC. 22419. ADVANCING SAFETY AND INNOVATIVE TECHNOLOGY.

(a) IN GENERAL.—Section 26103 of title 49, United States Code, is amended to read as follows:

"§ 26103. Safety regulations and evaluation

"The Secretary—

"(1) shall promulgate such safety regulations as may be necessary for high-speed rail services;

"(2) shall, before promulgating such regulations, consult with developers of new high-speed rail technologies to develop a method for evaluating safety performance; and

"(3) may solicit feedback from relevant safety experts or representatives of rail employees who perform work on similar technology or who may be expected to perform work on new technology, as appropriate.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 261 of title 49, United States Code, is amended by striking the item relating to section 26103 and inserting the following:

"26103. Safety regulations and evaluation.".

SEC. 22420. PASSENGER RAIL VEHICLE OCCUPANT PROTECTION SYSTEMS.

(a) STUDY.—The Administrator of the Federal Railroad Administration shall conduct a study of the potential installation and use in new passenger rail rolling stock of passenger rail vehicle occupant protection systems that could materially improve passenger safety.

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(b) CONSIDERATIONS.—In conducting the study under subsection (a), the Administrator shall consider minimizing the risk of secondary collisions, including estimating the costs and benefits of the new requirements, through the use of—

(1) occupant restraint systems;

(2) air bags;

(3) emergency window retention systems; and

(4) interior designs, including seats, baggage restraints, and table configurations and attachments.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall—

(1) submit a report summarizing the findings of the study conducted pursuant to subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) publish such report on the website of the Federal Railroad Administration.

(d) RULEMAKING.—Following the completion of the study required under subsection (a), and after considering the costs and benefits of the proposed protection systems, the Administrator may promulgate a rule that establishes standards for the use of occupant protection systems in new passenger rail rolling stock.

SEC. 22421. FEDERAL RAILROAD ADMINISTRATION REPORTING REQUIREMENTS.

(a) ELIMINATION OF DUPLICATIVE OR UNNECESSARY REPORTING OR PAPERWORK REQUIREMENTS IN THE FEDERAL RAILROAD ADMINISTRATION.—

(1) REVIEW.—The Administrator of the Federal Railroad Administration (referred to in this subsection as the "FRA Administrator"), in consultation with the Administrator of the Federal Transit Administration, shall conduct a review of existing reporting and paperwork requirements in the Federal Railroad Administration to determine if any such requirements are duplicative or unnecessary.

(2) ELIMINATION OF CERTAIN REQUIREMENTS.—If the FRA Administrator determines, as a result of the review conducted pursuant to paragraph (1), that any reporting or paperwork requirement that is not statutorily required is duplicative or unnecessary, the FRA Administrator, after consultation with the Administrator of the Federal Transit Administration, shall terminate such requirement.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the FRA Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

(A) identifies all of the reporting or paperwork requirements that were terminated pursuant to paragraph (2); and

(B) identifies any statutory reporting or paperwork requirements that are duplicative or unnecessary and should be repealed.

(b) SAFETY REPORTING.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for the following 4 years, the Secretary shall update Special Study Block 49 on

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Form FRA F 6180.54 (Rail Equipment Accident/Incident Report) to collect, with respect to trains involved in accidents required to be reported to the Federal Railroad Administration—

(1) the number of cars and length of the involved trains; and

(2) the number of crew members who were aboard a controlling locomotive involved in an accident at the time of such accident.

SEC. 22422. NATIONAL ACADEMIES STUDY ON TRAINS LONGER THAN 7,500 FEET.

(a) STUDY.—The Secretary shall seek to enter into an agreement with the National Academies to conduct a study on the operation of freight trains that are longer than 7,500 feet.

(b) ELEMENTS.—The study conducted pursuant to subsection (a) shall—

(1) examine any potential impacts to safety from the operation of freight trains that are longer than 7,500 feet and the mitigation of any identified risks, including—

(A) any potential changes in the risk of loss of communications between the end of train device and the locomotive cab, including communications over differing terrains and conditions;

(B) any potential changes in the risk of loss of radio communications between crew members when a crew member alights from the train, including communications over differing terrains and conditions;

(C) any potential changes in the risk of derailments, including any risks associated with in-train compressive forces and slack action or other safety risks in the operations of such trains in differing terrains and conditions;

(D) any potential impacts associated with the deployment of multiple distributed power units in the consists of such trains; and

(E) any potential impacts on braking and locomotive performance and track wear and tear;

(2) evaluate any impacts on scheduling and efficiency of passenger operations and in the shipping of goods by freight as a result of longer trains;

(3) determine whether additional engineer and conductor training is required for safely operating such trains;

(4) assess the potential impact on the amount of time and frequency of occurrence highway-rail grade crossings are occupied; and

(5) identify any potential environmental impacts, including greenhouse gas emissions, that have resulted from the operation of longer trains.

(c) COMPARISON.—When evaluating the potential impacts of the operation of trains longer than 7,500 feet under subsection (b), the impacts of such trains shall be compared to the impacts of trains that are shorter than 7,500 feet, after taking into account train frequency.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of

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Representatives that contains the results of the study conducted by the National Academies under this section.

(e) FUNDING.—From the amounts appropriated for fiscal year 2021 pursuant to the authorization under section 20117(a) of title 49, United States Code, the Secretary shall expend not less than $1,000,000 and not more than $2,000,000 to carry out the study required under this section.

SEC. 22423. HIGH-SPEED TRAIN NOISE EMISSIONS.

(a) IN GENERAL.—Section 17 of the Noise Control Act of 1972 (42 U.S.C. 4916) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) HIGH-SPEED TRAIN NOISE EMISSIONS.—

"(1) IN GENERAL.—The Secretary of Transportation, in consultation with the Administrator, may prescribe regulations governing railroad-related noise emission standards for trains operating on the general railroad system of transportation at speeds exceeding 160 miles per hour, including noise related to magnetic levitation systems and other new technologies not traditionally associated with railroads.

"(2) FACTORS IN RULEMAKING.—The regulations prescribed pursuant to paragraph (1) may—

"(A) consider variances in maximum pass-by noise with respect to the speed of the equipment;

"(B) account for current engineering best practices; and

"(C) encourage the use of noise mitigation techniques to the extent reasonable if the benefits exceed the costs.

"(3) CONVENTIONAL-SPEED TRAINS.—Railroad-related noise regulations prescribed under subsection (a) shall continue to govern noise emissions from the operation of trains, including locomotives and rail cars, when operating at speeds not exceeding 160 miles per hour.".

(b) TECHNICAL AMENDMENT.—The second sentence of section 17(b) of the Noise Control Act of 1972 (42 U.S.C. 4916(b)) is amended by striking "the Safety Appliance Acts, the Interstate Commerce Act, and the Department of Transportation Act" and inserting "subtitle V of title 49, United States Code".

SEC. 22424. CRITICAL INCIDENT STRESS PLANS.

The Secretary shall amend part 272 of title 49, Code of Federal Regulations, to the extent necessary to ensure that—

(1) the coverage of a critical incident stress plan under section 272.7 of such part includes employees of commuter railroads and intercity passenger railroads (as such terms are defined in section 272.9 of such part), including employees who directly interact with passengers; and

(2) an assault against an employee requiring medical attention is included in the definition of critical incident under section 272.9 of such part.

SEC. 22425. REQUIREMENTS FOR RAILROAD FREIGHT CARS PLACED INTO SERVICE IN THE UNITED STATES.

(a) IN GENERAL.—Subchapter II of chapter 201 of subtitle V of title 49, United States Code (as amended by section 22416(a)), is amended by adding at the end the following:

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"§ 20171. Requirements for railroad freight cars placed into service in the United States

"(a) DEFINITIONS.—In this section:

"(1) COMPONENT.—The term 'component' means a part or subassembly of a railroad freight car.

"(2) CONTROL.—The term 'control' means the power, whether direct or indirect and whether or not exercised, through the ownership of a majority or a dominant minority of the total outstanding voting interest in an entity, representation on the board of directors of an entity, proxy voting on the board of directors of an entity, a special share in the entity, a contractual arrangement with the entity, a formal or informal arrangement to act in concert with an entity, or any other means, to determine, direct, make decisions, or cause decisions to be made for the entity.

"(3) COST OF SENSITIVE TECHNOLOGY.—The term 'cost of sensitive technology' means the aggregate cost of the sensitive technology located on a railroad freight car.

"(4) COUNTRY OF CONCERN.—The term 'country of concern' means a country that—

"(A) is identified by the Department of Commerce as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021;

"(B) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a foreign country included on the priority watch list (as defined in subsection (g)(3) of such section); and

"(C) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

"(5) NET COST.—The term 'net cost' has the meaning given such term in chapter 4 of the USMCA or any subsequent free trade agreement between the United States, Mexico, and Canada.

"(6) QUALIFIED FACILITY.—The term 'qualified facility' means a facility that is not owned or under the control of a state-owned enterprise.

"(7) QUALIFIED MANUFACTURER.—The term 'qualified manufacturer' means a railroad freight car manufacturer that is not owned or under the control of a state-owned enterprise.

"(8) RAILROAD FREIGHT CAR.—The term 'railroad freight car' means a car designed to carry freight or railroad personnel by rail, including—

"(A) a box car;
"(B) a refrigerator car;
"(C) a ventilator car;
"(D) an intermodal well car;
"(E) a gondola car;
"(F) a hopper car;
"(G) an auto rack car;
"(H) a flat car;
"(I) a special car;
"(J) a caboose car;
"(K) a tank car; and

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"(L) a yard car.

"(9) SENSITIVE TECHNOLOGY.—The term 'sensitive technology' means any device embedded with electronics, software, sensors, or other connectivity, that enables the device to connect to, collect data from, or exchange data with another device, including—

"(A) onboard telematics;

"(B) remote monitoring software;

"(C) firmware;

"(D) analytics;

"(E) global positioning system satellite and cellular location tracking systems;

"(F) event status sensors;

"(G) predictive component condition and performance monitoring sensors; and

"(H) similar sensitive technologies embedded into freight railcar components and sub-assemblies.

"(10) STATE-OWNED ENTERPRISE.—The term 'state-owned enterprise' means—

"(A) an entity that is owned by, or under the control of, a national, provincial, or local government of a country of concern, or an agency of such government; or

"(B) an individual acting under the direction or influence of a government or agency described in subparagraph (A).

"(11) SUBSTANTIALLY TRANSFORMED.—The term 'substantially transformed' means a component of a railroad freight car that undergoes an applicable change in tariff classification as a result of the manufacturing process, as described in chapter 4 and related annexes of the USMCA or any subsequent free trade agreement between the United States, Mexico, and Canada.

"(12) USMCA.—The term 'USMCA' has the meaning given the term in section 3 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4502).

"(b) REQUIREMENTS FOR RAILROAD FREIGHT CARS.—

"(1) LIMITATION ON RAILROAD FREIGHT CARS.—A railroad freight car wholly manufactured on or after the date that is 1 year after the date of issuance of the regulations required under subsection (c)(1) may only operate on the United States general railroad system of transportation if—

"(A) the railroad freight car is manufactured, assembled, and substantially transformed, as applicable, by a qualified manufacturer in a qualified facility;

"(B) none of the sensitive technology located on the railroad freight car, including components necessary to the functionality of the sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise; and

"(C) none of the content of the railroad freight car, excluding sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise that has been determined by a recognized court or administrative agency of competent jurisdiction and legal authority to have violated or infringed valid United States intellectual property rights of another including such a finding

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by a Federal district court under title 35 or the U.S. International Trade Commission under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

"(2) LIMITATION ON RAILROAD FREIGHT CAR CONTENT.—

"(A) PERCENTAGE LIMITATION.—

"(i) INITIAL LIMITATION.—Not later than 1 year after the date of issuance of the regulations required under subsection (c)(1), a railroad freight car described in paragraph (1) may operate on the United States general railroad system of transportation only if not more than 20 percent of the content of the railroad freight car, calculated by the net cost of all components of the car and excluding the cost of sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise.

"(ii) SUBSEQUENT LIMITATION.—Effective beginning on the date that is 3 years after the date of issuance of the regulations required under subsection (c)(1), a railroad freight car described in paragraph (1) may operate on the United States general railroad system of transportation only if not more than 15 percent of the content of the railroad freight car, calculated by the net cost of all components of the car and excluding the cost of sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise.

"(B) CONFLICT.—The percentages specified in clauses (i) and (ii) of subparagraph (A), as applicable, shall apply notwithstanding any apparent conflict with provisions of chapter 4 of the USMCA.

"(c) REGULATIONS AND PENALTIES.—

"(1) REGULATIONS REQUIRED.—Not later than 2 years after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, the Secretary of Transportation shall issue such regulations as are necessary to carry out this section, including for the monitoring and sensitive technology requirements of this section.

"(2) CERTIFICATION REQUIRED.—To be eligible to provide a railroad freight car for operation on the United States general railroad system of transportation, the manufacturer of such car shall annually certify to the Secretary of Transportation that any railroad freight cars to be so provided meet the requirements under this section.

"(3) COMPLIANCE.—

"(A) VALID CERTIFICATION REQUIRED.—At the time a railroad freight car begins operation on the United States general railroad system of transportation, the manufacturer of such railroad freight car shall have valid certification described in paragraph (2) for the year in which such car begins operation.

"(B) REGISTRATION OF NONCOMPLIANT CARS PROHIBITED.—A railroad freight car manufacturer may not register, or cause to be registered, a railroad freight car that does not comply with the requirements under this section in the Association of American Railroad's Umler system.

"(4) CIVIL PENALTIES.—

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"(A) IN GENERAL.—Pursuant to section 21301, the Secretary of Transportation may assess a civil penalty of not less than $100,000, but not more than $250,000, for each violation of this section for each railroad freight car.

"(B) PROHIBITION ON OPERATION FOR VIOLATIONS.—The Secretary of Transportation may prohibit a railroad freight car manufacturer with respect to which the Secretary has assessed more than 3 violations under subparagraph (A) from providing additional railroad freight cars for operation on the United States general railroad system of transportation until the Secretary determines—

"(i) such manufacturer is in compliance with this section; and

"(ii) all civil penalties assessed to such manufacturer pursuant to subparagraph (A) have been paid in full.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 201 of subtitle V of title 49, United States Code (as amended by section 22416(b)), is amended by adding at the end the following:

"20171. Requirements for railroad freight cars placed into service in the United States.".

SEC. 22426. RAILROAD POINT OF CONTACT FOR PUBLIC SAFETY ISSUES.

All railroads shall—

(1) provide railroad contact information for public safety issues, including a telephone number, to the relevant Federal, State, and local oversight agencies; and

(2) post the information described in paragraph (1) on a publicly accessible website.

SEC. 22427. CONTROLLED SUBSTANCES TESTING FOR MECHANICAL EMPLOYEES.

Not later than 180 days after the date of enactment of this Act, the Secretary shall amend the regulations under part 219 of title 49, Code of Federal Regulations, to require all mechanical employees of railroads to be subject to all of the breath or body fluid testing set forth in subpart C, D, and E of such part, including random testing, reasonable suspicion testing, reasonable cause testing, pre-employment testing, return-to-duty testing, and follow-up testing.

TITLE III—MOTOR CARRIER SAFETY

SEC. 23001. AUTHORIZATION OF APPROPRIATIONS.

(a) ADMINISTRATIVE EXPENSES.—Section 31110 of title 49, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

"(1) $360,000,000 for fiscal year 2022;
"(2) $367,500,000 for fiscal year 2023;
"(3) $375,000,000 for fiscal year 2024;
"(4) $382,500,000 for fiscal year 2025; and

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"(5) $390,000,000 for fiscal year 2026.".

(b) FINANCIAL ASSISTANCE PROGRAMS.—Section 31104 of title 49, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) FINANCIAL ASSISTANCE PROGRAMS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account)—

"(1) subject to subsection (c), to carry out the motor carrier safety assistance program under section 31102 (other than the high priority program under subsection (l) of that section)—

"(A) $390,500,000 for fiscal year 2022;
"(B) $398,500,000 for fiscal year 2023;
"(C) $406,500,000 for fiscal year 2024;
"(D) $414,500,000 for fiscal year 2025; and
"(E) $422,500,000 for fiscal year 2026;

"(2) subject to subsection (c), to carry out the high priority program under section 31102(l) (other than the commercial motor vehicle enforcement training and support grant program under paragraph (5) of that section)—

"(A) $57,600,000 for fiscal year 2022;
"(B) $58,800,000 for fiscal year 2023;
"(C) $60,000,000 for fiscal year 2024;
"(D) $61,200,000 for fiscal year 2025; and
"(E) $62,400,000 for fiscal year 2026;

"(3) to carry out the commercial motor vehicle enforcement training and support grant program under section 31102(l)(5), $5,000,000 for each of fiscal years 2022 through 2026;

"(4) to carry out the commercial motor vehicle operators grant program under section 31103—

"(A) $1,100,000 for fiscal year 2022;
"(B) $1,200,000 for fiscal year 2023;
"(C) $1,300,000 for fiscal year 2024;
"(D) $1,400,000 for fiscal year 2025; and
"(E) $1,500,000 for fiscal year 2026; and

"(5) subject to subsection (c), to carry out the financial assistance program for commercial driver's license implementation under section 31313—

"(A) $41,800,000 for fiscal year 2022;
"(B) $42,650,000 for fiscal year 2023;
"(C) $43,500,000 for fiscal year 2024;
"(D) $44,350,000 for fiscal year 2025; and
"(E) $45,200,000 for fiscal year 2026.";

(2) in subsection (b)(2)—

(A) in the third sentence, by striking "The Secretary" and inserting the following:

"(C) IN-KIND CONTRIBUTIONS.—The Secretary";

(B) in the second sentence, by striking "The Secretary" and inserting the following:

"(B) LIMITATION.—The Secretary";

(C) in the first sentence—

(i) by inserting "(except subsection (l)(5) of that section)" after "section 31102"; and

(ii) by striking "The Secretary" and inserting the following:

"(A) REIMBURSEMENT PERCENTAGE.—

"(i) IN GENERAL.—The Secretary"; and

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(D) in subparagraph (A) (as so designated), by adding at the end the following:

"(ii) COMMERCIAL MOTOR VEHICLE ENFORCEMENT TRAINING AND SUPPORT GRANT PROGRAM.—The Secretary shall reimburse a recipient, in accordance with a financial assistance agreement made under section 31102(l)(5), an amount that is equal to 100 percent of the costs incurred by the recipient in a fiscal year in developing and implementing a training program under that section.";

(3) in subsection (c)—

(A) in the subsection heading, by striking "PARTNER TRAINING AND";

(B) in the first sentence—

(i) by striking "(4)" and inserting "(5)"; and

(ii) by striking "partner training and"; and

(C) by striking the second sentence; and

(4) in subsection (f)—

(A) in paragraph (1), by striking "for the next fiscal year" and inserting "for the next 2 fiscal years";

(B) in paragraph (4), by striking "for the next fiscal year" and inserting "for the next 2 fiscal years";

(C) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(D) by inserting after paragraph (3) the following:

"(4) For grants made for carrying out section 31102(l)(5), for the fiscal year in which the Secretary approves the financial assistance agreement and for the next 4 fiscal years."; and

(5) in subsection (i)—

(A) by striking "Amounts not expended" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), amounts not expended"; and

(B) by adding at the end the following:

"(2) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Amounts made available for the motor carrier safety assistance program established under section 31102 (other than amounts made available to carry out section 31102(l)) that are not expended by a recipient during the period of availability shall be released back to the Secretary for reallocation under that program.".

(c) ENFORCEMENT DATA UPDATES.—Section 31102(h)(2)(A) of title 49, United States Code, is amended by striking "2004 and 2005" and inserting "2014 and 2015".

SEC. 23002. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.

Section 4144 of the SAFETEA–LU (49 U.S.C. 31100 note; Public Law 109–59) is amended—

(1) in subsection (b)(1), in the second sentence, by inserting ", including small business motor carriers" after "industry"; and

(2) in subsection (d), by striking "September 30, 2013" and inserting "September 30, 2025".

SEC. 23003. COMBATING HUMAN TRAFFICKING.

Section 31102(l) of title 49, United States Code, is amended—

(1) in paragraph (2)—

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(A) in subparagraph (G)(ii), by striking "and" at the end;

(B) by redesignating subparagraph (H) as subparagraph (J); and

(C) by inserting after subparagraph (G) the following:

"(H) support, through the use of funds otherwise available for such purposes—

"(i) the recognition, prevention, and reporting of human trafficking, including the trafficking of human beings—

"(I) in a commercial motor vehicle; or

"(II) by any occupant, including the operator, of a commercial motor vehicle;

"(ii) the detection of criminal activity or any other violation of law relating to human trafficking; and

"(iii) enforcement of laws relating to human trafficking;

"(I) otherwise support the recognition, prevention, and reporting of human trafficking; and"; and

(2) in paragraph (3)(D)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(iv) for the detection of, and enforcement actions taken as a result of, criminal activity (including the trafficking of human beings)—

"(I) in a commercial motor vehicle; or

"(II) by any occupant, including the operator, of a commercial motor vehicle; and

"(v) in addition to any funds otherwise made available for the recognition, prevention, and reporting of human trafficking, to support the recognition, prevention, and reporting of human trafficking.".

SEC. 23004. IMMOBILIZATION GRANT PROGRAM.

Section 31102(l) of title 49, United States Code, is amended by adding at the end the following:

"(4) IMMOBILIZATION GRANT PROGRAM.—

"(A) DEFINITION OF PASSENGER-CARRYING COMMERCIAL MOTOR VEHICLE.—In this paragraph, the term 'passenger-carrying commercial motor vehicle' has the meaning given the term 'commercial motor vehicle' in section 31301.

"(B) ESTABLISHMENT.—The Secretary shall establish an immobilization grant program under which the Secretary shall provide to States discretionary grants for the immobilization or impoundment of passenger-carrying commercial motor vehicles that—

"(i) are determined to be unsafe; or

"(ii) fail inspection.

"(C) LIST OF CRITERIA FOR IMMOBILIZATION.—The Secretary, in consultation with State commercial motor vehicle entities, shall develop a list of commercial motor vehicle safety violations and defects that the Secretary determines warrant the immediate immobilization of a passenger-carrying commercial motor vehicle.

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"(D) ELIGIBILITY.—A State shall be eligible to receive a grant under this paragraph only if the State has the authority to require the immobilization or impoundment of a passenger-carrying commercial motor vehicle—

"(i) with respect to which a motor vehicle safety violation included in the list developed under subparagraph (C) is determined to exist; or

"(ii) that is determined to have a defect included in that list.

"(E) USE OF FUNDS.—A grant provided under this paragraph may be used for—

"(i) the immobilization or impoundment of passenger-carrying commercial motor vehicles described in subparagraph (D);

"(ii) safety inspections of those passenger-carrying commercial motor vehicles; and

"(iii) any other activity relating to an activity described in clause (i) or (ii), as determined by the Secretary.

"(F) SECRETARY AUTHORIZATION.—The Secretary may provide to a State amounts for the costs associated with carrying out an immobilization program using funds made available under section 31104(a)(2).".

SEC. 23005. COMMERCIAL MOTOR VEHICLE ENFORCEMENT TRAINING AND SUPPORT.

Section 31102(l) of title 49, United States Code (as amended by section 23004), is amended—

(1) in paragraph (1), by striking "(2) and (3)" and inserting "(2) through (5)"; and

(2) by adding at the end the following:

"(5) COMMERCIAL MOTOR VEHICLE ENFORCEMENT TRAINING AND SUPPORT GRANT PROGRAM.—

"(A) IN GENERAL.—The Secretary shall administer a commercial motor vehicle enforcement training and support grant program funded under section 31104(a)(3), under which the Secretary shall make discretionary grants to eligible entities described in subparagraph (C) for the purposes described in subparagraph (B).

"(B) PURPOSES.—The purposes of the grant program under subparagraph (A) are—

"(i) to train non-Federal employees who conduct commercial motor vehicle enforcement activities; and

"(ii) to develop related training materials.

"(C) ELIGIBLE ENTITIES.—An entity eligible for a discretionary grant under the program described in subparagraph (A) is a nonprofit organization that has—

"(i) expertise in conducting a training program for non-Federal employees; and

"(ii) the ability to reach and involve in a training program a target population of commercial motor vehicle safety enforcement employees.".

SEC. 23006. STUDY OF COMMERCIAL MOTOR VEHICLE CRASH CAUSATION.

(a) DEFINITIONS.—In this section:

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(1) COMMERCIAL MOTOR VEHICLE.—The term "commercial motor vehicle" has the meaning given the term in section 31132 of title 49, United States Code.

(2) STUDY.—The term "study" means the study carried out under subsection (b).

(b) STUDY.—The Secretary shall carry out a comprehensive study—

(1) to determine the causes of, and contributing factors to, crashes that involve a commercial motor vehicle; and

(2) to identify data requirements, data collection procedures, reports, and any other measures that can be used to improve the ability of States and the Secretary—

(A) to evaluate future crashes involving commercial motor vehicles;

(B) to monitor crash trends and identify causes and contributing factors; and

(C) to develop effective safety improvement policies and programs.

(c) DESIGN.—The study shall be designed to yield information that can be used to help policy makers, regulators, and law enforcement identify activities and other measures that are likely to lead to reductions in—

(1) the frequency of crashes involving a commercial motor vehicle;

(2) the severity of crashes involving a commercial motor vehicle; and

(3) fatalities and injuries.

(d) CONSULTATION.—In designing and carrying out the study, the Secretary may consult with individuals or entities with expertise on—

(1) crash causation and prevention;

(2) commercial motor vehicles, commercial drivers, and motor carriers, including passenger carriers;

(3) highways and noncommercial motor vehicles and drivers;

(4) Federal and State highway and motor carrier safety programs;

(5) research methods and statistical analysis; and

(6) other relevant topics, as determined by the Secretary.

(e) PUBLIC COMMENT.—The Secretary shall make available for public comment information about the objectives, methodology, implementation, findings, and other aspects of the study.

(f) REPORTS.—As soon as practicable after the date on which the study is completed, the Secretary shall submit to Congress a report describing the results of the study and any legislative recommendations to facilitate reductions in the matters described in paragraphs (1) through (3) of subsection (c).

SEC. 23007. PROMOTING WOMEN IN THE TRUCKING WORKFORCE.

(a) FINDINGS.—Congress finds that—

(1) women make up 47 percent of the workforce of the United States;

(2) women are significantly underrepresented in the trucking industry, holding only 24 percent of all transportation and warehousing jobs and representing only—

(A) 6.6 percent of truck drivers;

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(B) 12.5 percent of all workers in truck transportation; and

(C) 8 percent of freight firm owners;

(3) given the total number of women truck drivers, women are underrepresented in the truck-driving workforce; and

(4) women truck drivers have been shown to be 20 percent less likely than male counterparts to be involved in a crash.

(b) SENSE OF CONGRESS REGARDING WOMEN IN TRUCKING.—It is the sense of Congress that the trucking industry should explore every opportunity to encourage and support the pursuit and retention of careers in trucking by women, including through programs that support recruitment, driver training, and mentorship.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Motor Carrier Safety Administration.

(2) BOARD.—The term "Board" means the Women of Trucking Advisory Board established under subsection (d)(1).

(3) LARGE TRUCKING COMPANY.—The term "large trucking company" means a motor carrier (as defined in section 13102 of title 49, United States Code) with more than 100 power units.

(4) MID-SIZED TRUCKING COMPANY.—The term "mid-sized trucking company" means a motor carrier (as defined in section 13102 of title 49, United States Code) with not fewer than 11 power units and not more than 100 power units.

(5) POWER UNIT.—The term "power unit" means a self-propelled vehicle under the jurisdiction of the Federal Motor Carrier Safety Administration.

(6) SMALL TRUCKING COMPANY.—The term "small trucking company" means a motor carrier (as defined in section 13102 of title 49, United States Code) with not fewer than 1 power unit and not more than 10 power units.

(d) WOMEN OF TRUCKING ADVISORY BOARD.—

(1) ESTABLISHMENT.—To encourage women to enter the field of trucking, the Administrator shall establish and facilitate an advisory board, to be known as the "Women of Trucking Advisory Board", to review and report on policies that—

(A) provide education, training, mentorship, or outreach to women in the trucking industry; and

(B) recruit, retain, or advance women in the trucking industry.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Board shall be composed of not fewer than 8 members whose backgrounds, experience, and certifications allow those members to contribute balanced points of view and diverse ideas regarding the matters described in paragraph (3)(B).

(B) APPOINTMENT.—

(i) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Administrator shall appoint the members of the Board, of whom—

(I) not fewer than 1 shall be a representative of large trucking companies;

(II) not fewer than 1 shall be a representative of mid-sized trucking companies;

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(III) not fewer than 1 shall be a representative of small trucking companies;

(IV) not fewer than 1 shall be a representative of nonprofit organizations in the trucking industry;

(V) not fewer than 1 shall be a representative of trucking business associations;

(VI) not fewer than 1 shall be a representative of independent owner-operators;

(VII) not fewer than 1 shall be a woman who is a professional truck driver; and

(VIII) not fewer than 1 shall be a representative of an institution of higher education or trucking trade school.

(ii) DIVERSITY.—A member of the Board appointed under any of subclauses (I) through (VIII) of clause (i) may not be appointed under any other subclause of that clause.

(C) TERMS.—Each member shall be appointed for the life of the Board.

(D) COMPENSATION.—A member of the Board shall serve without compensation.

(3) DUTIES.—

(A) IN GENERAL.—The Board shall identify—

(i) barriers and industry trends that directly or indirectly discourage women from pursuing and retaining careers in trucking, including—

(I) any particular barriers and trends that impact women minority groups;

(II) any particular barriers and trends that impact women who live in rural, suburban, or urban areas; and

(III) any safety risks unique to women in the trucking industry;

(ii) ways in which the functions of trucking companies, nonprofit organizations, training and education providers, and trucking associations may be coordinated to facilitate support for women pursuing careers in trucking;

(iii) opportunities to expand existing opportunities for women in the trucking industry; and

(iv) opportunities to enhance trucking training, mentorship, education, and advancement and outreach programs that would increase the number of women in the trucking industry.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Board shall submit to the Administrator a report containing the findings and recommendations of the Board, including recommendations that companies, associations, institutions, other organizations, or the Administrator may adopt—

(i) to address any industry trends identified under subparagraph (A)(i);

(ii) to coordinate the functions of trucking companies, nonprofit organizations, and trucking associations in a manner that facilitates support for women pursuing careers in trucking;

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(iii)(I) to take advantage of any opportunities identified under subparagraph (A)(iii); and

(II) to create new opportunities to expand existing scholarship opportunities for women in the trucking industry; and

(iv) to enhance trucking training, mentorship, education, and outreach programs that are exclusive to women.

(4) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(i) the findings and recommendations of the Board under paragraph (3)(B); and

(ii) any actions taken by the Administrator to adopt the recommendations of the Board (or an explanation of the reasons for not adopting the recommendations).

(B) PUBLIC AVAILABILITY.—The Administrator shall make the report under subparagraph (A) publicly available—

(i) on the website of the Federal Motor Carrier Safety Administration; and

(ii) in appropriate offices of the Federal Motor Carrier Safety Administration.

(5) TERMINATION.—The Board shall terminate on submission of the report to Congress under paragraph (4).

SEC. 23008. STATE INSPECTION OF PASSENGER-CARRYING COMMERCIAL MOTOR VEHICLES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall solicit additional comment on the advance notice of proposed rulemaking entitled "State Inspection Programs for Passenger-Carrier Vehicles" (81 Fed. Reg. 24769 (April 27, 2016)).

(b) FINAL RULE.—

(1) IN GENERAL.—After reviewing all comments received in response to the solicitation under subsection (a), if the Secretary determines that data and information exist to support moving forward with a final rulemaking action, the Secretary shall issue a final rule relating to the advance notice of proposed rulemaking described in that subsection.

(2) CONSIDERATIONS.—In determining whether to issue a final rule under paragraph (1), the Secretary shall consider the impact of continuing to allow self-inspection as a means to satisfy periodic inspection requirements on the safety of passenger carrier operations.

SEC. 23009. TRUCK LEASING TASK FORCE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Labor, shall establish a task force, to be known as the "Truck Leasing Task Force" (referred to in this section as the "Task Force").

(b) MEMBERSHIP.—

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(1) IN GENERAL.—The Secretary shall select not more than 10 individuals to serve as members of the Task Force, including at least 1 representative from each of the following:

(A) Labor organizations.

(B) Motor carriers that provide lease-purchase agreements to owner-operators.

(C) Consumer protection groups.

(D) Members of the legal profession who specialize in consumer finance issues, including experience with lease-purchase agreements.

(E) Owner-operators in the trucking industry with experience regarding lease-purchase agreements.

(F) Businesses that provide or are subject to lease-purchase agreements in the trucking industry.

(2) COMPENSATION.—A member of the Task Force shall serve without compensation.

(c) DUTIES.—The Task Force shall examine, at a minimum—

(1) common truck leasing arrangements available to commercial motor vehicle drivers, including lease-purchase agreements;

(2) the terms of the leasing agreements described in paragraph (1);

(3)(A) the existence of inequitable leasing agreements and terms in the motor carrier industry;

(B) whether any such inequitable terms and agreements affect the frequency of maintenance performed on vehicles subject to those agreements; and

(C) whether any such inequitable terms and agreements affect whether a vehicle is kept in a general state of good repair;

(4) specific agreements available to drayage drivers at ports relating to the Clean Truck Program or any similar program to decrease emissions from port operations;

(5) the impact of truck leasing agreements on the net compensation of commercial motor vehicle drivers, including port drayage drivers;

(6) whether truck leasing agreements properly incentivize the safe operation of vehicles, including driver compliance with the hours of service regulations and laws governing speed and safety generally;

(7) resources to assist commercial motor vehicle drivers in assessing the financial impacts of leasing agreements; and

(8)(A) the opportunity that equitable leasing agreements provide for drivers to start or expand trucking companies; and

(B) the history of motor carriers starting from single owner-operators.

(d) REPORT.—On completion of the examination under subsection (c), the Task Force shall submit to the Secretary, the Secretary of Labor, and the appropriate committees of Congress a report containing—

(1) the findings of the Task Force with respect to the matters described in subsection (c);

(2) best practices relating to—

(A) assisting a commercial motor vehicle driver in assessing the impacts of leasing agreements prior to entering into such an agreement;

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(B) assisting a commercial motor vehicle driver who has entered into a predatory lease agreement; and

(C) preventing coercion and impacts on safety as described in section 31136 of title 49, United States Code; and

(3) recommendations relating to changes to laws (including regulations), as applicable, at the Federal, State, or local level to promote fair leasing agreements under which a commercial motor vehicle driver, including a short haul driver, who is a party to such an agreement is able to earn a rate commensurate with other commercial motor vehicle drivers performing similar duties.

(e) TERMINATION.—Not later than 30 days after the date on which the report under subsection (d) is submitted, the Task Force shall terminate.

SEC. 23010. AUTOMATIC EMERGENCY BRAKING.

(a) DEFINITIONS.—In this section:

(1) AUTOMATIC EMERGENCY BRAKING SYSTEM.—The term "automatic emergency braking system" means a system on a commercial motor vehicle that, based on a predefined distance and closing rate with respect to an obstacle in the path of the commercial motor vehicle—

(A) alerts the driver of the obstacle; and

(B) if necessary to avoid or mitigate a collision with the obstacle, automatically applies the brakes of the commercial motor vehicle.

(2) COMMERCIAL MOTOR VEHICLE.—The term "commercial motor vehicle" has the meaning given the term in section 31101 of title 49, United States Code.

(b) FEDERAL MOTOR VEHICLE SAFETY STANDARD.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(A) prescribe a motor vehicle safety standard under section 30111 of title 49, United States Code, that requires any commercial motor vehicle subject to section 571.136 of title 49, Code of Federal Regulations (relating to Federal Motor Vehicle Safety Standard Number 136) (or a successor regulation) that is manufactured after the effective date of the standard prescribed under this subparagraph to be equipped with an automatic emergency braking system; and

(B) as part of the standard under subparagraph (A), establish performance requirements for automatic emergency braking systems.

(2) CONSIDERATIONS.—Prior to prescribing the motor vehicle safety standard under paragraph (1)(A), the Secretary shall—

(A) conduct a review of automatic emergency braking systems in use in applicable commercial motor vehicles and address any identified deficiencies with respect to those automatic emergency braking systems in the rulemaking proceeding to prescribe the standard, if practicable; and

(B) consult with representatives of commercial motor vehicle drivers regarding the experiences of drivers with automatic emergency braking systems in use in applicable commercial motor vehicles, including any malfunctions or

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unwarranted activations of those automatic emergency braking systems.

(c) FEDERAL MOTOR CARRIER SAFETY REGULATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prescribe a regulation under section 31136 of title 49, United States Code, that requires that an automatic emergency braking system installed in a commercial motor vehicle manufactured after the effective date of the standard prescribed under subsection (b)(1)(A) that is in operation on or after that date and is subject to section 571.136 of title 49, Code of Federal Regulations (relating to Federal Motor Vehicle Safety Standard Number 136) (or a successor regulation) be used at any time during which the commercial motor vehicle is in operation.

(d) REPORT ON AUTOMATIC EMERGENCY BRAKING IN OTHER COMMERCIAL MOTOR VEHICLES.—

(1) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete a study on equipping a variety of commercial motor vehicles not subject to section 571.136 of title 49, Code of Federal Regulations (relating to Federal Motor Vehicle Safety Standard Number 136) (or a successor regulation) as of that date of enactment with automatic emergency braking systems to avoid or mitigate a collision with an obstacle in the path of the commercial motor vehicle, including an assessment of the feasibility, benefits, and costs associated with installing automatic emergency braking systems on a variety of newly manufactured commercial motor vehicles with a gross vehicle weight rating greater than 10,001 pounds.

(2) INDEPENDENT RESEARCH.—If the Secretary enters into a contract with a third party to perform research relating to the study required under paragraph (1), the Secretary shall ensure that the third party does not have any financial or contractual ties to, or relationships with—

(A) a motor carrier that transports passengers or property for compensation;

(B) the motor carrier industry; or

(C) an entity producing or supplying automatic emergency braking systems.

(3) PUBLIC COMMENT.—Not later than 90 days after the date on which the study under paragraph (1) is completed, the Secretary shall—

(A) issue a notice in the Federal Register containing the findings of the study; and

(B) provide an opportunity for public comment.

(4) REPORT TO CONGRESS.—Not later than 90 days after the conclusion of the public comment period under paragraph (3)(B), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a report that includes—

(A) the results of the study under paragraph (1);

(B) a summary of any comments received under paragraph (3)(B); and

(C) a determination as to whether the Secretary intends to develop performance requirements for automatic emergency braking systems for applicable commercial

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motor vehicles, including any analysis that led to that determination.

(5) RULEMAKING.—Not later than 2 years after the date on which the study under paragraph (1) is completed, the Secretary shall—

(A) determine whether a motor vehicle safety standard relating to equipping the commercial motor vehicles described in that paragraph with automatic emergency braking systems would meet the requirements and considerations described in subsections (a) and (b) of section 30111 of title 49, United States Code; and

(B) if the Secretary determines that a motor vehicle safety standard described in subparagraph (A) would meet the requirements and considerations described in that subparagraph, initiate a rulemaking to prescribe such a motor vehicle safety standard.

SEC. 23011. UNDERRIDE PROTECTION.

(a) DEFINITIONS.—In this section:

(1) COMMITTEE.—The term "Committee" means the Advisory Committee on Underride Protection established under subsection (d)(1).

(2) MOTOR CARRIER.—The term "motor carrier" has the meaning given the term in section 13102 of title 49, United States Code.

(3) PASSENGER MOTOR VEHICLE.—The term "passenger motor vehicle" has the meaning given the term in section 32101 of title 49, United States Code.

(4) UNDERRIDE CRASH.—The term "underride crash" means a crash in which a trailer or semitrailer intrudes into the passenger compartment of a passenger motor vehicle.

(b) REAR UNDERRIDE GUARDS.—

(1) TRAILERS AND SEMITRAILERS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to revise sections 571.223 and 571.224 of title 49, Code of Federal Regulations (relating to Federal Motor Vehicle Safety Standard Numbers 223 and 224, respectively), to require trailers and semitrailers manufactured after the date on which those regulations are promulgated to be equipped with rear impact guards that are designed to prevent passenger compartment intrusion from a trailer or semitrailer when a passenger motor vehicle traveling at 35 miles per hour makes—

(i) an impact in which the passenger motor vehicle impacts the center of the rear of the trailer or semitrailer;

(ii) an impact in which 50 percent of the width of the passenger motor vehicle overlaps the rear of the trailer or semitrailer; and

(iii) an impact in which 30 percent of the width of the passenger motor vehicle overlaps the rear of the trailer or semitrailer, if the Secretary determines that a revision of sections 571.223 and 571.224 of title 49, Code of Federal Regulations (relating to Federal Motor Vehicle Safety Standard Numbers 223 and 224,

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respectively) to address such an impact would meet the requirements and considerations described in subsections (a) and (b) of section 30111 of title 49, United States Code.

(B) EFFECTIVE DATE.—The regulations promulgated under subparagraph (A) shall require full compliance with each Federal Motor Vehicle Safety Standard revised pursuant to those regulations not later than 2 years after the date on which those regulations are promulgated.

(2) ADDITIONAL RESEARCH.—The Secretary shall conduct additional research on the design and development of rear impact guards that can—

(A) prevent underride crashes in cases in which the passenger motor vehicle is traveling at speeds of up to 65 miles per hour; and

(B) protect passengers in passenger motor vehicles against severe injury in crashes in which the passenger motor vehicle is traveling at speeds of up to 65 miles per hour.

(3) REVIEW OF STANDARDS.—Not later than 5 years after the date on which the regulations under paragraph (1)(A) are promulgated, the Secretary shall—

(A) review the Federal Motor Vehicle Safety Standards revised pursuant to those regulations and any other requirements of those regulations relating to rear underride guards on trailers or semitrailers to evaluate the need for changes in response to advancements in technology; and

(B) update those Federal Motor Vehicle Safety Standards and those regulations accordingly.

(4) INSPECTIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to revise the regulations relating to minimum periodic inspection standards under appendix G to subchapter B of chapter III of title 49, Code of Federal Regulations, and the regulations relating to driver vehicle inspection reports under section 396.11 of that title to include requirements relating to rear impact guards and rear end protection that are consistent with the requirements described in section 393.86 of that title.

(B) CONSIDERATIONS.—In revising the regulations described in subparagraph (A), the Secretary shall consider it to be a defect or a deficiency if a rear impact guard is missing an, or has a corroded or compromised, element that affects the structural integrity and protective feature of the rear impact guard.

(c) SIDE UNDERRIDE GUARDS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(A) complete additional research on side underride guards to better understand the overall effectiveness of side underride guards;

(B) assess the feasibility, benefits, and costs of, and any impacts on intermodal equipment, freight mobility (including port operations), and freight capacity associated

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with, installing side underride guards on newly manufactured trailers and semitrailers with a gross vehicle weight rating of 10,000 pounds or more;

(C) consider the unique structural and operational aspects of—

(i) intermodal chassis (as defined in section 340.2 of title 46, Code of Federal Regulations; and

(ii) pole trailers (as defined in section 390.5 of title 49, Code of Federal Regulations; and

(D) if warranted, develop performance standards for side underride guards.

(2) INDEPENDENT RESEARCH.—If the Secretary enters into a contract with a third party to perform the research required under paragraph (1)(A), the Secretary shall ensure that the third party does not have any financial or contractual ties to, or relationships with—

(A) a motor carrier that transports passengers or property for compensation;

(B) the motor carrier industry; or

(C) an entity producing or supplying underride guards.

(3) PUBLICATION OF ASSESSMENT.—Not later than 90 days after completion of the assessment required under paragraph (1)(B), the Secretary shall—

(A) issue a notice in the Federal Register containing the findings of the assessment; and

(B) provide an opportunity for public comment.

(4) REPORT TO CONGRESS.—Not later than 90 days after the conclusion of the public comment period under paragraph (3)(B), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(A) the results of the assessment under paragraph (1)(B);

(B) a summary of any comments received by the Secretary under paragraph (3)(B); and

(C) a determination as to whether the Secretary intends to develop performance requirements for side underride guards, including any analysis that led to that determination.

(d) ADVISORY COMMITTEE ON UNDERRIDE PROTECTION.—

(1) ESTABLISHMENT.—The Secretary shall establish an Advisory Committee on Underride Protection to provide advice and recommendations to the Secretary on safety regulations to reduce underride crashes and fatalities relating to underride crashes.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Committee shall be composed of not more than 20 members, appointed by the Secretary, who—

(i) are not employees of the Department; and

(ii) are qualified to serve on the Committee because of their expertise, training, or experience.

(B) REPRESENTATION.—The Committee shall include 2 representatives of each of the following:

(i) Truck and trailer manufacturers.

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(ii) Motor carriers, including independent owner-operators.
(iii) Law enforcement.
(iv) Motor vehicle engineers.
(v) Motor vehicle crash investigators.
(vi) Truck safety organizations.
(vii) The insurance industry.
(viii) Emergency medical service providers.
(ix) Families of underride crash victims.
(x) Labor organizations.

(3) COMPENSATION.—Members of the Committee shall serve without compensation.

(4) MEETINGS.—The Committee shall meet not less frequently than annually.

(5) SUPPORT.—On request of the Committee, the Secretary shall provide information, administrative services, and supplies necessary for the Committee to carry out the duties of the Committee.

(6) REPORT.—The Committee shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a biennial report that—

(A) describes the advice and recommendations made to the Secretary; and

(B) includes an assessment of progress made by the Secretary in advancing safety regulations relating to underride crashes.

(e) DATA COLLECTION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement the recommendations described in the report of the Government Accountability Office entitled "Truck Underride Guards: Improved Data Collection, Inspections, and Research Needed", published on March 14, 2019, and numbered GAO–19–264.

SEC. 23012. PROVIDERS OF RECREATIONAL ACTIVITIES.

Section 13506(b) of title 49, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) transportation by a motor vehicle designed or used to transport not fewer than 9, and not more than 15, passengers (including the driver), whether operated alone or with a trailer attached for the transport of recreational equipment, if—

"(A) the motor vehicle is operated by a person that provides recreational activities;

"(B) the transportation is provided within a 150 air-mile radius of the location at which passengers initially boarded the motor vehicle at the outset of the trip; and

"(C) in the case of a motor vehicle transporting passengers over a route between a place in a State and a place in another State, the person operating the motor vehicle is lawfully providing transportation of passengers over the entire route in accordance with applicable State law.".

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SEC. 23013. AMENDMENTS TO REGULATIONS RELATING TO TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE COMMERCE.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term "Administration" means the Federal Motor Carrier Safety Administration.

(2) COVERED CARRIER.—The term "covered carrier" means a motor carrier that is—

(A) engaged in the interstate transportation of household goods; and

(B) subject to the requirements of part 375 of title 49, Code of Federal Regulations (as in effect on the effective date of any amendments made pursuant to the notice of proposed rulemaking issued under subsection (b)).

(b) AMENDMENTS TO REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a notice of proposed rulemaking to amend, as the Secretary determines to be appropriate, regulations relating to the interstate transportation of household goods.

(c) CONSIDERATIONS.—In issuing the notice of proposed rulemaking under subsection (b), the Secretary shall consider amending the following provisions of title 49, Code of Federal Regulations, in accordance with the following recommendations:

(1) Section 375.207(b) to require each covered carrier to include on the website of the covered carrier a link—

(A) to the publication of the Administration entitled "Ready to Move–Tips for a Successful Interstate Move" and numbered ESA–03–005 on the website of the Administration; or

(B) to a copy of the publication referred to in subparagraph (A) on the website of the covered carrier.

(2) Subsections (a) and (b)(1) of section 375.213 to require each covered carrier to provide to each individual shipper, together with any written estimate provided to the shipper, a copy of the publication described in appendix A of part 375 of that title, entitled "Your Rights and Responsibilities When You Move" and numbered ESA–03–006 (or a successor publication), in the form of a written copy or a hyperlink on the website of the covered carrier to the location on the website of the Administration containing that publication.

(3) Section 375.213 to repeal subsection (e) of that section.

(4) Section 375.401(a) to require each covered carrier—

(A) to conduct a visual survey of the household goods to be transported by the covered carrier—

(i) in person; or

(ii) virtually, using—

(I) a remote camera; or

(II) another appropriate technology;

(B) to offer a visual survey described in subparagraph (A) for all household goods shipments, regardless of the distance between—

(i) the location of the household goods; and

(ii) the location of the agent of the covered carrier preparing the estimate; and

(C) to provide to each shipper a copy of the publication of the Administration entitled "Ready to Move–Tips for a Successful Interstate Move" and numbered ESA–03–005

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on receipt from the shipper of a request to schedule, or a waiver of, a visual survey offered under subparagraph (B).

(5) Sections 375.401(b)(1), 375.403(a)(6)(ii), and 375.405(b)(7)(ii), and subpart D of appendix A of part 375, to require that, in any case in which a shipper tenders any additional item or requests any additional service prior to loading a shipment, the affected covered carrier shall—

(A) prepare a new estimate; and

(B) maintain a record of the date, time, and manner in which the new estimate was accepted by the shipper.

(6) Section 375.501(a), to establish that a covered carrier is not required to provide to a shipper an order for service if the covered carrier elects to provide the information described in paragraphs (1) through (15) of that section in a bill of lading that is presented to the shipper before the covered carrier receives the shipment.

(7) Subpart H of part 375, to replace the replace the terms "freight bill" and "expense bill" with the term "invoice".

SEC. 23014. IMPROVING FEDERAL-STATE MOTOR CARRIER SAFETY ENFORCEMENT COORDINATION.

(a) DEFINITIONS.—In this section:

(1) COVERED STATE.—The term "covered State" means a State that receives Federal funds under the motor carrier safety assistance program established under section 31102 of title 49, United States Code.

(2) IMMINENT HAZARD.—The term "imminent hazard" has the same meaning as in section 521 of title 49, United States Code.

(b) REVIEW AND ENFORCEMENT OF STATE OUT-OF-SERVICE ORDERS.—As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a process under which the Secretary shall review each out-of-service order issued by a covered State in accordance with section 31144(d) of title 49, United States Code, by not later than 30 days after the date on which the out-of-service order is submitted to the Secretary by the covered State.

(c) REVIEW AND ENFORCEMENT OF STATE IMMINENT HAZARD DETERMINATIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a process under which the Secretary shall review imminent hazard determinations made by covered States.

(2) ENFORCEMENT.—On reviewing an imminent hazard determination under paragraph (1), the Secretary shall pursue enforcement under section 521 of title 49, United States Code, as the Secretary determines to be appropriate.

SEC. 23015. LIMOUSINE RESEARCH.

(a) DEFINITIONS.—In this section:

(1) LIMOUSINE.—The term "limousine" means a motor vehicle—

(A) that has a seating capacity of 9 or more persons (including the driver);

(B) with a gross vehicle weight rating greater than 10,000 pounds but not greater than 26,000 pounds;

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(C) that the Secretary has determined by regulation has physical characteristics resembling—

(i) a passenger car;

(ii) a multipurpose passenger vehicle; or

(iii) a truck with a gross vehicle weight rating of 10,000 pounds or less; and

(D) that is not a taxi, nonemergency medical, or paratransit motor vehicle.

(2) LIMOUSINE OPERATOR.—The term "limousine operator" means a person who owns or leases, and uses, a limousine to transport passengers for compensation.

(3) MOTOR VEHICLE SAFETY STANDARD.—The term "motor vehicle safety standard" has the meaning given the term in section 30102(a) of title 49, United States Code.

(4) STATE.—The term "State" has the meaning given such term in section 30102(a) of title 49, United States Code.

(b) CRASHWORTHINESS.—

(1) RESEARCH.—Not later than 4 years after the date of enactment of this Act, the Secretary shall complete research into the development of motor vehicle safety standards for side impact protection, roof crush resistance, and air bag systems for the protection of occupants in limousines with alternative seating positions, including perimeter seating arrangements.

(2) RULEMAKING OR REPORT.—

(A) CRASHWORTHINESS STANDARDS.—

(i) IN GENERAL.—Subject to clause (ii), not later than 2 years after the date on which the research under paragraph (1) is completed, the Secretary shall prescribe, for the protection of occupants in limousines with alternative seating positions, a final motor vehicle safety standard for each of the following:

(I) Side impact protection.

(II) Roof crush resistance.

(III) Air bag systems.

(ii) REQUIREMENTS AND CONSIDERATIONS.—The Secretary may only prescribe a motor vehicle safety standard described in clause (i) if the Secretary determines that the standard meets the requirements and considerations described in subsections (a) and (b) of section 30111 of title 49, United States Code.

(B) REPORT.—If the Secretary determines that a motor vehicle safety standard described in subparagraph (A)(i) would not meet the requirements and considerations described in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall publish in the Federal Register and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the reasons for not prescribing the standard.

(c) EVACUATION.—

(1) RESEARCH.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete research into safety features and standards that aid evacuation in the event that an exit in the passenger compartment of a limousine is blocked.

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(2) RULEMAKING OR REPORT.—

(A) LIMOUSINE EVACUATION.—

(i) IN GENERAL.—Subject to clause (ii), not later than 2 years after the date on which the research under paragraph (1) is completed, the Secretary shall prescribe a final motor vehicle safety standard based on the results of that research.

(ii) REQUIREMENTS AND CONSIDERATIONS.—The Secretary may only prescribe a motor vehicle safety standard described in clause (i) if the Secretary determines that the standard meets the requirements and considerations described in subsections (a) and (b) of section 30111 of title 49, United States Code.

(B) REPORT.—If the Secretary determines that a standard described in subparagraph (A)(i) would not meet the requirements and considerations described in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall publish in the Federal Register and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the reasons for not prescribing the standard.

(d) LIMOUSINE INSPECTION DISCLOSURE.—

(1) IN GENERAL.—A limousine operator may not introduce a limousine into interstate commerce unless the limousine operator has prominently disclosed in a clear and conspicuous notice, including on the website of the operator if the operator has a website, the following:

(A) The date of the most recent inspection of the limousine required under State or Federal law, if applicable.

(B) The results of the inspection, if applicable.

(C) Any corrective action taken by the limousine operator to ensure the limousine passed inspection, if applicable.

(2) FEDERAL TRADE COMMISSION ENFORCEMENT.—

(A) IN GENERAL.—The Federal Trade Commission shall enforce this subsection in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this subsection.

(B) TREATMENT.—Any person who violates this subsection shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(3) SAVINGS PROVISION.—Nothing in this subsection limits the authority of the Federal Trade Commission under any other provision of law.

(4) EFFECTIVE DATE.—This subsection shall take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 23016. NATIONAL CONSUMER COMPLAINT DATABASE.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and

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Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the National Consumer Complaint Database of the Federal Motor Carrier Safety Administration.

(b) CONTENTS.—The report under subsection (a) shall include—

(1) a review of the process and effectiveness of efforts to review and follow-up on complaints submitted to the National Consumer Complaint Database;

(2) an identification of the top 5 complaint categories;

(3) an identification of—

(A) the process that the Federal Motor Carrier Safety Administration uses to determine which entities to take enforcement actions against; and

(B) the top categories of enforcement actions taken by the Federal Motor Carrier Safety Administration;

(4) a review of the use of the National Consumer Complaint Database website over the 5-year period ending on December 31, 2020, including information obtained by conducting interviews with drivers, customers of movers of household goods, brokers, motor carriers, including small business motor carriers, and other users of the website to determine the usability of the website;

(5) a review of efforts taken by the Federal Motor Carrier Safety Administration to raise awareness of the National Consumer Complaint Database; and

(6) recommendations, as appropriate, including with respect to methods—

(A) for improving the usability of the National Consumer Complaint Database website;

(B) for improving the review of complaints;

(C) for using data collected through the National Consumer Complaint Database to identify bad actors;

(D) to improve confidence and transparency in the complaint process; and

(E) for improving stakeholder awareness of and participation in the National Consumer Complaint Database and the complaint system, including improved communication about the purpose of the National Consumer Complaint Database.

SEC. 23017. ELECTRONIC LOGGING DEVICE OVERSIGHT.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report analyzing the cost and effectiveness of electronic logging devices and detailing the processes—

(1) used by the Federal Motor Carrier Safety Administration—

(A) to review electronic logging device logs; and

(B) to protect proprietary information and personally identifiable information obtained from electronic logging device logs; and

(2) through which an operator may challenge or appeal a violation notice issued by the Federal Motor Carrier Safety Administration relating to an electronic logging device.

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SEC. 23018. TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.

Section 229(a)(1) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note; Public Law 106–159) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(D) drivers transporting livestock (as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471) including insects) within a 150 air-mile radius from the final destination of the livestock.".

SEC. 23019. MODIFICATION OF RESTRICTIONS ON CERTAIN COMMERCIAL DRIVER'S LICENSES.

The Administrator of the Federal Motor Carrier Safety Administration shall revise section 383.3(f)(3)(ii) of title 49, Code of Federal Regulations (or a successor regulation), to provide that a restricted commercial driver's license issued to an employee in a farm-related service industry shall be limited to the applicable seasonal periods defined by the State issuing the restricted commercial driver's license, subject to the condition that the total number of days in any calendar year during which the restricted commercial driver's license is valid does not exceed 210.

SEC. 23020. REPORT ON HUMAN TRAFFICKING VIOLATIONS INVOLVING COMMERCIAL MOTOR VEHICLES.

Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Secretary, acting through the Department of Transportation Advisory Committee on Human Trafficking established under section 5(a) of the Combating Human Trafficking in Commercial Vehicles Act (Public Law 115–99; 131 Stat. 2243), shall coordinate with the Attorney General to prepare and submit to Congress a report relating to human trafficking violations involving commercial motor vehicles, which shall include recommendations for countering human trafficking, including an assessment of previous best practices by transportation stakeholders.

SEC. 23021. BROKER GUIDANCE RELATING TO FEDERAL MOTOR CARRIER SAFETY REGULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue guidance to clarify the definitions of the terms "broker" and "bona fide agents" in section 371.2 of title 49, Code of Federal Regulations.

(b) CONSIDERATIONS.—In issuing guidance under subsection (a), the Secretary shall take into consideration—

(1) the extent to which technology has changed the nature of freight brokerage;

(2) the role of bona fide agents; and

(3) other aspects of the freight transportation industry.

(c) DISPATCH SERVICES.—In issuing guidance under subsection (a), the Secretary shall, at a minimum—

(1) examine the role of a dispatch service in the transportation industry;

(2) examine the extent to which dispatch services could be considered brokers or bona fide agents; and

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(3) clarify the level of financial penalties for unauthorized brokerage activities under section 14916 of title 49, United States Code, applicable to a dispatch service.

SEC. 23022. APPRENTICESHIP PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) APPRENTICE.—The term "apprentice" means an individual who—

(A) is under the age of 21; and

(B) holds a commercial driver's license.

(2) COMMERCIAL DRIVER'S LICENSE.—The term "commercial driver's license" has the meaning given the term in section 31301 of title 49, United States Code.

(3) COMMERCIAL MOTOR VEHICLE.—The term "commercial motor vehicle" has the meaning given the term in section 390.5 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(4) DRIVING TIME.—The term "driving time" has the meaning given the term in section 395.2 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) EXPERIENCED DRIVER.—The term "experienced driver" means an individual who—

(A) is not younger than 26 years of age;

(B) has held a commercial driver's license for the 2-year period ending on the date on which the individual serves as an experienced driver under subsection (b)(2)(C)(ii);

(C) during the 2-year period ending on the date on which the individual serves as an experienced driver under subsection (b)(2)(C)(ii), has had no—

(i) preventable accidents reportable to the Department; or

(ii) pointed moving violations; and

(D) has a minimum of 5 years of experience driving a commercial motor vehicle in interstate commerce.

(6) ON-DUTY TIME.—The term "on-duty time" has the meaning given the term in section 395.2 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(7) POINTED MOVING VIOLATION.—The term "pointed moving violation" means a violation that results in points being added to the license of a driver, or a similar comparable violation, as determined by the Secretary.

(b) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish, in accordance with section 31315(c) of title 49, United States Code, a pilot program allowing employers to establish the apprenticeship programs described in paragraph (2).

(2) DESCRIPTION OF APPRENTICESHIP PROGRAM.—An apprenticeship program referred to in paragraph (1) is a program that consists of the following requirements:

(A) 120-HOUR PROBATIONARY PERIOD.—

(i) IN GENERAL.—The apprentice shall complete 120 hours of on-duty time, of which not less than

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80 hours shall be driving time in a commercial motor vehicle.

(ii) PERFORMANCE BENCHMARKS.—To complete the 120-hour probationary period under clause (i), the employer of an apprentice shall determine that the apprentice is competent in each of the following areas:

(I) Interstate, city traffic, rural 2-lane, and evening driving.

(II) Safety awareness.

(III) Speed and space management.

(IV) Lane control.

(V) Mirror scanning.

(VI) Right and left turns.

(VII) Logging and complying with rules relating to hours of service.

(B) 280-HOUR PROBATIONARY PERIOD.—

(i) IN GENERAL.—After completing the 120-hour probationary period under subparagraph (A), an apprentice shall complete 280 hours of on-duty time, of which not less than 160 hours shall be driving time in a commercial motor vehicle.

(ii) PERFORMANCE BENCHMARKS.—To complete the 280-hour probationary period under clause (i), the employer of an apprentice shall determine that the apprentice is competent in each of the following areas:

(I) Backing and maneuvering in close quarters.

(II) Pretrip inspections.

(III) Fueling procedures.

(IV) Weighing loads, weight distribution, and sliding tandems.

(V) Coupling and uncoupling procedures.

(VI) Trip planning, truck routes, map reading, navigation, and permits.

(C) RESTRICTIONS FOR PROBATIONARY PERIODS.—During the 120-hour probationary period under subparagraph (A) and the 280-hour probationary period under subparagraph (B)—

(i) an apprentice may only drive a commercial motor vehicle that has—

(I) an automatic manual or automatic transmission;

(II) an active braking collision mitigation system;

(III) a forward-facing video event capture system; and

(IV) a governed speed of 65 miles per hour—

(aa) at the pedal; and

(bb) under adaptive cruise control; and

(ii) an apprentice shall be accompanied in the passenger seat of the commercial motor vehicle by an experienced driver.

(D) RECORDS RETENTION.—The employer of an apprentice shall maintain records, in a manner required by the Secretary, relating to the satisfaction of the performance benchmarks described in subparagraphs (A)(ii) and (B)(ii) by the apprentice.

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(E) REPORTABLE INCIDENTS.—If an apprentice is involved in a preventable accident reportable to the Department or a pointed moving violation while driving a commercial motor vehicle as part of an apprenticeship program described in this paragraph, the apprentice shall undergo remediation and additional training until the apprentice can demonstrate, to the satisfaction of the employer, competence in each of the performance benchmarks described in subparagraphs (A)(ii) and (B)(ii).

(F) COMPLETION OF PROGRAM.—An apprentice shall be considered to have completed an apprenticeship program on the date on which the apprentice completes the 280-hour probationary period under subparagraph (B).

(G) MINIMUM REQUIREMENTS.—

(i) IN GENERAL.—Nothing in this section prevents an employer from imposing any additional requirement on an apprentice participating in an apprenticeship program established under this section.

(ii) TECHNOLOGIES.—Nothing in this section prevents an employer from requiring or installing in a commercial motor vehicle any technology in addition to the technologies described in subparagraph (C)(i).

(3) APPRENTICES.—An apprentice may—

(A) drive a commercial motor vehicle in interstate commerce while participating in the 120-hour probationary period under paragraph (2)(A) or the 280-hour probationary period under paragraph (2)(B) pursuant to an apprenticeship program established by an employer in accordance with this section; and

(B) drive a commercial motor vehicle in interstate commerce after the apprentice completes an apprenticeship program described in paragraph (2), unless the Secretary determines there exists a safety concern.

(4) LIMITATION.—The Secretary may not allow more than 3,000 apprentices at any 1 time to participate in the pilot program established under paragraph (1).

(c) TERMINATION.—Effective beginning on the date that is 3 years after the date of establishment of the pilot program under subsection (b)(1)—

(1) the pilot program shall terminate; and

(2) any driver under the age of 21 who has completed an apprenticeship program described in subsection (b)(2) may drive a commercial motor vehicle in interstate commerce, unless the Secretary determines there exists a safety concern.

(d) NO EFFECT ON LICENSE REQUIREMENT.—Nothing in this section exempts an apprentice from any requirement to hold a commercial driver's license in order to operate a commercial motor vehicle.

(e) DATA COLLECTION.—The Secretary shall collect and analyze—

(1) data relating to any incident in which an apprentice participating in the pilot program established under subsection (b)(1) is involved;

(2) data relating to any incident in which a driver under the age of 21 operating a commercial motor vehicle in intrastate commerce is involved; and

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(3) such other data relating to the safety of apprentices aged 18 to 20 years operating in interstate commerce as the Secretary determines to be necessary.

(f) LIMITATION.—A driver under the age of 21 participating in the pilot program under this section may not—

(1) transport—

(A) a passenger; or

(B) hazardous cargo; or

(2) operate a commercial motor vehicle—

(A) in special configuration; or

(B) with a gross vehicle weight rating of more than 80,000 pounds.

(g) REPORT TO CONGRESS.—Not later than 120 days after the date of conclusion of the pilot program under subsection (b), the Secretary shall submit to Congress a report including—

(1) the findings and conclusions resulting from the pilot program, including with respect to technologies or training provided by commercial motor carriers for apprentices as part of the pilot program to successfully improve safety;

(2) an analysis of the safety record of apprentices participating in the pilot program, as compared to other commercial motor vehicle drivers;

(3) the number of drivers that discontinued participation in the apprenticeship program before completion;

(4) a comparison of the safety records of participating drivers before, during, and after the probationary periods under subparagraphs (A) and (B) of subsection (b)(2);

(5) a comparison, for each participating driver, of average on-duty time, driving time, and time spent away from home terminal before, during, and after the probationary periods referred to in paragraph (4); and

(6) a recommendation, based on the data collected, regarding whether the level of safety achieved by the pilot program is equivalent to, or greater than, the level of safety for equivalent commercial motor vehicle drivers aged 21 years or older.

(h) RULE OF CONSTRUCTION.—Nothing in this section affects the authority of the Secretary under section 31315 of title 49, United States Code, with respect to the pilot program established under subsection (b)(1), including the authority to revoke participation in, and terminate, the pilot program under paragraphs (3) and (4) of subsection (c) of that section.

(i) DRIVER COMPENSATION STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Administrator of the Federal Motor Carrier Safety Administration, shall offer to enter into a contract with the Transportation Research Board under which the Transportation Research Board shall conduct a study of the impacts of various methods of driver compensation on safety and driver retention, including—

(A) hourly pay;

(B) payment for detention time; and

(C) other payment methods used in the industry as of the date on which the study is conducted.

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(2) CONSULTATION.—In conducting the study under paragraph (1), the Transportation Research Board shall consult with—

(A) labor organizations representing commercial motor vehicle drivers;

(B) representatives of the motor carrier industry, including owner-operators; and

(C) such other stakeholders as the Transportation Research Board determines to be relevant.

SEC. 23023. LIMOUSINE COMPLIANCE WITH FEDERAL SAFETY STANDARDS.

(a) LIMOUSINE STANDARDS.—

(1) SAFETY BELT AND SEATING SYSTEM STANDARDS FOR LIMOUSINES.—Not later than 2 years after the date of enactment of this Act, the Secretary shall prescribe a final rule that—

(A) amends Federal Motor Vehicle Safety Standard Numbers 208, 209, and 210 to require to be installed in limousines on each designated seating position, including on side-facing seats—

(i) an occupant restraint system consisting of integrated lap-shoulder belts; or

(ii) an occupant restraint system consisting of a lap belt, if an occupant restraint system described in clause (i) does not meet the need for motor vehicle safety; and

(B) amends Federal Motor Vehicle Safety Standard Number 207 to require limousines to meet standards for seats (including side-facing seats), seat attachment assemblies, and seat installation to minimize the possibility of failure by forces acting on the seats, attachment assemblies, and installations as a result of motor vehicle impact.

(2) REPORT ON RETROFIT ASSESSMENT FOR LIMOUSINES.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that assesses the feasibility, benefits, and costs with respect to the application of any requirement established under paragraph (1) to a limousine introduced into interstate commerce before the date on which the requirement takes effect.

(b) MODIFICATIONS OF CERTAIN VEHICLES.—The final rule prescribed under subsection (a)(1) and any standards prescribed under subsection (b) or (c) of section 23015 shall apply to a person modifying a passenger motor vehicle (as defined in section 32101 of title 49, United States Code) that has already been purchased by the first purchaser (as defined in section 30102(b) of that title) by increasing the wheelbase of the vehicle to make the vehicle a limousine.

(c) APPLICATION.—The requirements of this section apply notwithstanding section 30112(b)(1) of title 49, United States Code.

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TITLE IV—HIGHWAY AND MOTOR VEHICLE SAFETY

Subtitle A—Highway Traffic Safety

SEC. 24101. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) HIGHWAY SAFETY PROGRAMS.—To carry out section 402 of title 23, United States Code—

(A) $363,400,000 for fiscal year 2022;
(B) $370,900,000 for fiscal year 2023;
(C) $378,400,000 for fiscal year 2024;
(D) $385,900,000 for fiscal year 2025; and
(E) $393,400,000 for fiscal year 2026.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—To carry out section 403 of title 23, United States Code—

(A) $186,000,000 for fiscal year 2022;
(B) $190,000,000 for fiscal year 2023;
(C) $194,000,000 for fiscal year 2024;
(D) $198,000,000 for fiscal year 2025; and
(E) $202,000,000 for fiscal year 2026.

(3) HIGH-VISIBILITY ENFORCEMENT PROGRAM.—To carry out section 404 of title 23, United States Code—

(A) $36,400,000 for fiscal year 2022;
(B) $38,300,000 for fiscal year 2023;
(C) $40,300,000 for fiscal year 2024;
(D) $42,300,000 for fiscal year 2025; and
(E) $44,300,000 for fiscal year 2026.

(4) NATIONAL PRIORITY SAFETY PROGRAMS.—To carry out section 405 of title 23, United States Code—

(A) $336,500,000 for fiscal year 2022;
(B) $346,500,000 for fiscal year 2023;
(C) $353,500,000 for fiscal year 2024;
(D) $360,500,000 for fiscal year 2025; and
(E) $367,500,000 for fiscal year 2026.

(5) ADMINISTRATIVE EXPENSES.—For administrative and related operating expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code, and this title—

(A) $38,000,000 for fiscal year 2022;
(B) $39,520,000 for fiscal year 2023;
(C) $41,100,800 for fiscal year 2024;
(D) $42,744,832 for fiscal year 2025; and
(E) $44,454,625 for fiscal year 2026.

(6) NATIONAL DRIVER REGISTER.—For the National Highway Traffic Safety Administration to carry out chapter 303 of title 49, United States Code—

(A) $6,800,000 for fiscal year 2022;
(B) $7,000,000 for fiscal year 2023;
(C) $7,200,000 for fiscal year 2024;
(D) $7,400,000 for fiscal year 2025; and
(E) $7,600,000 for fiscal year 2026.

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(b) PROHIBITION ON OTHER USES.—Except as otherwise provided in chapter 4 of title 23, and chapter 303 of title 49, United States Code, the amounts made available under subsection (a) or any other provision of law from the Highway Trust Fund (other than the Mass Transit Account) for a program under those chapters—

(1) shall only be used to carry out that program; and

(2) may not be used by a State or local government for construction purposes.

(c) APPLICABILITY OF TITLE 23.—Except as otherwise provided in chapter 4 of title 23, and chapter 303 of title 49, United States Code, the amounts made available under subsection (a) for fiscal years 2022 through 2026 shall be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code.

(d) HIGHWAY SAFETY GENERAL REQUIREMENTS.—

(1) IN GENERAL.—Chapter 4 of title 23, United States Code, is amended—

(A) by redesignating sections 409 and 412 and sections 407 and 408, respectively; and

(B) by inserting after section 405 the following:

"§ 406. General requirements for Federal assistance

"(a) DEFINITION OF FUNDED PROJECT.—In this section, the term 'funded project' means a project funded, in whole or in part, by a grant provided under section 402 or 405.

"(b) REGULATORY AUTHORITY.—Each funded project shall be carried out in accordance with applicable regulations promulgated by the Secretary.

"(c) STATE MATCHING REQUIREMENTS.—If a grant provided under this chapter requires any State to share in the cost of a funded project, the aggregate of the expenditures made by the State (including any political subdivision of the State) for highway safety activities during a fiscal year, exclusive of Federal funds, for carrying out the funded project (other than expenditures for planning or administration) shall be credited toward the non-Federal share of the cost of any other funded project (other than planning and administration) during that fiscal year, regardless of whether those expenditures were made in connection with the project.

"(d) GRANT APPLICATION AND DEADLINE.—

"(1) APPLICATIONS.—To be eligible to receive a grant under this chapter, 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) DEADLINE.—The Secretary shall establish a single deadline for the submission of applications under paragraph (1) to enable the provision of grants under this chapter early in each applicable fiscal year beginning after the date of submission.

"(e) DISTRIBUTION OF FUNDS TO STATES.—Not later than 60 days after the later of the start of a fiscal year or the date of enactment of any appropriations Act making funds available to carry out this chapter for that fiscal year, the Secretary shall distribute to each State the portion of those funds to which the State is entitled for the applicable fiscal year.".

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(2) CLERICAL AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by striking the items relating to sections 406 through 412 and inserting the following:

"406. General requirements for Federal assistance.
"407. Discovery and admission as evidence of certain reports and surveys.
"408. Agency accountability.".

SEC. 24102. HIGHWAY SAFETY PROGRAMS.

(a) IN GENERAL.—Section 402 of title 23, United States Code, is amended—

(1) by striking "accidents" each place it appears and inserting "crashes";

(2) by striking "accident" each place it appears and inserting "crash";

(3) in subsection (a)—

(A) in paragraph (1), by striking "shall have" and all that follows through the period at the end and inserting the following: "shall have in effect a highway safety program that—

"(i) is designed to reduce—

"(I) traffic crashes; and

"(II) deaths, injuries, and property damage resulting from those crashes;

"(ii) includes—

"(I) an approved, current, triennial highway safety plan in accordance with subsection (k); and

"(II) an approved grant application under subsection (l) for the fiscal year;

"(iii) demonstrates compliance with the applicable administrative requirements of subsection (b)(1); and

"(iv) is approved by the Secretary.";

(B) in paragraph (2)(A)—

(i) in clause (ii), by striking "occupant protection devices (including the use of safety belts and child restraint systems)" and inserting "safety belts";

(ii) in clause (vii), by striking "and" at the end;

(iii) by redesignating clauses (iii) through (viii) as clauses (iv) through (ix), respectively;

(iv) by inserting after clause (ii) the following:

"(iii) to encourage more widespread and proper use of child restraints, with an emphasis on underserved populations;"; and

(v) by adding at the end the following:

"(x) to reduce crashes caused by driver misuse or misunderstanding of new vehicle technology;

"(xi) to increase vehicle recall awareness;

"(xii) to provide to the public information relating to the risks of child heatstroke death when left unattended in a motor vehicle after the motor is deactivated by the operator;

"(xiii) to reduce injuries and deaths resulting from the failure by drivers of motor vehicles to move to another traffic lane or reduce the speed of the vehicle when law enforcement, fire service, emergency medical services, or other emergency or first responder vehicles are stopped or parked on or next to a roadway with emergency lights activated; and

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"(xiv) to prevent crashes, injuries, and deaths caused by unsecured vehicle loads;"; and

(C) by adding at the end the following:

"(3) ADDITIONAL CONSIDERATIONS.—A State that has legalized medicinal or recreational marijuana shall take into consideration implementing programs in addition to the programs described in paragraph (2)(A)—

"(A) to educate drivers regarding the risks associated with marijuana-impaired driving; and

"(B) to reduce injuries and deaths resulting from individuals driving motor vehicles while impaired by marijuana.";

(4) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A), by striking "may" and inserting "shall";

(B) by striking subparagraph (B) and inserting the following:

"(B) provide for a comprehensive, data-driven traffic safety program that results from meaningful public participation and engagement from affected communities, particularly those most significantly impacted by traffic crashes resulting in injuries and fatalities;";

(C) in subparagraph (C), by striking "authorized in accordance with subparagraph (B)";

(D) in subparagraph (D), by striking "with disabilities, including those in wheelchairs" and inserting ", including those with disabilities and those in wheelchairs";

(E) by striking subparagraph (E) and inserting the following:

"(E) as part of a comprehensive program, support—

"(i) data-driven traffic safety enforcement programs that foster effective community collaboration to increase public safety; and

"(ii) data collection and analysis to ensure transparency, identify disparities in traffic enforcement, and inform traffic enforcement policies, procedures, and activities; and"; and

(F) in subparagraph (F)—

(i) in clause (i), by striking "national law enforcement mobilizations and high-visibility" and inserting "national, high-visibility";

(ii) in clause (iv), by striking "and" after the semicolon at the end;

(iii) in clause (v), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(vi) unless the State highway safety program is developed by American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the United States Virgin Islands, participation in the Fatality Analysis Reporting System.";

(5) in subsection (c)—

(A) in paragraph (1)—

(i) by striking the paragraph designation and heading and all that follows through "Funds authorized" and inserting the following:

"(1) USE FOR STATE ACTIVITIES.—

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"(A) IN GENERAL.—The funds authorized"; and

(ii) by adding at the end the following:

"(B) NEIGHBORING STATES.—A State, acting in cooperation with any neighboring State, may use funds provided under this section for a highway safety program that may confer a benefit on the neighboring State.";

(B) by striking paragraphs (2) and (3) and inserting the following:

"(2) APPORTIONMENT TO STATES.—

"(A) DEFINITION OF PUBLIC ROAD.—In this paragraph, the term 'public road' means any road that is—

"(i) subject to the jurisdiction of, and maintained by, a public authority; and

"(ii) held open to public travel.

"(B) APPORTIONMENT.—

"(i) IN GENERAL.—Except for the amounts identified in section 403(f) and the amounts subject to subparagraph (C), of the funds made available under this section—

"(I) 75 percent shall be apportioned to each State based on the ratio that, as determined by the most recent decennial census—

"(aa) the population of the State; bears to

"(bb) the total population of all States; and

"(II) 25 percent shall be apportioned to each State based on the ratio that, subject to clause (ii)—

"(aa) the public road mileage in each State; bears to

"(bb) the total public road mileage in all States.

"(ii) CALCULATION.—For purposes of clause (i)(II), public road mileage shall be—

"(I) determined as of the end of the calendar year preceding the year during which the funds are apportioned;

"(II) certified by the Governor of the State; and

"(III) subject to approval by the Secretary.

"(C) MINIMUM APPORTIONMENTS.—The annual apportionment under this section to—

"(i) each State shall be not less than ¾ of 1 percent of the total apportionment;

"(ii) the Secretary of the Interior shall be not less than 2 percent of the total apportionment; and

"(iii) the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be not less than ¼ of 1 percent of the total apportionment.

"(D) PENALTY.—

"(i) IN GENERAL.—The funds apportioned under this section to a State that does not have approved or in effect a highway safety program described in subsection (a)(1) shall be reduced by an amount equal to not less than 20 percent of the amount that would

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otherwise be apportioned to the State under this section, until the date on which the Secretary, as applicable—

"(I) approves such a highway safety program; or

"(II) determines that the State is implementing such a program.

"(ii) FACTOR FOR CONSIDERATION.—In determining the amount of the reduction in funds apportioned to a State under this subparagraph, the Secretary shall take into consideration the gravity of the failure by the State to secure approval, or to implement, a highway safety program described in subsection (a)(1).

"(E) LIMITATIONS.—

"(i) IN GENERAL.—A highway safety program approved by the Secretary shall not include any requirement that a State shall implement such a program by adopting or enforcing any law, rule, or regulation based on a guideline promulgated by the Secretary under this section requiring any motorcycle operator aged 18 years or older, or a motorcycle passenger aged 18 years or older, to wear a safety helmet when operating or riding a motorcycle on the streets and highways of that State.

"(ii) EFFECT OF GUIDELINES.—Nothing in this section requires a State highway safety program to require compliance with every uniform guideline, or with every element of every uniform guideline, in every State.

"(3) REAPPORTIONMENT.—

"(A) IN GENERAL.—The Secretary shall promptly apportion to a State any funds withheld from the State under paragraph (2)(D) if the Secretary makes an approval or determination, as applicable, described in that paragraph by not later than July 31 of the fiscal year for which the funds were withheld.

"(B) CONTINUING STATE FAILURE.—If the Secretary determines that a State fails to correct a failure to have approved or in effect a highway safety program described in subsection (a)(1) by the date described in subparagraph (A), the Secretary shall reapportion the funds withheld from that State under paragraph (2)(D) for the fiscal year to the other States in accordance with the formula described in paragraph (2)(B) by not later than the last day of the fiscal year."; and

(C) in paragraph (4)—

(i) by striking subparagraph (C);

(ii) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (A), respectively, and moving the subparagraphs so as to appear in alphabetical order; and

(iii) by adding at the end the following:

"(C) SPECIAL RULE FOR SCHOOL AND WORK ZONES.—Notwithstanding subparagraph (B), a State may expend funds apportioned to the State under this section to carry out a program to purchase, operate, or maintain an automated traffic enforcement system in a work zone or school zone.

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"(D) AUTOMATED TRAFFIC ENFORCEMENT SYSTEM GUIDELINES.—An automated traffic enforcement system installed pursuant to subparagraph (C) shall comply with such guidelines applicable to speed enforcement camera systems and red light camera systems as are established by the Secretary.";

(6) in subsection (k)—

(A) by striking the subsection designation and heading and all that follows through "thereafter" in paragraph (1) and inserting the following:

"(k) TRIENNIAL HIGHWAY SAFETY PLAN.—

"(1) IN GENERAL.—For fiscal year 2024, and not less frequently than once every 3 fiscal years thereafter";

(B) in paragraph (1), by striking "for that fiscal year, to develop and submit to the Secretary for approval a highway safety plan" and inserting "for the 3 fiscal years covered by the plan, to develop and submit to the Secretary for approval a triennial highway safety plan";

(C) by striking paragraph (2) and inserting the following:

"(2) TIMING.—Each State shall submit to the Secretary a triennial highway safety plan by not later than July 1 of the fiscal year preceding the first fiscal year covered by the plan.";

(D) in paragraph (3), by inserting "triennial" before "highway";

(E) in paragraph (4)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "State highway safety plans" and inserting "Each State triennial highway safety plan"; and

(II) by inserting ", with respect to the 3 fiscal years covered by the plan, based on the information available on the date of submission under paragraph (2)" after "include";

(ii) in subparagraph (A)(ii), by striking "annual performance targets" and inserting "performance targets that demonstrate constant or improved performance";

(iii) by striking subparagraph (B) and inserting the following:

"(B) a countermeasure strategy for programming funds under this section for projects that will allow the State to meet the performance targets described in subparagraph (A), including a description—

"(i) that demonstrates the link between the effectiveness of each proposed countermeasure strategy and those performance targets; and

"(ii) of the manner in which each countermeasure strategy is informed by uniform guidelines issued by the Secretary;";

(iv) in subparagraph (D)—

(I) by striking ", State, local, or private"; and

(II) by inserting "and" after the semicolon at the end;

(v) in subparagraph (E)—

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(I) by striking "for the fiscal year preceding the fiscal year to which the plan applies,"; and

(II) by striking "performance targets set forth in the previous year's highway safety plan; and" and inserting "performance targets set forth in the most recently submitted highway safety plan."; and

(vi) by striking subparagraph (F);

(F) by striking paragraph (5) and inserting the following:

"(5) PERFORMANCE MEASURES.—The Secretary shall develop minimum performance measures under paragraph (4)(A) in consultation with the Governors Highway Safety Association."; and

(G) in paragraph (6)—

(i) in the paragraph heading, by inserting "TRIENNIAL" before "HIGHWAY";

(ii) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively;

(iii) in each of subparagraphs (C) through (F) (as so redesignated), by inserting "triennial" before "highway" each place it appears; and

(iv) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall review and approve or disapprove a triennial highway safety plan of a State by not later than 60 days after the date on which the plan is received by the Secretary.

"(B) ADDITIONAL INFORMATION.—

"(i) IN GENERAL.—The Secretary may request a State to submit to the Secretary such additional information as the Secretary determines to be necessary for review of the triennial highway safety plan of the State.

"(ii) EXTENSION OF DEADLINE.—On providing to a State a request for additional information under clause (i), the Secretary may extend the deadline to approve or disapprove the triennial highway safety plan of the State under subparagraph (A) for not more than an additional 90 days, as the Secretary determines to be necessary to accommodate that request, subject to clause (iii).

"(iii) TIMING.—Any additional information requested under clause (i) shall be submitted to the Secretary by not later than 7 business days after the date of receipt by the State of the request.";

(7) by inserting after subsection (k) the following:

"(l) ANNUAL GRANT APPLICATION AND REPORTING REQUIREMENTS.—

"(1) ANNUAL GRANT APPLICATION.—

"(A) IN GENERAL.—To be eligible to receive grant funds under this chapter for a fiscal year, each State shall submit to the Secretary an annual grant application that, as determined by the Secretary—

"(i) demonstrates alignment with the approved triennial highway safety plan of the State; and

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"(ii) complies with the requirements under this subsection.

"(B) TIMING.—The deadline for submission of annual grant applications under this paragraph shall be determined by the Secretary in accordance with section 406(d)(2).

"(C) CONTENTS.—An annual grant application under this paragraph shall include, at a minimum—

"(i) such updates, as necessary, to any analysis included in the triennial highway safety plan of the State;

"(ii) an identification of each project and subrecipient to be funded by the State using the grants during the upcoming grant year, subject to the condition that the State shall separately submit, on a date other than the date of submission of the annual grant application, a description of any projects or subrecipients to be funded, as that information becomes available;

"(iii) a description of the means by which the strategy of the State to use grant funds was adjusted and informed by the previous report of the State under paragraph (2); and

"(iv) an application for any additional grants available to the State under this chapter.

"(D) REVIEW.—The Secretary shall review and approve or disapprove an annual grant application under this paragraph by not later than 60 days after the date of submission of the application.

"(2) REPORTING REQUIREMENTS.—Not later than 120 days after the end of each fiscal year for which a grant is provided to a State under this chapter, the State shall submit to the Secretary an annual report that includes—

"(A) an assessment of the progress made by the State in achieving the performance targets identified in the triennial highway safety plan of the State, based on the most currently available Fatality Analysis Reporting System data; and

"(B)(i) a description of the extent to which progress made in achieving those performance targets is aligned with the triennial highway safety plan of the State; and

"(ii) if applicable, any plans of the State to adjust a strategy for programming funds to achieve the performance targets.";

(8) in subsection (m)(1), by striking "a State's highway safety plan" and inserting "the applicable triennial highway safety plan of the State"; and

(9) by striking subsection (n) and inserting the following:

"(n) PUBLIC TRANSPARENCY.—

"(1) IN GENERAL.—The Secretary shall publicly release on a Department of Transportation website, by not later than 45 calendar days after the applicable date of availability—

"(A) each triennial highway safety plan approved by the Secretary under subsection (k);

"(B) each State performance target under subsection (k); and

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"(C) an evaluation of State achievement of applicable performance targets under subsection (k).

"(2) STATE HIGHWAY SAFETY PLAN WEBSITE.—

"(A) IN GENERAL.—In carrying out paragraph (1), the Secretary shall establish a public website that is easily accessible, navigable, and searchable for the information required under that paragraph, in order to foster greater transparency in approved State highway safety programs.

"(B) CONTENTS.—The website established under subparagraph (A) shall—

"(i) include the applicable triennial highway safety plan, and the annual report, of each State submitted to, and approved by, the Secretary under subsection (k); and

"(ii) provide a means for the public to search the website for State highway safety program content required under subsection (k), including—

"(I) performance measures required by the Secretary;

"(II) progress made toward meeting the applicable performance targets during the preceding program year;

"(III) program areas and expenditures; and

"(IV) a description of any sources of funds, other than funds provided under this section, that the State proposes to use to carry out the triennial highway safety plan of the State.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect with respect to any grant application or State highway safety plan submitted under chapter 4 of title 23, United States Code, for fiscal year 2024 or thereafter.

SEC. 24103. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

Section 403 of title 23, United States Code, is amended—

(1) by striking "accident" each place it appears and inserting "crash";

(2) in subsection (b)(1), in the matter preceding subparagraph (A), by inserting ", training, education," after "demonstration projects";

(3) in subsection (f)(1)—

(A) by striking "$2,500,000" and inserting "$3,500,000"; and

(B) by striking "subsection 402(c) in each fiscal year ending before October 1, 2015, and $443,989 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2015, and ending on December 4, 2015," and inserting "section 402(c) in each fiscal year";

(4) in subsection (h)—

(A) in paragraph (2), by striking "2017 through 2021 not more than $26,560,000' to conduct the research described in paragraph (1)" and inserting "2022 through 2025, not more than $45,000,000 to conduct the research described in paragraph (2)";

(B) in paragraph (5)(A), by striking "section 30102(a)(6)" and inserting "section 30102(a)"; and

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(C) by redesignating paragraphs (1), (2), (3), (4), and (5) as paragraphs (2), (3), (4), (5), and (1), respectively, and moving the paragraphs so as to appear in numerical order; and

(5) by adding at the end the following:

"(k) CHILD SAFETY CAMPAIGN.—

"(1) IN GENERAL.—The Secretary shall carry out an education campaign to reduce the incidence of vehicular heatstroke of children left in passenger motor vehicles (as defined in section 30102(a) of title 49).

"(2) ADVERTISING.—The Secretary may use, or authorize the use of, funds made available to carry out this section to pay for the development, production, and use of broadcast and print media advertising and Internet-based outreach for the education campaign under paragraph (1).

"(3) COORDINATION.—In carrying out the education campaign under paragraph (1), the Secretary shall coordinate with—

"(A) interested State and local governments;

"(B) private industry; and

"(C) other parties, as determined by the Secretary.

"(l) DEVELOPMENT OF STATE PROCESSES FOR INFORMING CONSUMERS OF RECALLS.—

"(1) DEFINITIONS.—In this subsection:

"(A) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given the term in section 30102(a) of title 49.

"(B) OPEN RECALL.—The term 'open recall' means a motor vehicle recall—

"(i) for which a notification by a manufacturer has been provided under section 30119 of title 49; and

"(ii) that has not been remedied under section 30120 of that title.

"(C) PROGRAM.—The term 'program' means the program established under paragraph (2)(A).

"(D) REGISTRATION.—The term 'registration' means the process for registering a motor vehicle in a State (including registration renewal).

"(E) STATE.—The term 'State' has the meaning given the term in section 101(a).

"(2) GRANTS.—

"(A) ESTABLISHMENT OF PROGRAM.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall establish a program under which the Secretary shall provide grants to States for use in developing and implementing State processes for informing each applicable owner and lessee of a motor vehicle of any open recall on the motor vehicle at the time of registration of the motor vehicle in the State, in accordance with this paragraph.

"(B) ELIGIBILITY.—To be eligible to receive a grant under the program, a State shall—

"(i) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

"(ii) agree—

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"(I) to notify each owner or lessee of a motor vehicle presented for registration in the State of any open recall on that motor vehicle; and

"(II) to provide to each owner or lessee of a motor vehicle presented for registration, at no cost—

"(aa) the open recall information for the motor vehicle; and

"(bb) such other information as the Secretary may require.

"(C) FACTORS FOR CONSIDERATION.—In selecting grant recipients under the program, the Secretary shall take into consideration the methodology of a State for—

"(i) identifying open recalls on a motor vehicle;

"(ii) informing each owner and lessee of a motor vehicle of an open recall; and

"(iii) measuring performance in—

"(I) informing owners and lessees of open recalls; and

"(II) remedying open recalls.

"(D) PERFORMANCE PERIOD.—A grant provided under the program shall require a performance period of 2 years.

"(E) REPORT.—Not later than 90 days after the date of completion of the performance period under subparagraph (D), each State that receives a grant under the program shall submit to the Secretary a report that contains such information as the Secretary considers to be necessary to evaluate the extent to which open recalls have been remedied in the State.

"(F) NO REGULATIONS REQUIRED.—Notwithstanding any other provision of law, the Secretary shall not be required to issue any regulations to carry out the program.

"(3) PAPERWORK REDUCTION ACT.—Chapter 35 of title 44 (commonly known as the 'Paperwork Reduction Act') shall not apply to information collected under the program.

"(4) FUNDING.—

"(A) IN GENERAL.—For each of fiscal years 2022 through 2026, the Secretary shall obligate from funds made available to carry out this section $1,500,000 to carry out the program.

"(B) REALLOCATION.—To ensure, to the maximum extent practicable, that all amounts described in subparagraph (A) are obligated each fiscal year, the Secretary, before the last day of any fiscal year, may reallocate any of those amounts remaining available to increase the amounts made available to carry out any other activities authorized under this section.

"(m) INNOVATIVE HIGHWAY SAFETY COUNTERMEASURES.—

"(1) IN GENERAL.—In conducting research under this section, the Secretary shall evaluate the effectiveness of innovative behavioral traffic safety countermeasures, other than traffic enforcement, that are considered promising or likely to be effective for the purpose of enriching revisions to the document entitled 'Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices, Ninth Edition' and numbered DOT HS 812 478 (or any successor document).

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"(2) TREATMENT.—The research described in paragraph (1) shall be in addition to any other research carried out under this section.".

SEC. 24104. HIGH-VISIBILITY ENFORCEMENT PROGRAMS.

Section 404(a) of title 23, United States Code, is amended by striking "each of fiscal years 2016 through 2020" and inserting "each of fiscal years 2022 through 2026".

SEC. 24105. NATIONAL PRIORITY SAFETY PROGRAMS.

(a) IN GENERAL.—Section 405 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraphs (6) and (9);

(B) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively;

(C) by striking the subsection designation and heading and all that follows through "the following:" in the matter preceding paragraph (2) (as so redesignated) and inserting the following:

"(a) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—Subject to the requirements of this section, the Secretary shall—

"(A) manage programs to address national priorities for reducing highway deaths and injuries; and

"(B) allocate funds for the purpose described in subparagraph (A) in accordance with this subsection.";

(D) in paragraph (4) (as so redesignated), by striking "52.5 percent" and inserting "53 percent";

(E) in paragraph (7)—

(i) by striking "5 percent" and inserting "7 percent"; and

(ii) by striking "subsection (h)" and inserting "subsection (g)";

(F) by redesignating paragraphs (8) and (10) as paragraphs (10) and (11), respectively;

(G) by inserting after paragraph (7) the following:

"(8) PREVENTING ROADSIDE DEATHS.—In each fiscal year, 1 percent of the funds provided under this section shall be allocated among States that meet requirements with respect to preventing roadside deaths under subsection (h).

"(9) DRIVER OFFICER SAFETY EDUCATION.—In each fiscal year, 1.5 percent of the funds provided under this section shall be allocated among States that meet requirements with respect to driver and officer safety education under subsection (i).";

and

(H) in paragraph (10) (as so redesignated)—

(i) by striking "(1) through (7)" and inserting "(2) through (9)"; and

(ii) by striking "(b) through (h)" and inserting "(b) through (i)";

(2) in subsection (b)—

(A) in paragraph (1), by striking "of Transportation";

(B) in paragraph (3)(B)(ii)(VI)(aa), by striking "3-year" and inserting "5-year"; and

(C) in paragraph (4)—

(i) in subparagraph (A), by striking clause (v) and inserting the following:

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"(v) implement programs—

"(I) to recruit and train nationally certified child passenger safety technicians among police officers, fire and other first responders, emergency medical personnel, and other individuals or organizations serving low-income and underserved populations;

"(II) to educate parents and caregivers in low-income and underserved populations regarding the importance of proper use and correct installation of child restraints on every trip in a motor vehicle; and

"(III) to purchase and distribute child restraints to low-income and underserved populations; and"; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) REQUIREMENTS.—Each State that is eligible to receive funds—

"(i) under paragraph (3)(A) shall use—

"(I) not more than 90 percent of those funds to carry out a project or activity eligible for funding under section 402; and

"(II) not less than 10 percent of those funds to carry out subparagraph (A)(v); and

"(ii) under paragraph (3)(B) shall use not less than 10 percent of those funds to carry out the activities described in subparagraph (A)(v).";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "of Transportation"; and

(ii) in subparagraph (D), by striking "States; and" and inserting "States, including the National EMS Information System;";

(B) in paragraph (3)—

(i) by striking the paragraph designation and heading and all that follows through "has a functioning" in subparagraph (A) and inserting the following:

"(3) ELIGIBILITY.—A State shall not be eligible to receive a grant under this subsection for a fiscal year unless the State—

"(A) has certified to the Secretary that the State—

"(i) has a functioning";

(ii) in subparagraph (B)—

(I) by adding "and" after the semicolon at the end; and

(II) by redesignating the subparagraph as clause (ii) of subparagraph (A) and indenting the clause appropriately;

(iii) in subparagraph (C)—

(I) by adding "and" after the semicolon at the end; and

(II) by redesignating the subparagraph as clause (iii) of subparagraph (A) and indenting the clause appropriately;

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(iv) by redesignating subparagraph (D) as subparagraph (B);

(v) in clause (vi) of subparagraph (B) (as so redesignated), by striking "; and" and inserting a period; and

(vi) by striking subparagraph (E);

(C) by striking paragraph (4) and inserting the following:

"(4) USE OF GRANT AMOUNTS.—A State may use a grant received under this subsection to make data program improvements to core highway safety databases relating to quantifiable, measurable progress in any significant data program attribute described in paragraph (3)(B), including through—

"(A) software or applications to identify, collect, and report data to State and local government agencies, and enter data into State core highway safety databases, including crash, citation or adjudication, driver, emergency medical services or injury surveillance system, roadway, and vehicle data;

"(B) purchasing equipment to improve a process by which data are identified, collated, and reported to State and local government agencies, including technology for use by law enforcement for near-real time, electronic reporting of crash data;

"(C) improving the compatibility and interoperability of the core highway safety databases of the State with national data systems and data systems of other States, including the National EMS Information System;

"(D) enhancing the ability of a State and the Secretary to observe and analyze local, State, and national trends in crash occurrences, rates, outcomes, and circumstances;

"(E) supporting traffic records improvement training and expenditures for law enforcement, emergency medical, judicial, prosecutorial, and traffic records professionals;

"(F) hiring traffic records professionals for the purpose of improving traffic information systems (including a State Fatal Accident Reporting System (FARS) liaison);

"(G) adoption of the Model Minimum Uniform Crash Criteria, or providing to the public information regarding why any of those criteria will not be used, if applicable;

"(H) supporting reporting criteria relating to emerging topics, including—

"(i) impaired driving as a result of drug, alcohol, or polysubstance consumption; and

"(ii) advanced technologies present on motor vehicles; and

"(I) conducting research relating to State traffic safety information systems, including developing programs to improve core highway safety databases and processes by which data are identified, collected, reported to State and local government agencies, and entered into State core safety databases."; and

(D) by adding at the end the following:

"(6) TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—The Secretary shall provide technical assistance to States, regardless of whether a State receives a grant under this subsection, with respect to

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improving the timeliness, accuracy, completeness, uniformity, integration, and public accessibility of State safety data that are needed to identify priorities for Federal, State, and local highway and traffic safety programs, including on adoption by a State of the Model Minimum Uniform Crash Criteria.

"(B) FUNDS.—The Secretary may use not more than 3 percent of the amounts available under this subsection to carry out subparagraph (A).";

(4) in subsection (d)—

(A) in paragraph (4)—

(i) in subparagraph (B)—

(I) by striking clause (iii) and inserting the following:

"(iii) court support of impaired driving prevention efforts, including—

"(I) hiring criminal justice professionals, including law enforcement officers, prosecutors, traffic safety resource prosecutors, judges, judicial outreach liaisons, and probation officers;

"(II) training and education of those professionals to assist the professionals in preventing impaired driving and handling impaired driving cases, including by providing compensation to a law enforcement officer to carry out safety grant activities to replace a law enforcement officer who is receiving drug recognition expert training or participating as an instructor in that drug recognition expert training; and

"(III) establishing driving while intoxicated courts;";

(II) by striking clause (v) and inserting the following:

"(v) improving blood alcohol and drug concentration screening and testing, detection of potentially impairing drugs (including through the use of oral fluid as a specimen), and reporting relating to testing and detection;";

(III) in clause (vi), by striking "conducting standardized field sobriety training, advanced roadside impaired driving evaluation training, and" and inserting "conducting initial and continuing standardized field sobriety training, advanced roadside impaired driving evaluation training, law enforcement phlebotomy training, and";

(IV) in clause (ix), by striking "and" at the end;

(V) in clause (x), by striking the period at the end and inserting "; and"; and

(VI) by adding at the end the following:

"(xi) testing and implementing programs, and purchasing technologies, to better identify, monitor, or treat impaired drivers, including—

"(I) oral fluid-screening technologies;

"(II) electronic warrant programs;

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"(III) equipment to increase the scope, quantity, quality, and timeliness of forensic toxicology chemical testing;

"(IV) case management software to support the management of impaired driving offenders; and

"(V) technology to monitor impaired-driving offenders, and equipment and related expenditures used in connection with impaired-driving enforcement in accordance with criteria established by the National Highway Traffic Safety Administration."; and

(ii) in subparagraph (C)—

(I) in the second sentence, by striking "Medium-range" and inserting the following:

"(ii) MEDIUM-RANGE AND HIGH-RANGE STATES.—Subject to clause (iii), medium-range";

(II) in the first sentence, by striking "Low-range" and inserting the following:

"(i) LOW-RANGE STATES.—Subject to clause (iii), low-range"; and

(III) by adding at the end the following:

"(iii) REPORTING AND IMPAIRED DRIVING MEASURES.—A State may use grant funds for any expenditure relating to—

"(I) increasing the timely and accurate reporting to Federal, State, and local databases of—

"(aa) crash information, including electronic crash reporting systems that allow accurate real- or near-real-time uploading of crash information; and

"(bb) impaired driving criminal justice information; or

"(II) researching or evaluating impaired driving countermeasures.";

(B) in paragraph (6)—

(i) by striking subparagraph (A) and inserting the following:

"(A) GRANTS TO STATES WITH ALCOHOL-IGNITION INTERLOCK LAWS.—The Secretary shall make a separate grant under this subsection to each State that—

"(i) adopts, and is enforcing, a mandatory alcohol-ignition interlock law for all individuals convicted of driving under the influence of alcohol or of driving while intoxicated;

"(ii) does not allow an individual convicted of driving under the influence of alcohol or of driving while intoxicated to receive any driving privilege or driver's license unless the individual installs on each motor vehicle registered, owned, or leased for operation by the individual an ignition interlock for a period of not less than 180 days; or

"(iii) has in effect, and is enforcing—

"(I) a State law requiring for any individual who is convicted of, or the driving privilege of whom is revoked or denied for, refusing to submit to a chemical or other appropriate test for the

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purpose of determining the presence or concentration of any intoxicating substance, a State law requiring a period of not less than 180 days of ignition interlock installation on each motor vehicle to be operated by the individual; and

"(II) a compliance-based removal program, under which an individual convicted of driving under the influence of alcohol or of driving while intoxicated shall—

"(aa) satisfy a period of not less than 180 days of ignition interlock installation on each motor vehicle to be operated by the individual; and

"(bb) have completed a minimum consecutive period of not less than 40 percent of the required period of ignition interlock installation immediately preceding the date of release of the individual, without a confirmed violation."; and

(ii) in subparagraph (D), by striking "2009" and inserting "2022"; and

(C) in paragraph (7)(A), in the matter preceding clause (i), by inserting "or local" after "authorizes a State";

(5) in subsection (e)—

(A) by striking paragraphs (6) and (8);

(B) by redesignating paragraphs (1), (2), (3), (4), (5), (7), and (9) as paragraphs (2), (4), (6), (7), (8), (9), and (1), respectively, and moving the paragraphs so as to appear in numerical order;

(C) in paragraph (1) (as so redesignated)—

(i) in the matter preceding subparagraph (A), by striking ", the following definitions apply";

(ii) by striking subparagraph (B) and inserting the following:

"(B) PERSONAL WIRELESS COMMUNICATIONS DEVICE.—

"(i) IN GENERAL.—The term 'personal wireless communications device' means—

"(I) a device through which personal wireless services (as defined in section 332(c)(7)(C) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C))) are transmitted; and

"(II) a mobile telephone or other portable electronic communication device with which a user engages in a call or writes, sends, or reads a text message using at least 1 hand.

"(ii) EXCLUSION.—The term 'personal wireless communications device' does not include a global navigation satellite system receiver used for positioning, emergency notification, or navigation purposes."; and

(iii) by striking subparagraph (E) and inserting the following:

"(E) TEXT.—The term 'text' means—

"(i) to read from, or manually to enter data into, a personal wireless communications device, including

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for the purpose of SMS texting, emailing, instant messaging, or any other form of electronic data retrieval or electronic data communication; and

"(ii) manually to enter, send, or retrieve a text message to communicate with another individual or device.

"(F) TEXT MESSAGE.—

"(i) IN GENERAL.—The term 'text message' means—

"(I) a text-based message;

"(II) an instant message;

"(III) an electronic message; and

"(IV) email.

"(ii) EXCLUSIONS.—The term 'text message' does not include—

"(I) an emergency, traffic, or weather alert; or

"(II) a message relating to the operation or navigation of a motor vehicle.";

(D) by striking paragraph (2) (as so redesignated) and inserting the following:

"(2) GRANT PROGRAM.—The Secretary shall provide a grant under this subsection to any State that includes distracted driving awareness as part of the driver's license examination of the State.

"(3) ALLOCATION.—

"(A) IN GENERAL.—For each fiscal year, not less than 50 percent of the amounts made available to carry out this subsection shall be allocated to States, based on the proportion that—

"(i) the apportionment of the State under section 402 for fiscal year 2009; bears to

"(ii) the apportionment of all States under section 402 for that fiscal year.

"(B) GRANTS FOR STATES WITH DISTRACTED DRIVING LAWS.—

"(i) IN GENERAL.—In addition to the allocations under subparagraph (A), for each fiscal year, not more than 50 percent of the amounts made available to carry out this subsection shall be allocated to States that enact and enforce a law that meets the requirements of paragraph (4), (5), or (6)—

"(I) based on the proportion that—

"(aa) the apportionment of the State under section 402 for fiscal year 2009; bears to

"(bb) the apportionment of all States under section 402 for that fiscal year; and

"(II) subject to clauses (ii), (iii), and (iv), as applicable.

"(ii) PRIMARY LAWS.—Subject to clause (iv), in the case of a State that enacts and enforces a law that meets the requirements of paragraph (4), (5), or (6) as a primary offense, the allocation to the State under this subparagraph shall be 100 percent of the amount calculated to be allocated to the State under clause (i)(I).

"(iii) SECONDARY LAWS.—Subject to clause (iv), in the case of a State that enacts and enforces a law

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that meets the requirements of paragraph (4), (5), or (6) as a secondary enforcement action, the allocation to the State under this subparagraph shall be an amount equal to 50 percent of the amount calculated to be allocated to the State under clause (i)(I).

"(iv) TEXTING WHILE DRIVING.—Notwithstanding clauses (ii) and (iii), the allocation under this subparagraph to a State that enacts and enforces a law that prohibits a driver from viewing a personal wireless communications device (except for purposes of navigation) shall be 25 percent of the amount calculated to be allocated to the State under clause (i)(I).";

(E) in paragraph (4) (as so redesignated)—

(i) in the matter preceding subparagraph (A), by striking "set forth in this" and inserting "of this";

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(iv) in subparagraph (B) (as so redesignated), by striking "minimum"; and

(v) in subparagraph (C) (as so redesignated), by striking "text through a personal wireless communication device" and inserting "use a personal wireless communications device for texting";

(F) by inserting after paragraph (4) (as so redesignated) the following:

"(5) PROHIBITION ON HANDHELD PHONE USE WHILE DRIVING.—A State law meets the requirements of this paragraph if the law—

"(A) prohibits a driver from holding a personal wireless communications device while driving;

"(B) establishes a fine for a violation of that law; and

"(C) does not provide for an exemption that specifically allows a driver to use a personal wireless communications device for texting while stopped in traffic.";

(G) in paragraph (6) (as so redesignated)—

(i) in the matter preceding subparagraph (A), by striking "set forth in this" and inserting "of this";

(ii) in subparagraph (A)(ii), by striking "set forth in subsection (g)(2)(B)";

(iii) by striking subparagraphs (B) and (D);

(iv) by redesignating subparagraph (C) as subparagraph (B);

(v) in subparagraph (B) (as so redesignated), by striking "minimum"; and

(vi) by adding at the end the following:

"(C) does not provide for—

"(i) an exemption that specifically allows a driver to use a personal wireless communications device for texting while stopped in traffic; or

"(ii) an exemption described in paragraph (7)(E).";

and

(H) in paragraph (7) (as so redesignated)—

(i) in the matter preceding subparagraph (A), by striking "set forth in paragraph (2) or (3)" and inserting "of paragraph (4), (5), or (6)";

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(ii) by striking subparagraph (A) and inserting the following:

"(A) a driver who uses a personal wireless communications device during an emergency to contact emergency services to prevent injury to persons or property;";

(iii) in subparagraph (C), by striking "and" at the end;

(iv) by redesignating subparagraph (D) as subparagraph (F); and

(v) by inserting after subparagraph (C) the following:

"(D) a driver who uses a personal wireless communications device for navigation;

"(E) except for a law described in paragraph (6), the use of a personal wireless communications device—

"(i) in a hands-free manner;

"(ii) with a hands-free accessory; or

"(iii) with the activation or deactivation of a feature or function of the personal wireless communications device with the motion of a single swipe or tap of the finger of the driver; and";

(6) in subsection (f)(3)—

(A) in subparagraph (A)(i), by striking "accident" and inserting "crash";

(B) by redesignating subparagraphs (C) through (F) as subparagraphs (D) through (G), respectively;

(C) by inserting after subparagraph (B) the following:

"(C) HELMET LAW.—A State law requiring the use of a helmet for each motorcycle rider under the age of 18."; and

(D) in subparagraph (F) (as so redesignated), in the subparagraph heading, by striking "ACCIDENTS" and inserting "CRASHES";

(7) by striking subsection (g);

(8) by redesignating subsection (h) as subsection (g);

(9) in subsection (g) (as so redesignated)—

(A) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively;

(B) by inserting before paragraph (2) (as so redesignated) the following:

"(1) DEFINITION OF NONMOTORIZED ROAD USER.—In this subsection, the term 'nonmotorized road user' means—

"(A) a pedestrian;

"(B) an individual using a nonmotorized mode of transportation, including a bicycle, a scooter, or a personal conveyance; and

"(C) an individual using a low-speed or low-horsepower motorized vehicle, including an electric bicycle, electric scooter, personal mobility assistance device, personal transporter, or all-terrain vehicle.";

(C) in paragraph (2) (as so redesignated), by striking "pedestrian and bicycle fatalities and injuries that result from crashes involving a motor vehicle" and inserting "nonmotorized road user fatalities involving a motor vehicle in transit on a trafficway";

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(D) in paragraph (4) (as so redesignated), by striking "pedestrian and bicycle" and inserting "nonmotorized road user"; and

(E) by striking paragraph (5) (as so redesignated) and inserting the following:

"(5) USE OF GRANT AMOUNTS.—Grant funds received by a State under this subsection may be used for the safety of nonmotorized road users, including—

"(A) training of law enforcement officials relating to nonmotorized road user safety, State laws applicable to nonmotorized road user safety, and infrastructure designed to improve nonmotorized road user safety;

"(B) carrying out a program to support enforcement mobilizations and campaigns designed to enforce State traffic laws applicable to nonmotorized road user safety;

"(C) public education and awareness programs designed to inform motorists and nonmotorized road users regarding—

"(i) nonmotorized road user safety, including information relating to nonmotorized mobility and the importance of speed management to the safety of nonmotorized road users;

"(ii) the value of the use of nonmotorized road user safety equipment, including lighting, conspicuity equipment, mirrors, helmets, and other protective equipment, and compliance with any State or local laws requiring the use of that equipment;

"(iii) State traffic laws applicable to nonmotorized road user safety, including the responsibilities of motorists with respect to nonmotorized road users; and

"(iv) infrastructure designed to improve nonmotorized road user safety; and

"(D) the collection of data, and the establishment and maintenance of data systems, relating to nonmotorized road user traffic fatalities."; and

(10) by adding at the end the following:

"(h) PREVENTING ROADSIDE DEATHS.—

"(1) IN GENERAL.—The Secretary shall provide grants to States to prevent death and injury from crashes involving motor vehicles striking other vehicles and individuals stopped at the roadside.

"(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity funded through a grant under this subsection may not exceed 80 percent.

"(3) ELIGIBILITY.—A State shall receive a grant under this subsection in a fiscal year if the State submits to the Secretary a plan that describes the method by which the State will use grant funds in accordance with paragraph (4).

"(4) USE OF FUNDS.—Amounts received by a State under this subsection shall be used by the State—

"(A) to purchase and deploy digital alert technology that—

"(i) is capable of receiving alerts regarding nearby first responders; and

"(ii) in the case of a motor vehicle that is used for emergency response activities, is capable of sending

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alerts to civilian drivers to protect first responders on the scene and en route;

"(B) to educate the public regarding the safety of vehicles and individuals stopped at the roadside in the State through public information campaigns for the purpose of reducing roadside deaths and injury;

"(C) for law enforcement costs relating to enforcing State laws to protect the safety of vehicles and individuals stopped at the roadside;

"(D) for programs to identify, collect, and report to State and local government agencies data relating to crashes involving vehicles and individuals stopped at the roadside; and

"(E) to pilot and incentivize measures, including optical visibility measures, to increase the visibility of stopped and disabled vehicles.

"(5) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the apportionment of that State under section 402 for fiscal year 2022.

"(i) DRIVER AND OFFICER SAFETY EDUCATION.—

"(1) DEFINITION OF PEACE OFFICER.—In this subsection, the term 'peace officer' includes any individual—

"(A) who is an elected, appointed, or employed agent of a government entity;

"(B) who has the authority—

"(i) to carry firearms; and

"(ii) to make warrantless arrests; and

"(C) whose duties involve the enforcement of criminal laws of the United States.

"(2) GRANTS.—Subject to the requirements of this subsection, the Secretary shall provide grants to—

"(A) States that enact or adopt a law or program described in paragraph (4); and

"(B) qualifying States under paragraph (7).

"(3) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity funded through a grant under this subsection may not exceed 80 percent.

"(4) DESCRIPTION OF LAW OR PROGRAM.—A law or program referred to in paragraph (2)(A) is a law or program that requires 1 or more of the following:

"(A) DRIVER EDUCATION AND DRIVING SAFETY COURSES.—The inclusion, in driver education and driver safety courses provided to individuals by educational and motor vehicle agencies of the State, of instruction and testing relating to law enforcement practices during traffic stops, including information relating to—

"(i) the role of law enforcement and the duties and responsibilities of peace officers;

"(ii) the legal rights of individuals concerning interactions with peace officers;

"(iii) best practices for civilians and peace officers during those interactions;

"(iv) the consequences for failure of an individual or officer to comply with the law or program; and

"(v) how and where to file a complaint against, or a compliment relating to, a peace officer.

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"(B) PEACE OFFICER TRAINING PROGRAMS.—Development and implementation of a training program, including instruction and testing materials, for peace officers and reserve law enforcement officers (other than officers who have received training in a civilian course described in subparagraph (A)) with respect to proper interaction with civilians during traffic stops.

"(5) USE OF FUNDS.—A State may use a grant provided under this subsection for—

"(A) the production of educational materials and training of staff for driver education and driving safety courses and peace officer training described in paragraph (4); and

"(B) the implementation of a law or program described in paragraph (4).

"(6) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the apportionment of that State under section 402 for fiscal year 2022.

"(7) SPECIAL RULE FOR CERTAIN STATES.—

"(A) DEFINITION OF QUALIFYING STATE.—In this paragraph, the term 'qualifying State' means a State that—

"(i) has received a grant under this subsection for a period of not more than 5 years; and

"(ii) as determined by the Secretary—

"(I) has not fully enacted or adopted a law or program described in paragraph (4); but

"(II)(aa) has taken meaningful steps toward the full implementation of such a law or program; and

"(bb) has established a timetable for the implementation of such a law or program.

"(B) WITHHOLDING.—The Secretary shall—

"(i) withhold 50 percent of the amount that each qualifying State would otherwise receive under this subsection if the qualifying State were a State described in paragraph (2)(A); and

"(ii) direct any amounts withheld under clause (i) for distribution among the States that are enforcing and carrying out a law or program described in paragraph (4).".

(b) TECHNICAL AMENDMENT.—Section 4010(2) of the FAST Act (23 U.S.C. 405 note; Public Law 114–94) is amended by inserting "all" before "deficiencies".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect with respect to any grant application or State highway safety plan submitted under chapter 4 of title 23, United States Code, for fiscal year 2024 or thereafter.

SEC. 24106. MULTIPLE SUBSTANCE-IMPAIRED DRIVING PREVENTION.

(a) IMPAIRED DRIVING COUNTERMEASURES.—Section 154(c)(1) of title 23, United States Code, is amended by striking "alcohol-impaired" each place it appears and inserting "impaired".

(b) COMPTROLLER GENERAL STUDY OF NATIONAL DUI REPORTING.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the reporting of impaired driving

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arrest and citation data into Federal databases and the interstate sharing of information relating to impaired driving-related convictions and license suspensions to facilitate the widespread identification of repeat impaired driving offenders.

(2) INCLUSIONS.—The study conducted under paragraph (1) shall include a detailed assessment of—

(A) the extent to which State and local criminal justice agencies are reporting impaired driving arrest and citation data to Federal databases;

(B) barriers—

(i) at the Federal, State, and local levels, to the reporting of impaired driving arrest and citation data to Federal databases; and

(ii) to the use of those databases by criminal justice agencies;

(C) Federal, State, and local resources available to improve the reporting and sharing of impaired driving data; and

(D) any options or recommendations for actions that Federal agencies or Congress could take to further improve the reporting and sharing of impaired driving data.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report describing the results of the study conducted under this subsection.

SEC. 24107. MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED OR DRIVING UNDER THE INFLUENCE.

Section 164(b)(1) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking "alcohol-impaired" and inserting "alcohol- or multiple substance-impaired"; and

(2) in subparagraph (B)—

(A) by striking "intoxicated or driving" and inserting "intoxicated, driving while multiple substance-impaired, or driving"; and

(B) by striking "alcohol-impaired" and inserting "alcohol- or multiple substance-impaired".

SEC. 24108. CRASH DATA.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall revise the crash data collection system to include the collection of crash report data elements that distinguish individual personal conveyance vehicles, such as electric scooters and bicycles, from other vehicles involved in a crash.

(b) COORDINATION.—In carrying out subsection (a), the Secretary may coordinate with States to update the Model Minimum Uniform Crash Criteria to provide guidance to States regarding the collection of information and data elements for the crash data collection system.

(c) VULNERABLE ROAD USERS.—

(1) UPDATE.—Based on the information contained in the vulnerable road user safety assessments required by subsection (f) of section 32302 of title 49, United States Code (as added by section 24213(b)(2)), the Secretary shall modify existing

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crash data collection systems to include the collection of additional crash report data elements relating to vulnerable road user safety.

(2) INJURY HEALTH DATA.—The Secretary shall coordinate with the Director of the Centers for Disease Control and Prevention to develop and implement a plan for States to combine highway crash data and injury health data to produce a national database of pedestrian injuries and fatalities, disaggregated by demographic characteristics.

(d) STATE ELECTRONIC DATA COLLECTION.—

(1) DEFINITIONS.—In this subsection:

(A) ELECTRONIC DATA TRANSFER.—The term "electronic data transfer" means a protocol for automated electronic transfer of State crash data to the National Highway Traffic Safety Administration.

(B) STATE.—The term "State" means—

(i) each of the 50 States;

(ii) the District of Columbia;

(iii) the Commonwealth of Puerto Rico;

(iv) the United States Virgin Islands;

(v) Guam;

(vi) American Samoa;

(vii) the Commonwealth of the Northern Mariana Islands; and

(viii) the Secretary of the Interior, acting on behalf of an Indian Tribe.

(2) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary shall—

(A) provide grants for the modernization of State data collection systems to enable full electronic data transfer under paragraph (3); and

(B) upgrade the National Highway Traffic Safety Administration system to manage and support State electronic data transfers relating to crashes under paragraph (4).

(3) STATE GRANTS.—

(A) IN GENERAL.—The Secretary shall provide grants to States to upgrade and standardize State crash data systems to enable electronic data collection, intrastate data sharing, and electronic data transfers to the National Highway Traffic Safety Administration to increase the accuracy, timeliness, and accessibility of the data, including data relating to fatalities involving vulnerable road users.

(B) ELIGIBILITY.—A State shall be eligible to receive a grant under this paragraph if the State submits to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, that includes a plan to implement full electronic data transfer to the National Highway Traffic Safety Administration by not later than 5 years after the date on which the grant is provided.

(C) USE OF FUNDS.—A grant provided under this paragraph may be used for the costs of—

(i) equipment to upgrade a statewide crash data repository;

(ii) adoption of electronic crash reporting by law enforcement agencies; and

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(iii) increasing alignment of State crash data with the latest Model Minimum Uniform Crash Criteria.

(D) FEDERAL SHARE.—The Federal share of the cost of a project funded with a grant under this paragraph may be up to 80 percent.

(4) NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION SYSTEM UPGRADE.—The Secretary shall manage and support State electronic data transfers relating to vehicle crashes by—

(A) increasing the capacity of the National Highway Traffic Safety Administration system; and

(B) making State crash data accessible to the public.

(e) CRASH INVESTIGATION SAMPLING SYSTEM.—The Secretary may use funds made available to carry out this section to enhance the collection of crash data by upgrading the Crash Investigation Sampling System to include—

(1) additional program sites;

(2) an expanded scope that includes all crash types; and

(3) on-scene investigation protocols.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $150,000,000 for each of fiscal years 2022 through 2026, to remain available for a period of 3 fiscal years following the fiscal year for which the amounts are appropriated.

SEC. 24109. REVIEW OF MOVE OVER OR SLOW DOWN LAW PUBLIC AWARENESS.

(a) DEFINITION OF MOVE OVER OR SLOW DOWN LAW.—In this section, the term "Move Over or Slow Down Law" means any Federal or State law intended to ensure first responder and motorist safety by requiring motorists to change lanes or slow down when approaching an authorized emergency vehicle that is stopped or parked on or next to a roadway with emergency lights activated.

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall carry out a study of the efficacy of Move Over or Slow Down Laws and related public awareness campaigns.

(2) INCLUSIONS.—The study under paragraph (1) shall include—

(A) a review of each Federal and State Move Over or Slow Down Law, including—

(i) penalties associated with the Move Over or Slow Down Laws;

(ii) the level of enforcement of Move Over or Slow Down Laws; and

(iii) the applicable class of vehicles that triggers Move Over or Slow Down Laws.

(B) an identification and description of each Federal and State public awareness campaign relating to Move Over or Slow Down Laws; and

(C) a description of the role of the Department in supporting State efforts with respect to Move Over or Slow Down Laws, such as conducting research, collecting data, or supporting public awareness or education efforts.

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(c) REPORT.—On completion of the study under subsection (b), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(1) the findings of the study; and

(2) any recommendations to improve public awareness campaigns, research, or education efforts relating to the issues described in subsection (b)(2).

SEC. 24110. REVIEW OF LAWS, SAFETY MEASURES, AND TECHNOLOGIES RELATING TO SCHOOL BUSES.

(a) REVIEW OF ILLEGAL PASSING LAWS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall prepare a report that—

(A) identifies and describes all illegal passing laws in each State relating to school buses, including—

(i) the level of enforcement of those laws;

(ii) the penalties associated with those laws;

(iii) any issues relating to the enforcement of those laws; and

(iv) the effectiveness of those laws;

(B) reviews existing State laws that may inhibit the effectiveness of safety countermeasures in school bus loading zones, such as—

(i) laws that require the face of a driver to be visible in an image captured by a camera if enforcement action is to be taken based on that image;

(ii) laws that may reduce stop-arm camera effectiveness;

(iii) the need for a law enforcement officer to witness an event for enforcement action to be taken; and

(iv) the lack of primary enforcement for texting and driving offenses;

(C) identifies the methods used by each State to review, document, and report to law enforcement school bus stop-arm violations; and

(D) identifies best practices relating to the most effective approaches to address the illegal passing of school buses.

(2) PUBLICATION.—The report under paragraph (1) shall be made publicly available on the website of the Department.

(b) PUBLIC SAFETY MESSAGING CAMPAIGN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish and implement a public safety messaging campaign that uses public safety media messages, posters, digital media messages, and other media messages distributed to States, State departments of motor vehicles, schools, and other public outlets—

(A) to highlight the importance of addressing the illegal passing of school buses; and

(B) to educate students and the public regarding the safe loading and unloading of schools buses.

(2) CONSULTATION.—In carrying out paragraph (1), the Secretary shall consult with—

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(A) representatives of the school bus industry from the public and private sectors; and

(B) States.

(3) UPDATES.—The Secretary shall periodically update the materials used in the campaign under paragraph (1).

(c) REVIEW OF TECHNOLOGIES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall review and evaluate the effectiveness of various technologies for enhancing school bus safety, including technologies such as—

(A) cameras;

(B) audible warning systems; and

(C) enhanced lighting.

(2) INCLUSIONS.—The review under paragraph (1)—

(A) shall include—

(i) an assessment of—

(I) the costs of acquiring and operating new equipment;

(II) the potential impact of that equipment on overall school bus ridership; and

(III) motion-activated detection systems capable of—

(aa) detecting pedestrians, cyclists, and other road users located near the exterior of the school bus; and

(bb) alerting the operator of the school bus of those road users;

(ii) an assessment of the impact of advanced technologies designed to improve loading zone safety; and

(iii) an assessment of the effectiveness of school bus lighting systems at clearly communicating to surrounding drivers the appropriate actions those drivers should take; and

(B) may include an evaluation of any technological solutions that may enhance school bus safety outside the school bus loading zone.

(3) CONSULTATION.—In carrying out the review under paragraph (1), the Secretary shall consult with—

(A) manufacturers of school buses;

(B) manufacturers of various technologies that may enhance school bus safety; and

(C) representatives of the school bus industry from the public and private sectors.

(4) PUBLICATION.—The Secretary shall make the findings of the review under paragraph (1) publicly available on the website of the Department.

(d) REVIEW OF DRIVER EDUCATION MATERIALS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(A) review driver manuals, handbooks, and other materials in all States to determine whether and the means by which illegal passing of school buses is addressed in those driver materials, including in—

(i) testing for noncommercial driver's licenses; and

(ii) road tests; and

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(B) make recommendations on methods by which States can improve education regarding the illegal passing of school buses, particularly for new drivers.

(2) CONSULTATION.—In carrying out paragraph (1), the Secretary shall consult with—

(A) representatives of the school bus industry from the public and private sectors;

(B) States;

(C) State motor vehicle administrators or senior State executives responsible for driver licensing; and

(D) other appropriate motor vehicle experts.

(3) PUBLICATION.—The Secretary shall make the findings of the review under paragraph (1) publicly available on the website of the Department.

(e) REVIEW OF OTHER SAFETY ISSUES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall research and prepare a report describing any relationship between the illegal passing of school buses and other safety issues, including issues such as—

(A) distracted driving;

(B) poor visibility, such as morning darkness;

(C) illumination and reach of vehicle headlights;

(D) speed limits; and

(E) characteristics associated with school bus stops, including the characteristics of school bus stops in rural areas.

(2) PUBLICATION.—The Secretary shall make the report under paragraph (1) publicly available on the website of the Department.

SEC. 24111. MOTORCYCLIST ADVISORY COUNCIL.

(a) IN GENERAL.—Subchapter III of chapter 3 of title 49, United States Code, is amended by adding at the end the following:

"§ 355. Motorcyclist Advisory Council

"(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this section, the Secretary of Transportation (referred to in this section as the 'Secretary') shall establish a council, to be known as the 'Motorcyclist Advisory Council' (referred to in this section as the 'Council').

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Council shall be comprised of 13 members, to be appointed by the Secretary, of whom—

"(A) 5 shall be representatives of units of State or local government with expertise relating to highway engineering and safety issues, including—

"(i) motorcycle and motorcyclist safety;

"(ii) barrier and road design, construction, and maintenance; or

"(iii) intelligent transportation systems;

"(B) 1 shall be a motorcyclist who serves as a State or local—

"(i) traffic and safety engineer;

"(ii) design engineer; or

"(iii) other transportation department official;

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"(C) 1 shall be a representative of a national association of State transportation officials;

"(D) 1 shall be a representative of a national motorcyclist association;

"(E) 1 shall be a representative of a national motorcyclist foundation;

"(F) 1 shall be a representative of a national motorcycle manufacturing association;

"(G) 1 shall be a representative of a motorcycle manufacturing company headquartered in the United States;

"(H) 1 shall be a roadway safety data expert with expertise relating to crash testing and analysis; and

"(I) 1 shall be a member of a national safety organization that represents the traffic safety systems industry.

"(2) TERM.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), each member shall serve on the Council for a single term of 2 years.

"(B) ADDITIONAL TERM.—If a successor is not appointed for a member of the Council before the expiration of the term of service of the member, the member may serve on the Council for a second term of not longer than 2 years.

"(C) APPOINTMENT OF REPLACEMENTS.—If a member of the Council resigns before the expiration of the 2-year term of service of the member—

"(i) the Secretary may appoint a replacement for the member, who shall serve the remaining portion of the term; and

"(ii) the resigning member may continue to serve after resignation until the date on which a successor is appointed.

"(3) VACANCIES.—A vacancy on the Council shall be filled in the manner in which the original appointment was made.

"(4) COMPENSATION.—A member of the Council shall serve without compensation.

"(c) DUTIES.—

"(1) ADVISING.—The Council shall advise the Secretary, the Administrator of the National Highway Traffic Safety Administration, and the Administrator of the Federal Highway Administration regarding transportation safety issues of concern to motorcyclists, including—

"(A) motorcycle and motorcyclist safety;

"(B) barrier and road design, construction, and maintenance practices; and

"(C) the architecture and implementation of intelligent transportation system technologies.

"(2) BIENNIAL REPORT.—Not later than October 31 of the calendar year following the calendar year in which the Council is established, and not less frequently than once every 2 years thereafter, the Council shall submit to the Secretary a report containing recommendations of the Council regarding the issues described in paragraph (1).

"(d) DUTIES OF SECRETARY.—

"(1) COUNCIL RECOMMENDATIONS.—

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"(A) IN GENERAL.—The Secretary shall determine whether to accept or reject a recommendation contained in a report of the Council under subsection (c)(2).

"(B) INCLUSION IN REVIEW.—

"(i) IN GENERAL.—The Secretary shall indicate in each review under paragraph (2) whether the Secretary accepts or rejects each recommendation of the Council covered by the review.

"(ii) EXCEPTION.—The Secretary may indicate in a review under paragraph (2) that a recommendation of the Council is under consideration, subject to the condition that a recommendation so under consideration shall be accepted or rejected by the Secretary in the subsequent review of the Secretary under paragraph (2).

"(2) REVIEW.—

"(A) IN GENERAL.—Not later than 60 days after the date on which the Secretary receives a report from the Council under subsection (c)(2), the Secretary shall submit a review describing the response of the Secretary to the recommendations of the Council contained in the Council report to—

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

"(ii) the Committee on Environment and Public Works of the Senate;

"(iii) the Subcommittee on Transportation, Housing and Urban Development, and Related Agencies of the Committee on Appropriations of the Senate;

"(iv) the Committee on Transportation and Infrastructure of the House of Representatives; and

"(v) the Subcommittee on Transportation, Housing and Urban Development, and Related Agencies of the Committee on Appropriations of the House of Representatives.

"(B) CONTENTS.—A review of the Secretary under this paragraph shall include a description of—

"(i) each recommendation contained in the Council report covered by the review; and

"(ii)(I) each recommendation of the Council that was categorized under paragraph (1)(B)(ii) as being under consideration by the Secretary in the preceding review submitted under this paragraph; and

"(II) for each such recommendation, whether the recommendation—

"(aa) is accepted or rejected by the Secretary; or

"(bb) remains under consideration by the Secretary.

"(3) ADMINISTRATIVE AND TECHNICAL SUPPORT.—The Secretary shall provide to the Council such administrative support, staff, and technical assistance as the Secretary determines to be necessary to carry out the duties of the Council under this section.

"(e) TERMINATION.—The Council shall terminate on the date that is 6 years after the date on which the Council is established under subsection (a).".

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(b) CLERICAL AMENDMENT.—The analysis for subchapter III of chapter 3 of title 49, United States Code, is amended by inserting after the item relating to section 354 the following:

"355. Motorcyclist Advisory Council.".

(c) CONFORMING AMENDMENTS.—

(1) Section 1426 of the FAST Act (23 U.S.C. 101 note; Public Law 114–94) is repealed.

(2) The table of contents for the FAST Act (Public Law 114–94; 129 Stat. 1313) is amended by striking the item relating to section 1426.

SEC. 24112. SAFE STREETS AND ROADS FOR ALL GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) COMPREHENSIVE SAFETY ACTION PLAN.—The term "comprehensive safety action plan" means a plan aimed at preventing transportation-related fatalities and serious injuries in a locality, commonly referred to as a "Vision Zero" or "Toward Zero Deaths" plan, that may include—

(A) a goal and timeline for eliminating fatalities and serious injuries;

(B) an analysis of the location and severity of vehicle-involved crashes in a locality;

(C) an analysis of community input, gathered through public outreach and education;

(D) a data-driven approach to identify projects or strategies to prevent fatalities and serious injuries in a locality, such as those involving—

(i) education and community outreach;

(ii) effective methods to enforce traffic laws and regulations;

(iii) new vehicle or other transportation-related technologies; and

(iv) roadway planning and design; and

(E) mechanisms for evaluating the outcomes and effectiveness of the comprehensive safety action plan, including the means by which that effectiveness will be reported to residents in a locality.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a metropolitan planning organization;

(B) a political subdivision of a State;

(C) a federally recognized Tribal government; and

(D) a multijurisdictional group of entities described in any of subparagraphs (A) through (C).

(3) ELIGIBLE PROJECT.—The term "eligible project" means a project—

(A) to develop a comprehensive safety action plan;

(B) to conduct planning, design, and development activities for projects and strategies identified in a comprehensive safety action plan; or

(C) to carry out projects and strategies identified in a comprehensive safety action plan.

(4) PROGRAM.—The term "program" means the Safe Streets and Roads for All program established under subsection (b).

(b) ESTABLISHMENT.—The Secretary shall establish and carry out a program, to be known as the Safe Streets and Roads for All program, that supports local initiatives to prevent death and

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serious injury on roads and streets, commonly referred to as "Vision Zero" or "Toward Zero Deaths" initiatives.

(c) GRANTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary may make grants to eligible entities, on a competitive basis, in accordance with this section.

(2) LIMITATIONS.—

(A) IN GENERAL.—Not more than 15 percent of the funds made available to carry out the program for a fiscal year may be awarded to eligible projects in a single State during that fiscal year.

(B) PLANNING GRANTS.—Of the total amount made available to carry out the program for each fiscal year, not less than 40 percent shall be awarded to eligible projects described in subsection (a)(3)(A).

(d) SELECTION OF ELIGIBLE PROJECTS.—

(1) SOLICITATION.—Not later than 180 days after the date on which amounts are made available to provide grants under the program for a fiscal year, the Secretary shall solicit from eligible entities grant applications for eligible projects in accordance with this section.

(2) APPLICATIONS.—

(A) IN GENERAL.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Secretary an application in such form and containing such information as the Secretary considers to be appropriate.

(B) REQUIREMENT.—An application for a grant under this paragraph shall include mechanisms for evaluating the success of applicable eligible projects and strategies.

(3) CONSIDERATIONS.—In awarding a grant under the program, the Secretary shall take into consideration the extent to which an eligible entity, and each eligible project proposed to be carried out by the eligible entity, as applicable—

(A) is likely to significantly reduce or eliminate transportation-related fatalities and serious injuries involving various road users, including pedestrians, bicyclists, public transportation users, motorists, and commercial operators, within the timeframe proposed by the eligible entity;

(B) demonstrates engagement with a variety of public and private stakeholders;

(C) seeks to adopt innovative technologies or strategies to promote safety;

(D) employs low-cost, high-impact strategies that can improve safety over a wider geographical area;

(E) ensures, or will ensure, equitable investment in the safety needs of underserved communities in preventing transportation-related fatalities and injuries;

(F) includes evidence-based projects or strategies; and

(G) achieves such other conditions as the Secretary considers to be necessary.

(4) TRANSPARENCY.—

(A) IN GENERAL.—The Secretary shall evaluate, through a methodology that is discernible and transparent to the public, the means by, and extent to, which each application under the program addresses any applicable merit criteria established by the Secretary.

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(B) PUBLICATION.—The methodology under subparagraph (A) shall be published by the Secretary as part of the notice of funding opportunity under the program.

(e) FEDERAL SHARE.—The Federal share of the cost of an eligible project carried out using a grant provided under the program shall not exceed 80 percent.

(f) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2022 through 2026, to remain available for a period of 3 fiscal years following the fiscal year for which the amounts are appropriated.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts made available to carry out the program for a fiscal year, the Secretary may retain not more than 2 percent for the administrative expenses of the program.

(3) AVAILABILITY TO ELIGIBLE ENTITIES.—Amounts made available under a grant under the program shall remain available for use by the applicable eligible entity until the date that is 5 years after the date on which the grant is provided.

(g) DATA SUBMISSION.—

(1) IN GENERAL.—As a condition of receiving a grant under this program, an eligible entity shall submit to the Secretary, on a regular basis as established by the Secretary, data, information, or analyses collected or conducted in accordance with subsection (d)(3).

(2) FORM.—The data, information, and analyses under paragraph (1) shall be submitted in such form such manner as may be prescribed by the Secretary.

(h) REPORTS.—Not later than 120 days after the end of the period of performance for a grant under the program, the eligible entity shall submit to the Secretary a report that describes—

(1) the costs of each eligible project carried out using the grant;

(2) the outcomes and benefits that each such eligible project has generated, as—

(A) identified in the grant application of the eligible entity; and

(B) measured by data, to the maximum extent practicable; and

(3) the lessons learned and any recommendations relating to future projects or strategies to prevent death and serious injury on roads and streets.

(i) BEST PRACTICES.—Based on the information submitted by eligible entities under subsection (g), the Secretary shall—

(1) periodically post on a publicly available website best practices and lessons learned for preventing transportation-related fatalities and serious injuries pursuant to strategies or interventions implemented under the program; and

(2) evaluate and incorporate, as appropriate, the effectiveness of strategies and interventions implemented under the program for the purpose of enriching revisions to the document entitled "Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices, Ninth Edition" and numbered DOT HS 812 478 (or any successor document).

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SEC. 24113. IMPLEMENTATION OF GAO RECOMMENDATIONS.

(a) NEXT GENERATION 911.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement the recommendations of the Comptroller General of the United States contained in the report entitled "Next Generation 911: National 911 Program Could Strengthen Efforts to Assist States", numbered GAO–18–252, and dated January 1, 2018, by requiring that the Administrator of the National Highway Traffic Safety Administration, in collaboration with the appropriate Federal agencies, shall determine the roles and responsibilities of the Federal agencies participating in the initiative entitled "National NG911 Roadmap initiative" to carry out the national-level tasks with respect which each agency has jurisdiction.

(2) IMPLEMENTATION PLAN.—The Administrator of the National Highway Traffic Safety Administration shall develop an implementation plan to support the completion of national-level tasks under the National NG911 Roadmap initiative.

(b) PEDESTRIAN AND CYCLISTS INFORMATION AND ENHANCED PERFORMANCE MANAGEMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement the recommendations of the Comptroller General of the United States contained in the report entitled "Pedestrians and Cyclists: Better Information to States and Enhanced Performance Management Could Help DOT Improve Safety", numbered GAO–21–405, and dated May 20, 2021, by—

(A) carrying out measures to collect information relating to the range of countermeasures implemented by States;

(B) analyzing that information to help advance knowledge regarding the effectiveness of those countermeasures; and

(C) sharing with States any results.

(2) PERFORMANCE MANAGEMENT PRACTICES.—The Administrator of the National Highway Traffic Safety Administration shall use performance management practices to guide pedestrian and cyclist safety activities by—

(A) developing performance measures for the Administration and program offices responsible for implementing pedestrian and cyclist safety activities to demonstrate the means by which those activities contribute to safety goals; and

(B) using performance information to make any necessary changes to advance pedestrian and cyclist safety efforts.

Subtitle B—Vehicle Safety

SEC. 24201. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out chapter 301, and part C of subtitle VI, of title 49, United States Code—

(1) $200,294,333 for fiscal year 2022;

(2) $204,300,219 for fiscal year 2023;

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(3) $208,386,224 for fiscal year 2024;
(4) $212,553,948 for fiscal year 2025; and
(5) $216,805,027 for fiscal year 2026.

SEC. 24202. RECALL COMPLETION.

(a) REPORTS ON RECALL CAMPAIGNS.—Section 30118 of title 49, United States Code, is amended by adding at the end the following:

"(f) REPORTS ON NOTIFICATION CAMPAIGNS.—

"(1) IN GENERAL.—Each manufacturer that is conducting a campaign under subsection (b) or (c) or any other provision of law (including regulations) to notify manufacturers, distributors, owners, purchasers, or dealers of a defect or noncompliance shall submit to the Administrator of the National Highway Traffic Safety Administration—

"(A) by the applicable date described in section 573.7(d) of title 49, Code of Federal Regulations (or a successor regulation), a quarterly report describing the campaign for each of 8 consecutive quarters, beginning with the quarter in which the campaign was initiated; and

"(B) an annual report for each of the 3 years beginning after the date of completion of the last quarter for which a quarterly report is submitted under subparagraph (A).

"(2) REQUIREMENTS.—Except as otherwise provided in this subsection, each report under this subsection shall comply with the requirements of section 573.7 of title 49, Code of Federal Regulations (or a successor regulation).".

(b) RECALL COMPLETION RATES.—Section 30120 of title 49, United States Code, is amended by adding at the end the following:

"(k) RECALL COMPLETION RATES.—

"(1) IN GENERAL.—The Administrator of the National Highway Traffic Safety Administration shall publish an annual list of recall completion rates for each recall campaign for which 8 quarterly reports have been submitted under subsection (f) of section 30118 as of the date of publication of the list.

"(2) REQUIREMENTS.—The annual list under paragraph (1) shall include—

"(A) for each applicable campaign—

"(i) the total number of vehicles subject to recall; and

"(ii) the percentage of vehicles that have been remedied; and

"(B) for each manufacturer submitting an applicable quarterly report under section 30118(f)—

"(i) the total number of recalls issued by the manufacturer during the year covered by the list;

"(ii) the estimated number of vehicles of the manufacturer subject to recall during the year covered by the list; and

"(iii) the percentage of vehicles that have been remedied.".

SEC. 24203. RECALL ENGAGEMENT.

(a) RECALL REPAIR.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study to determine—

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(A) the reasons why vehicle owners do not have repairs performed for vehicles subject to open recalls; and

(B) whether engagement by third parties, including State and local governments, insurance companies, or other entities, could increase the rate at which vehicle owners have repairs performed for vehicles subject to open recalls; and

(2) submit to Congress a report describing the results of the study under paragraph (1), including any recommendations for increasing the rate of repair for vehicles subject to open recalls.

(b) RIDESHARING.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall—

(1) conduct a study to determine the number of passenger motor vehicles in each State that—

(A) are used by transportation network companies for for-hire purposes, such as ridesharing; and

(B) have 1 or more open recalls; and

(2) submit to Congress a report describing the results of the study under paragraph (1).

(c) NHTSA STUDY AND REPORT.—Not later than 3 years after the date of enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall—

(1) conduct a study to determine the ways in which vehicle recall notices could—

(A) more effectively reach vehicle owners;

(B) be made easier for all consumers to understand; and

(C) incentivize vehicle owners to complete the repairs described in the recall notices; and

(2) submit to Congress a report describing the results of the study under paragraph (1), including any recommendations for—

(A) increasing the rate of repair for vehicles subject to open recalls; or

(B) any regulatory or statutory legislative changes that would facilitate an increased rate of repair.

SEC. 24204. MOTOR VEHICLE SEAT BACK SAFETY STANDARDS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, subject to subsection (b), the Secretary shall issue an advanced notice of proposed rulemaking to update section 571.207 of title 49, Code of Federal Regulations.

(b) COMPLIANCE DATE.—If the Secretary determines that a final rule is appropriate consistent with the considerations described in section 30111(b) of title 49, United States Code, in issuing a final rule pursuant to subsection (a), the Secretary shall establish a date for required compliance with the final rule of not later than 2 motor vehicle model years after the model year during which the effective date of the final rule occurs.

SEC. 24205. AUTOMATIC SHUTOFF.

(a) DEFINITIONS.—In this section:

(1) KEY.—The term "key" has the meaning given the term in section 571.114 of title 49, Code of Federal Regulations (or a successor regulation).

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(2) MANUFACTURER.—The term "manufacturer" has the meaning given the term in section 30102(a) of title 49, United States Code.

(3) MOTOR VEHICLE.—

(A) IN GENERAL.—The term "motor vehicle" has the meaning given the term in section 30102(a) of title 49, United States Code.

(B) EXCLUSIONS.—The term "motor vehicle" does not include—

(i) a motorcycle or trailer (as those terms are defined in section 571.3 of title 49, Code of Federal Regulations (or a successor regulation));

(ii) any motor vehicle with a gross vehicle weight rating of more than 10,000 pounds;

(iii) a battery electric vehicle; or

(iv) a motor vehicle that requires extended periods with the engine in idle to operate in service mode or to operate equipment, such as an emergency vehicle (including a police vehicle, an ambulance, or a tow vehicle) and a commercial-use vehicle (including a refrigeration vehicle).

(b) AUTOMATIC SHUTOFF SYSTEMS FOR MOTOR VEHICLES.—

(1) FINAL RULE.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue a final rule amending section 571.114 of title 49, Code of Federal Regulations, to require manufacturers to install in each motor vehicle that is equipped with a keyless ignition device and an internal combustion engine a device or system to automatically shutoff the motor vehicle after the motor vehicle has idled for the period described in subparagraph (B).

(B) DESCRIPTION OF PERIOD.—

(i) IN GENERAL.—The period referred to in subparagraph (A) is the period designated by the Secretary as necessary to prevent, to the maximum extent practicable, carbon monoxide poisoning.

(ii) DIFFERENT PERIODS.—The Secretary may designate different periods under clause (i) for different types of motor vehicles, depending on the rate at which the motor vehicle emits carbon monoxide, if—

(I) the Secretary determines a different period is necessary for a type of motor vehicle for purposes of section 30111 of title 49, United States Code; and

(II) requiring a different period for a type of motor vehicle is consistent with the prevention of carbon monoxide poisoning.

(2) DEADLINE.—Unless the Secretary finds good cause to phase-in or delay implementation, the rule issued pursuant to paragraph (1) shall take effect on September 1 of the first calendar year beginning after the date on which the Secretary issues the rule.

(c) PREVENTING MOTOR VEHICLES FROM ROLLING AWAY.—

(1) REQUIREMENT.—The Secretary shall conduct a study of the regulations contained in part 571 of title 49, Code of Federal Regulations, to evaluate the potential consequences

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and benefits of the installation by manufacturers of technology to prevent movement of motor vehicles equipped with keyless ignition devices and automatic transmissions when—

(A) the transmission of the motor vehicle is not in the park setting;

(B) the motor vehicle does not exceed the speed determined by the Secretary under paragraph (2);

(C) the seat belt of the operator of the motor vehicle is unbuckled;

(D) the service brake of the motor vehicle is not engaged; and

(E) the door for the operator of the motor vehicle is open.

(2) REVIEW AND REPORT.—The Secretary shall—

(A) provide a recommended maximum speed at which a motor vehicle may be safely locked in place under the conditions described in subparagraphs (A), (C), (D), and (E) of paragraph (1) to prevent vehicle rollaways; and

(B) not later than 1 year after the date of completion of the study under paragraph (1), submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report—

(i) describing the findings of the study; and

(ii) providing additional recommendations, if any.

SEC. 24206. PETITIONS BY INTERESTED PERSONS FOR STANDARDS AND ENFORCEMENT.

Section 30162 of title 49, United States Code, is amended—

(1) in subsection (b), by striking "The petition" and inserting "A petition under this section";

(2) in subsection (c), by striking "the petition" and inserting "a petition under this section"; and

(3) in subsection (d)—

(A) in the third sentence, by striking "If a petition" and inserting the following:

"(3) DENIAL.—If a petition under this section";

(B) in the second sentence , by striking "If a petition is granted" and inserting the following:

"(2) APPROVAL.—If a petition under this section is approved"; and

(C) in the first sentence, by striking "The Secretary shall grant or deny a petition" and inserting the following:

"(1) IN GENERAL.—The Secretary shall determine whether to approve or deny a petition under this section by".

SEC. 24207. CHILD SAFETY SEAT ACCESSIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in coordination with other relevant Federal departments and agencies, including the Secretary of Agriculture, the Secretary of Education, and the Secretary of Health and Human Services, shall conduct a study to review the status of motor vehicle child safety seat accessibility for low-income families and underserved populations.

(b) ADDRESSING NEEDS.—In conducting the study under subsection (a), the Secretary shall—

(1) examine the impact of Federal funding provided under section 405 of title 23, United States Code; and

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(2) develop a plan for addressing any needs identified in the study, including by working with social service providers.

SEC. 24208. CRASH AVOIDANCE TECHNOLOGY.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§ 30129. Crash avoidance technology

"(a) IN GENERAL.—The Secretary of Transportation shall promulgate a rule—

"(1) to establish minimum performance standards with respect to crash avoidance technology; and

"(2) to require that all passenger motor vehicles manufactured for sale in the United States on or after the compliance date described in subsection (b) shall be equipped with—

"(A) a forward collision warning and automatic emergency braking system that—

"(i) alerts the driver if—

"(I) the distance to a vehicle ahead or an object in the path of travel ahead is closing too quickly; and

"(II) a collision is imminent; and

"(ii) automatically applies the brakes if the driver fails to do so; and

"(B) a lane departure warning and lane-keeping assist system that—

"(i) warns the driver to maintain the lane of travel; and

"(ii) corrects the course of travel if the driver fails to do so.

"(b) COMPLIANCE DATE.—The Secretary of Transportation shall determine the appropriate effective date, and any phasing-in of requirements, of the final rule promulgated pursuant to subsection (a).".

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"30129. Crash avoidance technology.".

SEC. 24209. REDUCTION OF DRIVER DISTRACTION.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall conduct research regarding the installation and use on motor vehicles of driver monitoring systems to minimize or eliminate—

(1) driver distraction;

(2) driver disengagement;

(3) automation complacency by drivers; and

(4) foreseeable misuse of advanced driver-assist systems.

(b) REPORT.—Not later than 180 days after the date of completion of the research under subsection (a), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a detailed report describing the findings of the research.

(c) RULEMAKING.—

(1) IN GENERAL.—If, based on the research completed under subsection (a), the Secretary determines that—

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(A) 1 or more rulemakings are necessary to ensure safety, in accordance with the section 30111 of title 49, United States Code, the Secretary shall initiate the rulemakings by not later than 2 years after the date of submission of the report under subsection (b); and

(B) an additional rulemaking is not necessary, or an additional rulemaking cannot meet the applicable requirements and considerations described in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the reasons for not prescribing additional Federal motor vehicle safety standards regarding the research conducted under subsection (a).

(2) PRIVACY.—A rule issued pursuant to paragraph (1) shall incorporate appropriate privacy and data security safeguards, as determined by the Secretary.

SEC. 24210. RULEMAKING REPORT.

(a) DEFINITION OF COVERED RULEMAKING.—In this section, the term "covered rulemaking" means a regulation or rulemaking that—

(1) has not been finalized by the date on which the relevant notification is submitted under subsection (b); and

(2) relates to—

(A) section 30120A of title 49, United States Code;

(B) section 30166(o) of title 49, United States Code;

(C) section 30172 of title 49, United States Code;

(D) section 32302(c) of title 49, United States Code;

(E) a defect reporting requirement under section 32302(d) of title 49, United States Code;

(F) subsections (b) and (c) of section 32304A of title 49, United States Code;

(G) the tire pressure monitoring standards required under section 24115 of the FAST Act (49 U.S.C. 30123 note; Public Law 114–94);

(H) the amendment made by section 24402 of the FAST Act (129 Stat. 1720; Public Law 114–94) to section 30120(g)(1) of title 49, United States Code;

(I) the records retention rule required under section 24403 of the FAST Act (49 U.S.C. 30117 note; Public Law 114–94);

(J) the amendments made by section 24405 of the FAST Act (Public Law 114–94; 129 Stat. 1721) to section 30114 of title 49, United States Code;

(K) a defect and noncompliance notification required under—

(i) section 24104 of the FAST Act (49 U.S.C. 30119 note; Public Law 114–94); or

(ii) section 31301 of MAP–21 (49 U.S.C. 30166 note; Public Law 112–141);

(L) a side impact or frontal impact test procedure for child restraint systems under section 31501 of MAP–21 (49 U.S.C. 30127 note; Public Law 112–141);

(M) an upgrade to child restraint anchorage system usability requirements required under section 31502 of MAP–21 (49 U.S.C. 30127 note; Public Law 112–141);

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(N) the rear seat belt reminder system required under section 31503 of MAP–21 (49 U.S.C. 30127 note; Public Law 112–141);

(O) a motorcoach rulemaking required under section 32703 of MAP–21 (49 U.S.C. 31136 note; Public Law 112–141); or

(P) any rulemaking required under this Act.

(b) NOTIFICATION.—Not later than 180 days after the date of enactment of this Act, and not less frequently than biannually thereafter until the applicable covered rulemaking is complete, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a written notification that includes, with respect to each covered rulemaking—

(1) for a covered rulemaking with a statutory deadline for completion—

(A) an explanation of why the deadline was not met; and

(B) an expected date of completion of the covered rulemaking; and

(2) for a covered rulemaking without a statutory deadline for completion, an expected date of completion of the covered rulemaking.

(c) ADDITIONAL CONTENTS.—A notification under subsection (b) shall include, for each applicable covered rulemaking—

(1) an updated timeline;

(2) a list of factors causing delays in the completion of the covered rulemaking; and

(3) any other details associated with the status of the covered rulemaking.

SEC. 24211. GLOBAL HARMONIZATION.

The Secretary shall cooperate, to the maximum extent practicable, with foreign governments, nongovernmental stakeholder groups, the motor vehicle industry, and consumer groups with respect to global harmonization of vehicle regulations as a means for improving motor vehicle safety.

SEC. 24212. HEADLAMPS.

(a) DEFINITIONS.—In this section:

(1) ADAPTIVE DRIVING BEAM HEADLAMP.—The term "adaptive driving beam headlamp" means a headlamp (as defined in Standard 108) that meets the performance requirements specified in SAE International Standard J3069, published on June 30, 2016.

(2) STANDARD 108.—The term "Standard 108" means Federal Motor Vehicle Safety Standard Number 108, contained in section 571.108 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(b) RULEMAKING.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue a final rule amending Standard 108—

(1) to include performance-based standards for vehicle headlamp systems—

(A) to ensure that headlights are correctly aimed on the road; and

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(B) requiring those systems to be tested on-vehicle to account for headlight height and lighting performance; and

(2) to allow for the use on vehicles of adaptive driving beam headlamp systems.

(c) PERIODIC REVIEW.—Nothing in this section precludes the Secretary from—

(1) reviewing Standard 108, as amended pursuant to subsection (b); and

(2) revising Standard 108 to reflect an updated version of SAE International Standard J3069, as the Secretary determines to be—

(A) appropriate; and

(B) in accordance with section 30111 of title 49, United States Code.

SEC. 24213. NEW CAR ASSESSMENT PROGRAM.

(a) UPDATES.—Not later than 1 year after the date of enactment of this Act, the Secretary shall finalize the proceeding for which comments were requested in the notice entitled "New Car Assessment Program" (80 Fed. Reg. 78522 (December 16, 2015)) to update the passenger motor vehicle information required under section 32302(a) of title 49, United States Code.

(b) INFORMATION PROGRAM.—Section 32302 of title 49, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting "(referred to in this section as the 'Secretary')" after "of Transportation"; and

(2) by adding at the end the following:

"(e) ADVANCED CRASH-AVOIDANCE TECHNOLOGIES.—

"(1) NOTICE.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall publish a notice, for purposes of public review and comment, to establish, distinct from crashworthiness information, a means for providing to consumers information relating to advanced crash-avoidance technologies, in accordance with subsection (a).

"(2) INCLUSIONS.—The notice under paragraph (1) shall include—

"(A) an appropriate methodology for—

"(i) determining which advanced crash-avoidance technologies shall be included in the information;

"(ii) developing performance test criteria for use by manufacturers in evaluating advanced crash-avoidance technologies;

"(iii) determining a distinct rating involving each advanced crash-avoidance technology to be included; and

"(iv) updating overall vehicle ratings to incorporate advanced crash-avoidance technology ratings; and

"(B) such other information and analyses as the Secretary determines to be necessary to implement the rating of advanced crash-avoidance technologies.

"(3) REPORT.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes a plan

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for implementing an advanced crash-avoidance technology information and rating system, in accordance with subsection (a).

"(f) VULNERABLE ROAD USER SAFETY.—

"(1) NOTICE.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall publish a notice, for purposes of public review and comment, to establish a means for providing to consumers information relating to pedestrian, bicyclist, or other vulnerable road user safety technologies, in accordance with subsection (a).

"(2) INCLUSIONS.—The notice under paragraph (1) shall include—

"(A) an appropriate methodology for—

"(i) determining which technologies shall be included in the information;

"(ii) developing performance test criteria for use by manufacturers in evaluating the extent to which automated pedestrian safety systems in light vehicles attempt to prevent and mitigate, to the best extent possible, pedestrian injury;

"(iii) determining a distinct rating involving each technology to be included; and

"(iv) updating overall vehicle ratings to incorporate vulnerable road user safety technology ratings; and

"(B) such other information and analyses as the Secretary determines to be necessary to implement the rating of vulnerable road user safety technologies.

"(3) REPORT.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes a plan for implementing an information and rating system for vulnerable road user safety technologies, in accordance with subsection (a).".

(c) ROADMAP.—

(1) IN GENERAL.—Chapter 323 of title 49, United States Code, is amended by adding at the end the following:

"§ 32310. New Car Assessment Program roadmap

"(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this section, and not less frequently than once every 4 years thereafter, the Secretary of Transportation (referred to in this section as the 'Secretary') shall establish a roadmap for the implementation of the New Car Assessment Program of the National Highway Traffic Safety Administration.

"(b) REQUIREMENTS.—A roadmap under subsection (a) shall—

"(1) cover a term of 10 years, consisting of—

"(A) a mid-term component covering the initial 5 years of the term; and

"(B) a long-term component covering the final 5 years of the term; and

"(2) be in accordance with—

"(A) section 306 of title 5;

"(B) section 1115 of title 31;

"(C) section 24401 of the FAST Act (49 U.S.C. 105 note; Public Law 114–94); and

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"(D) any other relevant plans of the National Highway Traffic Safety Administration.

"(c) CONTENTS.—A roadmap under subsection (a) shall include—

"(1) a plan for any changes to the New Car Assessment Program of the National Highway Traffic Safety Administration, including—

"(A) descriptions of actions to be carried out to update the passenger motor vehicle information developed under section 32302(a), including the development of test procedures, test devices, test fixtures, and safety performance metrics, which shall, as applicable, incorporate—

"(i) objective criteria for evaluating safety technologies; and

"(ii) reasonable time periods for compliance with new or updated tests;

"(B) key milestones, including the anticipated start of an action, completion of an action, and effective date of an update; and

"(C) descriptions of the means by which an update will improve the passenger motor vehicle information developed under section 32302(a);

"(2) an identification and prioritization of safety opportunities and technologies—

"(A) with respect to the mid-term component of the roadmap under subsection (b)(1)(A)—

"(i) that are practicable; and

"(ii) for which objective rating tests, evaluation criteria, and other consumer data exist for a market-based, consumer information approach; and

"(B) with respect to the long-term component of the roadmap under subsection (b)(1)(B), exist or are in development;

"(3) an identification of—

"(A) any safety opportunity or technology that—

"(i) is identified through the activities carried out pursuant to subsection (d) or (e); and

"(ii) is not included in the roadmap under paragraph (2);

"(B) the reasons why such a safety opportunity or technology is not included in the roadmap; and

"(C) any developments or information that would be necessary for the Secretary to consider including such a safety opportunity or technology in a future roadmap; and

"(4) consideration of the benefits of consistency with other rating systems used—

"(A) within the United States; and

"(B) internationally.

"(d) CONSIDERATIONS.—Before finalizing a roadmap under this section, the Secretary shall—

"(1) make the roadmap available for public comment;

"(2) review any public comments received under paragraph (1); and

"(3) incorporate in the roadmap under this section those comments, as the Secretary determines to be appropriate.

"(e) STAKEHOLDER ENGAGEMENT.—Not less frequently than annually, the Secretary shall engage stakeholders that represent a diversity of technical backgrounds and viewpoints—

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"(1) to identify—

"(A) safety opportunities or technologies in development that could be included in future roadmaps; and

"(B) opportunities to benefit from collaboration or harmonization with third-party safety rating programs;

"(2) to assist with long-term planning;

"(3) to provide an interim update of the status and development of the following roadmap to be established under subsection (a); and

"(4) to collect feedback or other information that the Secretary determines to be relevant to enhancing the New Car Assessment Program of the National Highway Traffic Safety Administration.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 323 of title 49, United States Code, is amended by adding at the end the following:

"32310. New Car Assessment Program roadmap.".

SEC. 24214. HOOD AND BUMPER STANDARDS.

(a) NOTICE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue a notice, for purposes of public review and comment, regarding potential updates to hood and bumper standards for motor vehicles (as defined in section 30102(a) of title 49, United States Code).

(b) INCLUSIONS.—The notice under subsection (a) shall include information relating to—

(1) the incorporation or consideration of advanced crash-avoidance technology in existing motor vehicle standards;

(2) the incorporation or consideration of standards or technologies to reduce the number of injuries and fatalities suffered by pedestrians, bicyclists, or other vulnerable road users;

(3) the development of performance test criteria for use by manufacturers in evaluating advanced crash-avoidance technology, including technology relating to vulnerable road user safety;

(4) potential harmonization with global standards, including United Nations Economic Commission for Europe Regulation Number 42; and

(5) such other information and analyses as the Secretary determines to be necessary.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes—

(1) the current status of hood and bumper standards;

(2) relevant advanced crash-avoidance technology;

(3) actions needed to be carried out to develop performance test criteria; and

(4) if applicable, a plan for incorporating advanced crash-avoidance technology, including technology relating to vulnerable road user safety, in existing standards.

SEC. 24215. EMERGENCY MEDICAL SERVICES AND 9–1–1.

Section 158(a) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(a)) is amended by striking paragraph (4).

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SEC. 24216. EARLY WARNING REPORTING.

(a) IN GENERAL.—Section 30166(m)(3) of title 49, United States Code, is amended by adding at the end the following:

"(D) SETTLEMENTS.—Notwithstanding any order entered in a civil action restricting the disclosure of information, a manufacturer of a motor vehicle or motor vehicle equipment shall comply with the requirements of this subsection and any regulations promulgated pursuant to this subsection.".

(b) STUDY AND REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall—

(1) conduct a study—

(A) to evaluate the early warning reporting data submitted under section 30166(m) of title 49, United States Code (including regulations); and

(B) to identify improvements, if any, that would enhance the use by the National Highway Traffic Administration of early warning reporting data to enhance safety; and

(2) submit to the Committee on the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study under paragraph (1), including any recommendations for regulatory or legislative action.

SEC. 24217. IMPROVED VEHICLE SAFETY DATABASES.

Not later than 3 years after the date of enactment of this Act, after consultation with frequent users of publicly available databases, the Secretary shall improve public accessibility to information relating to the publicly accessible vehicle safety databases of the National Highway Traffic Safety Administration by revising the publicly accessible vehicle safety databases—

(1) to improve organization and functionality, including design features such as drop-down menus;

(2) to allow data from applicable publicly accessible vehicle safety databases to be searched, sorted, aggregated, and downloaded in a manner that—

(A) is consistent with the public interest; and

(B) facilitates easy use by consumers;

(3) to provide greater consistency in presentation of vehicle safety issues;

(4) to improve searchability regarding specific vehicles and issues, which may include the standardization of commonly used search terms; and

(5) to ensure nonconfidential documents and materials relating to information created or obtained by the National Highway Traffic Safety Administration are made publicly available in a manner that is—

(A) timely; and

(B) searchable in databases by any element that the Secretary determines to be in the public interest.

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SEC. 24218. NATIONAL DRIVER REGISTER ADVISORY COMMITTEE REPEAL.

(a) IN GENERAL.—Section 30306 of title 49, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 303 of title 49, United States Code, is amended by striking the item relating to section 30306.

SEC. 24219. RESEARCH ON CONNECTED VEHICLE TECHNOLOGY.

The Administrator of the National Highway Traffic Safety Administration, in collaboration with the head of the Intelligent Transportation Systems Joint Program Office and the Administrator of the Federal Highway Administration, shall—

(1) not later than 180 days after the date of enactment of this Act, expand vehicle-to-pedestrian research efforts focused on incorporating bicyclists and other vulnerable road users into the safe deployment of connected vehicle systems; and

(2) not later than 2 years after the date of enactment of this Act, submit to Congress and make publicly available a report describing the findings of the research efforts described in paragraph (1), including an analysis of the extent to which applications supporting vulnerable road users can be accommodated within existing spectrum allocations for connected vehicle systems.

SEC. 24220. ADVANCED IMPAIRED DRIVING TECHNOLOGY.

(a) FINDINGS.—Congress finds that—

(1) alcohol-impaired driving fatalities represent approximately ⅓ of all highway fatalities in the United States each year;

(2) in 2019, there were 10,142 alcohol-impaired driving fatalities in the United States involving drivers with a blood alcohol concentration level of .08 or higher, and 68 percent of the crashes that resulted in those fatalities involved a driver with a blood alcohol concentration level of .15 or higher;

(3) the estimated economic cost for alcohol-impaired driving in 2010 was $44,000,000,000;

(4) according to the Insurance Institute for Highway Safety, advanced drunk and impaired driving prevention technology can prevent more than 9,400 alcohol-impaired driving fatalities annually; and

(5) to ensure the prevention of alcohol-impaired driving fatalities, advanced drunk and impaired driving prevention technology must be standard equipment in all new passenger motor vehicles.

(b) DEFINITIONS.—In this section:

(1) ADVANCED DRUNK AND IMPAIRED DRIVING PREVENTION TECHNOLOGY.—The term "advanced drunk and impaired driving prevention technology" means a system that—

(A) can—

(i) passively monitor the performance of a driver of a motor vehicle to accurately identify whether that driver may be impaired; and

(ii) prevent or limit motor vehicle operation if an impairment is detected;

(B) can—

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(i) passively and accurately detect whether the blood alcohol concentration of a driver of a motor vehicle is equal to or greater than the blood alcohol concentration described in section 163(a) of title 23, United States Code; and

(ii) prevent or limit motor vehicle operation if a blood alcohol concentration above the legal limit is detected; or

(C) is a combination of systems described in subparagraphs (A) and (B).

(2) NEW.—The term "new", with respect to a passenger motor vehicle, means that the passenger motor vehicle—

(A) is a new vehicle (as defined in section 37.3 of title 49, Code of Federal Regulations (or a successor regulation)); and

(B) has not been purchased for purposes other than resale.

(3) PASSENGER MOTOR VEHICLE.—The term "passenger motor vehicle" has the meaning given the term in section 32101 of title 49, United States Code.

(4) SECRETARY.—The term "Secretary" means the Secretary of Transportation, acting through the Administrator of the National Highway Traffic Safety Administration.

(c) ADVANCED DRUNK AND IMPAIRED DRIVING PREVENTION TECHNOLOGY SAFETY STANDARD.—Subject to subsection (e) and not later than 3 years after the date of enactment of this Act, the Secretary shall issue a final rule prescribing a Federal motor vehicle safety standard under section 30111 of title 49, United States Code, that requires passenger motor vehicles manufactured after the effective date of that standard to be equipped with advanced drunk and impaired driving prevention technology.

(d) REQUIREMENT.—To allow sufficient time for manufacturer compliance, the compliance date of the rule issued under subsection (c) shall be not earlier than 2 years and not more than 3 years after the date on which that rule is issued.

(e) TIMING.—If the Secretary determines that the Federal motor vehicle safety standard required under subsection (c) cannot meet the requirements and considerations described in subsections (a) and (b) of section 30111 of title 49, United States Code, by the applicable date, the Secretary—

(1) may extend the time period to such date as the Secretary determines to be necessary, but not later than the date that is 3 years after the date described in subsection (c);

(2) shall, not later than the date described in subsection (c) and not less frequently than annually thereafter until the date on which the rule under that subsection is issued, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing, as of the date of submission of the report—

(A) the reasons for not prescribing a Federal motor vehicle safety standard under section 30111 of title 49, United States Code, that requires advanced drunk and impaired driving prevention technology in all new passenger motor vehicles;

(B) the deployment of advanced drunk and impaired driving prevention technology in vehicles;

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(C) any information relating to the ability of vehicle manufacturers to include advanced drunk and impaired driving prevention technology in new passenger motor vehicles; and

(D) an anticipated timeline for prescribing the Federal motor vehicle safety standard described in subsection (c); and

(3) if the Federal motor vehicle safety standard required by subsection (c) has not been finalized by the date that is 10 years after the date of enactment of this Act, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representative a report describing—

(A) the reasons why the Federal motor vehicle safety standard has not been finalized;

(B) the barriers to finalizing the Federal motor vehicle safety standard; and

(C) recommendations to Congress to facilitate the Federal motor vehicle safety standard.

SEC. 24221. GAO REPORT ON CRASH DUMMIES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that—

(1) examines—

(A) the processes used by the National Highway Traffic Safety Administration (referred to in this section as the "Administration") for studying and deploying crash test dummies;

(B)(i) the types of crash test dummies used by the Administration as of the date of enactment of this Act;

(ii) the seating positions in which those crash test dummies are tested; and

(iii) whether the seating position affects disparities in motor vehicle safety outcomes based on demographic characteristics, including sex, and, if so, how the seating position affects those disparities;

(C) the biofidelic crash test dummies that are available in the global and domestic marketplace that reflect the physical and demographic characteristics of the driving public in the United States, including—

(i) females;

(ii) the elderly;

(iii) young adults;

(iv) children; and

(v) individuals of differing body weights;

(D) how the Administration determines whether to study and deploy new biofidelic crash test dummies, including the biofidelic crash test dummies examined under subparagraph (C), and the timelines by which the Administration conducts the work of making those determinations and studying and deploying new biofidelic crash test dummies;

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(E) challenges the Administration faces in studying and deploying new crash test dummies; and

(F) how the practices of the Administration with respect to crash test dummies compare to other programs that test vehicles and report results to the public, including the European New Car Assessment Programme;

(2) evaluates potential improvements to the processes described in paragraph (1) that could reduce disparities in motor vehicle safety outcomes based on demographic characteristics, including sex;

(3) analyzes the potential use of computer simulation techniques, as a supplement to physical crash tests, to conduct virtual simulations of vehicle crash tests in order to evaluate predicted motor vehicle safety outcomes based on the different physical and demographic characteristics of motor vehicle occupants; and

(4) includes, as applicable, any assessments or recommendations relating to crash test dummies that are relevant to reducing disparities in motor vehicle safety outcomes based on demographic characteristics, including sex.

(b) INTERIM REPORT FROM THE ADMINISTRATION.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that—

(1) identifies—

(A) the types of crash test dummies used by the Administration as of the date of enactment of this Act with respect to—

(i) the New Car Assessment Program of the Administration; and

(ii) testing relating to Federal Motor Vehicle Safety Standards;

(B) how each type of crash test dummy identified under subparagraph (A) is tested with respect to seating position; and

(C) any crash test dummies that the Administration is actively evaluating for future use—

(i) in the New Car Assessment Program of the Administration; or

(ii) for testing relating to Federal Motor Vehicle Safety Standards;

(2) explains—

(A) the plans of the Administration, including the expected timelines, for putting any crash test dummies identified under paragraph (1)(C) to use as described in that paragraph;

(B) any challenges to putting those crash test dummies to use; and

(C) the potential use of computer simulation techniques, as a supplement to physical crash tests, to conduct virtual simulations of vehicle crash tests in order to evaluate predicted motor vehicle safety outcomes based on the different physical and demographic characteristics of motor vehicle occupants; and

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(3) provides policy recommendations for reducing disparities in motor vehicle safety testing and outcomes based on demographic characteristics, including sex.

SEC. 24222. CHILD SAFETY.

(a) AMENDMENT.—

(1) IN GENERAL.—Chapter 323 of title 49, United States Code, is amended by adding after section 32304A the following:

"§ 32304B. Child safety

"(a) DEFINITIONS.—In this section:

"(1) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' has the meaning given that term in section 32101.

"(2) REAR-DESIGNATED SEATING POSITION.—The term 'rear-designated seating position' means designated seating positions that are rearward of the front seat.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(b) RULEMAKING.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue a final rule requiring all new passenger motor vehicles weighing less than 10,000 pounds gross vehicle weight to be equipped with a system to alert the operator to check rear-designated seating positions after the vehicle engine or motor is deactivated by the operator.

"(c) MEANS.—The alert required under subsection (b)—

"(1) shall include a distinct auditory and visual alert, which may be combined with a haptic alert; and

"(2) shall be activated when the vehicle motor is deactivated by the operator.

"(d) PHASE-IN.—The rule issued pursuant to subsection (b) shall require full compliance with the rule beginning on September 1st of the first calendar year that begins 2 years after the date on which the final rule is issued.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 323 of title 49, United States Code, is amended by inserting after the item relating to section 32304A the following:

"32304B. Child safety.".

(b) AWARENESS OF CHILDREN IN MOTOR VEHICLES.—Section 402 of title 23, United States Code (as amended by section 24102(a)(9)), is amended by adding at the end the following:

"(o) UNATTENDED PASSENGERS.—

"(1) IN GENERAL.—Each State shall use a portion of the amounts received by the State under this section to carry out a program to educate the public regarding the risks of leaving a child or unattended passenger in a vehicle after the vehicle motor is deactivated by the operator.

"(2) PROGRAM PLACEMENT.—Nothing in this subsection requires a State to carry out a program described in paragraph (1) through the State transportation or highway safety office.".

(c) STUDY AND REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary shall conduct a study on—

(i) the potential retrofitting of existing passenger motor vehicles with 1 or more technologies that may address the problem of children left in rear-designated

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seating positions of motor vehicles after deactivation of the motor vehicles by an operator; and

(ii) the potential benefits and burdens, logistical or economic, associated with widespread use of those technologies.

(B) ELEMENTS.—In carrying out the study under subparagraph (A), the Secretary shall—

(i) survey and evaluate a variety of methods used by current and emerging aftermarket technologies or products to reduce the risk of children being left in rear-designated seating positions after deactivation of a motor vehicle; and

(ii) provide recommendations—

(I) for manufacturers of the technologies and products described in clause (i) to carry out a functional safety performance evaluation to ensure that the technologies and products perform as designed by the manufacturer under a variety of real-world conditions; and

(II) for consumers on methods to select an appropriate technology or product described in clause (i) in order to retrofit existing vehicles.

(2) REPORT BY SECRETARY.—Not later than 180 days after the date on which the Secretary issues the final rule required by section 32304B(b) of title 49, United States Code (as added by subsection (a)(1)), the Secretary shall submit a report describing the results of the study carried out under paragraph (1) to—

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

(B) the Committee on Energy and Commerce of the House of Representatives.

TITLE V—RESEARCH AND INNOVATION

SEC. 25001. INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM ADVISORY COMMITTEE.

Section 515(h) of title 23, United States Code, is amended—

(1) in paragraph (1), by inserting "(referred to in this subsection as the 'Advisory Committee')" after "an Advisory Committee";

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "20 members" and inserting "25 members";

(B) in subparagraph (O) (as redesignated by section 13008(a)(2))—

(i) by striking "utilities,"; and

(ii) by striking the period at the end and inserting a semicolon;

(C) by redesignating subparagraphs (F), (G), (H), (I), (J), (K), (L), (M), (N), and (O) (as added or redesignated by section 13008(a)) as subparagraphs (H), (J), (K), (L), (M), (N), (O), (S), (T), and (U), respectively;

(D) by inserting after subparagraph (E) (as redesignated by section 13008(a)(2)) the following:

"(F) a representative of a national transit association;

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"(G) a representative of a national, State, or local transportation agency or association;";

(E) by inserting after subparagraph (H) (as redesignated by subparagraph (C)) the following:

"(I) a private sector developer of intelligent transportation system technologies, which may include emerging vehicle technologies;";

(F) by inserting after subparagraph (O) (as so redesignated) the following:

"(P) a representative of a labor organization;

"(Q) a representative of a mobility-providing entity;

"(R) an expert in traffic management;"; and

(G) by adding at the end the following:

"(V) an expert in cybersecurity; and

"(W) an automobile manufacturer.";

(3) in paragraph (3)—

(A) in subparagraph (A), by striking "section 508" and inserting "section 6503 of title 49"; and

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting "programs and" before "research"; and

(ii) in clause (iii), by striking "research and" and inserting "programs, research, and";

(4) by redesignating paragraphs (3) through (5) as paragraphs (5) through (7); and

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

"(3) TERM.—

"(A) IN GENERAL.—The term of a member of the Advisory Committee shall be 3 years.

"(B) RENEWAL.—On expiration of the term of a member of the Advisory Committee, the member—

"(i) may be reappointed; or

"(ii) if the member is not reappointed under clause (i), may serve until a new member is appointed.

"(4) MEETINGS.—The Advisory Committee—

"(A) shall convene not less frequently than twice each year; and

"(B) may convene with the use of remote video conference technology.".

SEC. 25002. SMART COMMUNITY RESOURCE CENTER.

(a) DEFINITIONS.—In this section:

(1) RESOURCE CENTER.—The term "resource center" means the Smart Community Resource Center established under subsection (b).

(2) SMART COMMUNITY.—The term "smart community" means a community that uses innovative technologies, data, analytics, and other means to improve the community and address local challenges.

(b) ESTABLISHMENT.—The Secretary shall work with the modal administrations of the Department and with such other Federal agencies and departments as the Secretary determines to be appropriate to make available to the public on an Internet website a resource center, to be known as the "Smart Community Resource Center", that includes a compilation of resources or links to resources for States and local communities to use in developing and implementing—

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(1) intelligent transportation system programs; or
(2) smart community transportation programs.

(c) INCLUSIONS.—The resource center shall include links to—

(1) existing programs and resources for intelligent transportation system or smart community transportation programs, including technical assistance, education, training, funding, and examples of intelligent transportation systems or smart community transportation programs implemented by States and local communities, available from—

(A) the Department;
(B) other Federal agencies; and
(C) non-Federal sources;

(2) existing reports or databases with the results of intelligent transportation system or smart community transportation programs;

(3) any best practices developed or lessons learned from intelligent transportation system or smart community transportation programs; and

(4) such other resources as the Secretary determines to be appropriate.

(d) DEADLINE.—The Secretary shall establish the resource center by the date that is 1 year after the date of enactment of this Act.

(e) UPDATES.—The Secretary shall ensure that the resource center is updated on a regular basis.

SEC. 25003. FEDERAL SUPPORT FOR LOCAL DECISIONMAKING.

(a) LOCAL OUTREACH.—To determine the data analysis tools needed to assist local communities in making infrastructure decisions, the Director of the Bureau of Transportation Statistics shall perform outreach to planning and infrastructure decision-making officials in units of local government and other units of government, including a geographically diverse group of individuals from—

(1) States;
(2) political subdivisions of States;
(3) cities;
(4) metropolitan planning organizations;
(5) regional transportation planning organizations; and
(6) federally recognized Indian Tribes.

(b) WORK PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, based on the outreach performed under subsection (a), the Director of the Bureau of Transportation Statistics shall submit to the Secretary a work plan for reviewing and updating existing data analysis tools and developing any additional data analysis tools needed to assist local communities with making infrastructure investment decisions.

(2) CONTENTS.—Based on the needs identified pursuant to the outreach performed under subsection (a), the work plan submitted under paragraph (1) shall include—

(A) a description of the data analysis tools identified that would benefit infrastructure decision-making by local governments and address the goals described in subsection (c);

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(B) a review of the datasets that local governments need to effectively use the data analysis tools described in subparagraph (A);

(C) an identification of existing or proposed data analysis tools that use publicly available data;

(D) the estimated cost of obtaining each dataset described in subparagraph (B);

(E) the estimated cost to develop the data analysis tools described in subparagraph (A);

(F) a prioritization for the development of data analysis tools described in subparagraph (A); and

(G) a determination as to whether it would be appropriate for the Federal Government to develop the data analysis tools described in subparagraph (A).

(c) GOALS.—

(1) IN GENERAL.—A data analysis tool created pursuant to the work plan submitted under subsection (b)(1) shall be developed to help inform local communities in making infrastructure investments.

(2) SPECIFIC ISSUES.—A data analysis tool created pursuant to the work plan submitted under subsection (b)(1) shall be intended to help units of local government and other units of government address 1 or more of the following:

(A) Improving maintenance of existing assets.

(B) Rebuilding infrastructure to a state of good repair.

(C) Creating economic development through infrastructure development.

(D) Establishing freight plans and infrastructure that connects the community to supply chains.

(E) Increasing options for communities that lack access to affordable transportation to improve access to jobs, affordable housing, schools, medical services, foods and other essential community services.

(F) Reducing congestion.

(G) Improving community resilience to extreme weather events.

(H) Any other subject, as the Director determines to be necessary.

(d) IMPLEMENTATION.—Subject to the availability of appropriations, the Secretary shall develop data analysis tools and purchase datasets as prioritized in the work plan.

(e) COORDINATION.—The Director of the Bureau of Transportation Statistics may utilize existing working groups or advisory committees to perform the local outreach required under subsection (a).

SEC. 25004. BUREAU OF TRANSPORTATION STATISTICS.

(a) FUNDING.—In addition to amounts made available from the Highway Trust Fund, there is authorized to be appropriated to the Secretary for use by the Bureau of Transportation Statistics for data collection and analysis activities $10,000,000 for each of fiscal years 2022 through 2026.

(b) AMENDMENT.—Section 6302(b)(3)(B)(vi) of title 49, United States Code, is amended—

(1) by striking subclause (V);

(2) by redesignating subclauses (VI) through (XI) as subclauses (VII) through (XII), respectively; and

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(3) by adding after subclause (IV) the following:

"(V) employment in the transportation sector;

"(VI) the effects of the transportation system, including advanced technologies and automation, on global and domestic economic competitiveness;".

SEC. 25005. STRENGTHENING MOBILITY AND REVOLUTIONIZING TRANSPORTATION GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State;

(B) a political subdivision of a State;

(C) a Tribal government;

(D) a public transit agency or authority;

(E) a public toll authority;

(F) a metropolitan planning organization; and

(G) a group of 2 or more eligible entities described in any of subparagraphs (A) through (F) applying through a single lead applicant.

(2) ELIGIBLE PROJECT.—The term "eligible project" means a project described in subsection (e).

(3) LARGE COMMUNITY.—The term "large community" means a community with a population of not less than 400,000 individuals, as determined under the most recent annual estimate of the Bureau of the Census.

(4) MIDSIZED COMMUNITY.—The term "midsized community" means any community that is not a large community or a rural community.

(5) REGIONAL PARTNERSHIP.—The term "regional partnership" means a partnership composed of 2 or more eligible entities located in jurisdictions with a combined population that is equal to or greater than the population of any midsized community.

(6) RURAL COMMUNITY.—The term "rural community" means a community that is located in an area that is outside of an urbanized area (as defined in section 5302 of title 49, United States Code).

(7) SMART GRANT.—The term "SMART grant" means a grant provided to an eligible entity under the Strengthening Mobility and Revolutionizing Transportation Grant Program established under subsection (b).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program, to be known as the "Strengthening Mobility and Revolutionizing Transportation Grant Program", under which the Secretary shall provide grants to eligible entities to conduct demonstration projects focused on advanced smart city or community technologies and systems in a variety of communities to improve transportation efficiency and safety.

(c) DISTRIBUTION.—In determining the projects for which to provide a SMART grant, the Secretary shall consider contributions to geographical diversity among grant recipients, including the need for balancing the needs of rural communities, midsized communities, and large communities, consistent with the requirements of subparagraphs (A) through (C) of subsection (g)(1).

(d) APPLICATIONS.—

(1) IN GENERAL.—An eligible entity may submit to the Secretary an application for a SMART grant at such time,

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in such manner, and containing such information as the Secretary may require.

(2) TRANSPARENCY.—The Secretary shall include, in any notice of funding availability relating to SMART grants, a full description of the method by which applications under paragraph (1) will be evaluated.

(3) SELECTION CRITERIA.—

(A) IN GENERAL.—The Secretary shall evaluate applications for SMART grants based on—

(i) the extent to which the eligible entity or applicable beneficiary community—

(I) has a public transportation system or other transit options capable of integration with other systems to improve mobility and efficiency;

(II) has a population density and transportation needs conducive to demonstrating proposed strategies;

(III) has continuity of committed leadership and the functional capacity to carry out the proposed project;

(IV) is committed to open data sharing with the public; and

(V) is likely to successfully implement the proposed eligible project, including through technical and financial commitments from the public and private sectors; and

(ii) the extent to which a proposed eligible project will use advanced data, technology, and applications to provide significant benefits to a local area, a State, a region, or the United States, including the extent to which the proposed eligible project will—

(I) reduce congestion and delays for commerce and the traveling public;

(II) improve the safety and integration of transportation facilities and systems for pedestrians, bicyclists, and the broader traveling public;

(III) improve access to jobs, education, and essential services, including health care;

(IV) connect or expand access for underserved or disadvantaged populations and reduce transportation costs;

(V) contribute to medium- and long-term economic competitiveness;

(VI) improve the reliability of existing transportation facilities and systems;

(VII) promote connectivity between and among connected vehicles, roadway infrastructure, pedestrians, bicyclists, the public, and transportation systems

(VIII) incentivize private sector investments or partnerships, including by working with mobile and fixed telecommunication service providers, to the extent practicable;

(IX) improve energy efficiency or reduce pollution;

(X) increase the resiliency of the transportation system; and

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(XI) improve emergency response.

(B) PRIORITY.—In providing SMART grants, the Secretary shall give priority to applications for eligible projects that would—

(i) demonstrate smart city or community technologies in repeatable ways that can rapidly be scaled;

(ii) encourage public and private sharing of data and best practices;

(iii) encourage private-sector innovation by promoting industry-driven technology standards, open platforms, technology-neutral requirements, and interoperability;

(iv) promote a skilled workforce that is inclusive of minority or disadvantaged groups;

(v) allow for the measurement and validation of the cost savings and performance improvements associated with the installation and use of smart city or community technologies and practices;

(vi) encourage the adoption of smart city or community technologies by communities;

(vii) promote industry practices regarding cybersecurity; and

(viii) safeguard individual privacy.

(4) TECHNICAL ASSISTANCE.—On request of an eligible entity that submitted an application under paragraph (1) with respect to a project that is not selected for a SMART grant, the Secretary shall provide to the eligible entity technical assistance and briefings relating to the project.

(e) USE OF GRANT FUNDS.—

(1) ELIGIBLE PROJECTS.—

(A) IN GENERAL.—A SMART grant may be used to carry out a project that demonstrates at least 1 of the following:

(i) COORDINATED AUTOMATION.—The use of automated transportation and autonomous vehicles, while working to minimize the impact on the accessibility of any other user group or mode of travel.

(ii) CONNECTED VEHICLES.—Vehicles that send and receive information regarding vehicle movements in the network and use vehicle-to-vehicle and vehicle-to-everything communications to provide advanced and reliable connectivity.

(iii) INTELLIGENT, SENSOR-BASED INFRASTRUCTURE.—The deployment and use of a collective intelligent infrastructure that allows sensors to collect and report real-time data to inform everyday transportation-related operations and performance.

(iv) SYSTEMS INTEGRATION.—The integration of intelligent transportation systems with other existing systems and other advanced transportation technologies.

(v) COMMERCE DELIVERY AND LOGISTICS.—Innovative data and technological solutions supporting efficient goods movement, such as connected vehicle probe data, road weather data, or global positioning data to improve on-time pickup and delivery, improved travel time reliability, reduced fuel consumption and

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emissions, and reduced labor and vehicle maintenance costs.

(vi) LEVERAGING USE OF INNOVATIVE AVIATION TECHNOLOGY.—Leveraging the use of innovative aviation technologies, such as unmanned aircraft systems, to support transportation safety and efficiencies, including traffic monitoring and infrastructure inspection.

(vii) SMART GRID.—Development of a programmable and efficient energy transmission and distribution system to support the adoption or expansion of energy capture, electric vehicle deployment, or freight or commercial fleet fuel efficiency.

(viii) SMART TECHNOLOGY TRAFFIC SIGNALS.—Improving the active management and functioning of traffic signals, including through—

(I) the use of automated traffic signal performance measures;

(II) implementing strategies, activities, and projects that support active management of traffic signal operations, including through optimization of corridor timing, improved vehicle, pedestrian, and bicycle detection at traffic signals, or the use of connected vehicle technologies;

(III) replacing outdated traffic signals; or

(IV) for an eligible entity serving a population of less than 500,000, paying the costs of temporary staffing hours dedicated to updating traffic signal technology.

(2) ELIGIBLE PROJECT COSTS.—A SMART grant may be used for—

(A) development phase activities, including—

(i) planning;

(ii) feasibility analyses;

(iii) revenue forecasting;

(iv) environmental review;

(v) permitting;

(vi) preliminary engineering and design work;

(vii) systems development or information technology work; and

(viii) acquisition of real property (including land and improvements to land relating to an eligible project); and

(B) construction phase activities, including—

(i) construction;

(ii) reconstruction;

(iii) rehabilitation;

(iv) replacement;

(v) environmental mitigation;

(vi) construction contingencies; and

(vii) acquisition of equipment, including vehicles.

(3) PROHIBITED USES.—A SMART grant shall not be used—

(A) to reimburse any preaward costs or application preparation costs of the SMART grant application;

(B) for any traffic or parking enforcement activity; or

(C) to purchase or lease a license plate reader.

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(f) REPORTS.—

(1) ELIGIBLE ENTITIES.—Not later than 2 years after the date on which an eligible entity receives a SMART grant, and annually thereafter until the date on which the SMART grant is expended, the eligible entity shall submit to the Secretary an implementation report that describes—

(A) the deployment and operational costs of each eligible project carried out by the eligible entity, as compared to the benefits and savings from the eligible project; and

(B) the means by which each eligible project carried out by the eligible entity has met the original expectation, as projected in the SMART grant application, including—

(i) data describing the means by which the eligible project met the specific goals for the project, such as—

(I) reducing traffic-related fatalities and injuries;

(II) reducing traffic congestion or improving travel-time reliability;

(III) providing the public with access to real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions; or

(IV) reducing barriers or improving access to jobs, education, or various essential services;

(ii) the effectiveness of providing to the public real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions; and

(iii) lessons learned and recommendations for future deployment strategies to optimize transportation efficiency and multimodal system performance.

(2) GAO.—Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct, and submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of, a review of the SMART grant program under this section.

(3) SECRETARY.—

(A) REPORT TO CONGRESS.—Not later than 2 years after the date on which the initial SMART grants are provided under this section, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(i) describes each eligible entity that received a SMART grant;

(ii) identifies the amount of each SMART grant provided;

(iii) summarizes the intended uses of each SMART grant;

(iv) describes the effectiveness of eligible entities in meeting the goals described in the SMART grant

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application of the eligible entity, including an assessment or measurement of the realized improvements or benefits resulting from each SMART grant; and

(v) describes lessons learned and recommendations for future deployment strategies to optimize transportation efficiency and multimodal system performance.

(B) BEST PRACTICES.—The Secretary shall—

(i) develop and regularly update best practices based on, among other information, the data, lessons learned, and feedback from eligible entities that received SMART grants;

(ii) publish the best practices under clause (i) on a publicly available website; and

(iii) update the best practices published on the website under clause (ii) regularly.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary $100,000,000 for each of the first 5 fiscal years beginning after the date of enactment of this Act, of which—

(A) not more than 40 percent shall be used to provide SMART grants for eligible projects that primarily benefit large communities;

(B) not more than 30 percent shall be provided for eligible projects that primarily benefit midsized communities; and

(C) not more than 30 percent shall be used to provide SMART grants for eligible projects that primarily benefit rural communities or regional partnerships.

(2) ADMINISTRATIVE COSTS.—Of the amounts made available under paragraph (1) for each fiscal year, not more than 2 percent shall be used for administrative costs of the Secretary in carrying out this section.

(3) LIMITATION.—An eligible entity may not use more than 3 percent of the amount of a SMART grant for each fiscal year to achieve compliance with applicable planning and reporting requirements.

(4) AVAILABILITY.—The amounts made available for a fiscal year pursuant to this subsection shall be available for obligation during the 2-fiscal-year period beginning on the first day of the fiscal year for which the amounts were appropriated.

SEC. 25006. ELECTRIC VEHICLE WORKING GROUP.

(a) DEFINITIONS.—In this section:

(1) SECRETARIES.—The term "Secretaries" means—

(A) the Secretary; and

(B) the Secretary of Energy.

(2) WORKING GROUP.—The term "working group" means the electric vehicle working group established under subsection (b)(1).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretaries shall jointly establish an electric vehicle working group to make recommendations regarding the development, adoption, and integration of light-, medium-, and heavy-duty electric vehicles into the transportation and energy systems of the United States.

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(2) MEMBERSHIP.—

(A) IN GENERAL.—The working group shall be composed of—

(i) the Secretaries (or designees), who shall be cochairs of the working group; and

(ii) not more than 25 members, to be appointed by the Secretaries, of whom—

(I) not more than 6 shall be Federal stakeholders as described in subparagraph (B); and

(II) not more than 19 shall be non-Federal stakeholders as described in subparagraph (C).

(B) FEDERAL STAKEHOLDERS.—The working group—

(i) shall include not fewer than 1 representative of each of—

(I) the Department;

(II) the Department of Energy;

(III) the Environmental Protection Agency;

(IV) the Council on Environmental Quality; and

(V) the General Services Administration; and

(ii) may include a representative of any other Federal agency the Secretaries consider to be appropriate.

(C) NON-FEDERAL STAKEHOLDERS.—

(i) IN GENERAL.—Subject to clause (ii), the working group—

(I) shall include not fewer than 1 representative of each of—

(aa) a manufacturer of light-duty electric vehicles or the relevant components of light-duty electric vehicles;

(bb) a manufacturer of medium- and heavy-duty vehicles or the relevant components of medium- and heavy-duty electric vehicles;

(cc) a manufacturer of electric vehicle batteries;

(dd) an owner, operator, or manufacturer of electric vehicle charging equipment;

(ee) the public utility industry;

(ff) a public utility regulator or association of public utility regulators;

(gg) the transportation fueling distribution industry;

(hh) the energy provider industry;

(ii) the automotive dealing industry;

(jj) the for-hire passenger transportation industry;

(kk) an organization representing units of local government;

(ll) an organization representing regional transportation or planning agencies;

(mm) an organization representing State departments of transportation;

(nn) an organization representing State departments of energy or State energy planners;

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(oo) the intelligent transportation systems and technologies industry;

(pp) labor organizations representing workers in transportation manufacturing, construction, or operations;

(qq) the trucking industry;

(rr) Tribal governments; and

(ss) the property development industry; and

(II) may include a representative of any other non-Federal stakeholder that the Secretaries consider to be appropriate.

(ii) REQUIREMENT.—The stakeholders selected under clause (i) shall, in the aggregate—

(I) consist of individuals with a balance of backgrounds, experiences, and viewpoints; and

(II) include individuals that represent geographically diverse regions of the United States, including individuals representing the perspectives of rural, urban, and suburban areas.

(D) COMPENSATION.—A member of the working group shall serve without compensation.

(3) MEETINGS.—

(A) IN GENERAL.—The working group shall meet not less frequently than once every 120 days.

(B) REMOTE PARTICIPATION.—A member of the working group may participate in a meeting of the working group via teleconference or similar means.

(4) COORDINATION.—In carrying out the duties of the working group, the working group shall coordinate and consult with any existing Federal interagency working groups on fleet conversion or other similar matters relating to electric vehicles.

(c) REPORTS AND STRATEGY ON ELECTRIC VEHICLE ADOPTION.—

(1) WORKING GROUP REPORTS.—The working group shall complete by each of the deadlines described in paragraph (2) a report describing the status of electric vehicle adoption including—

(A) a description of the barriers and opportunities to scaling up electric vehicle adoption throughout the United States, including recommendations for issues relating to—

(i) consumer behavior;

(ii) charging infrastructure needs, including standardization and cybersecurity;

(iii) manufacturing and battery costs, including the raw material shortages for batteries and electric motor magnets;

(iv) the adoption of electric vehicles for low- and moderate-income individuals and underserved communities, including charging infrastructure access and vehicle purchase financing;

(v) business models for charging personal electric vehicles outside the home, including wired and wireless charging;

(vi) charging infrastructure permitting and regulatory issues;

(vii) the connections between housing and transportation costs and emissions;

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(viii) freight transportation, including local, port and drayage, regional, and long-haul trucking;

(ix) intercity passenger travel;

(x) the process by which governments collect a user fee for the contribution of electric vehicles to funding roadway improvements;

(xi) State- and local-level policies, incentives, and zoning efforts;

(xii) the installation of highway corridor signage;

(xiii) secondary markets and recycling for batteries;

(xiv) grid capacity and integration;

(xv) energy storage; and

(xvi) specific regional or local issues that may not appear to apply throughout the United States, but may hamper nationwide adoption or coordination of electric vehicles;

(B) examples of successful public and private models and demonstration projects that encourage electric vehicle adoption;

(C) an analysis of current efforts to overcome the barriers described in subparagraph (A);

(D) an analysis of the estimated costs and benefits of any recommendations of the working group; and

(E) any other topics, as determined by the working group.

(2) DEADLINES.—A report under paragraph (1) shall be submitted to the Secretaries, the Committees on Commerce, Science, and Transportation and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives—

(A) in the case of the first report, by not later than 18 months after the date on which the working group is established under subsection (b)(1);

(B) in the case of the second report, by not later than 2 years after the date on which the first report is required to be submitted under subparagraph (A); and

(C) in the case of the third report, by not later than 2 years after the date on which the second report is required to be submitted under subparagraph (B).

(3) STRATEGY.—

(A) IN GENERAL.—Based on the reports submitted by the working group under paragraph (1), the Secretaries shall jointly develop, maintain, and update a strategy that describes the means by which the Federal Government, States, units of local government, and industry can—

(i) establish quantitative targets for transportation electrification;

(ii) overcome the barriers described in paragraph (1)(A);

(iii) identify areas of opportunity in research and development to improve battery manufacturing, mineral mining, recycling costs, material recovery, fire risks, and battery performance for electric vehicles;

(iv) enhance Federal interagency coordination to promote electric vehicle adoption;

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(v) prepare the workforce for the adoption of electric vehicles, including through collaboration with labor unions, educational institutions, and relevant manufacturers;

(vi) expand electric vehicle and charging infrastructure;

(vii) expand knowledge of the benefits of electric vehicles among the general public;

(viii) maintain the global competitiveness of the United States in the electric vehicle and charging infrastructure markets;

(ix) provide clarity in regulations to improve national uniformity with respect to electric vehicles; and

(x) ensure the sustainable integration of electric vehicles into the national electric grid.

(B) NOTICE AND COMMENT.—In carrying out subparagraph (A), the Secretaries shall provide public notice and opportunity for comment on the strategy described in that subparagraph.

(4) INFORMATION.—

(A) IN GENERAL.—The Secretaries may enter into an agreement with the Transportation Research Board of the National Academies of Sciences, Engineering, and Medicine to provide, track, or report data, information, or research to assist the working group in carrying out paragraph (1).

(B) USE OF EXISTING INFORMATION.—In developing a report under paragraph (1) or a strategy under paragraph (3), the Secretaries and the working group shall take into consideration existing Federal, State, local, private sector, and academic data and information relating to electric vehicles and, to the maximum extent practicable, coordinate with the entities that publish that information—

(i) to prevent duplication of efforts by the Federal Government; and

(ii) to leverage existing information and complementary efforts.

(d) COORDINATION.—To the maximum extent practicable, the Secretaries and the working group shall carry out this section using all available existing resources, websites, and databases of Federal agencies, such as—

(1) the Alternative Fuels Data Center;

(2) the Energy Efficient Mobility Systems program; and

(3) the Clean Cities Coalition Network.

(e) TERMINATION.—The working group shall terminate on submission of the third report required under subsection (c)(2)(C).

SEC. 25007. RISK AND SYSTEM RESILIENCE.

(a) IN GENERAL.—The Secretary, in consultation with appropriate Federal, State, and local agencies, shall develop a process for quantifying annual risk in order to increase system resilience with respect to the surface transportation system of the United States by measuring—

(1) resilience to threat probabilities by type of hazard and geographical location;

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(2) resilience to asset vulnerabilities with respect to each applicable threat; and

(3) anticipated consequences from each applicable threat to each asset.

(b) USE BY STATE, REGIONAL, TRIBAL, AND LOCAL ENTITIES.—

(1) IN GENERAL.—The Secretary shall provide the process developed under subsection (a) to State departments of transportation, metropolitan planning organizations, Indian Tribes, local governments, and other relevant entities.

(2) GUIDANCE AND TECHNICAL ASSISTANCE.—The Secretary shall provide to the entities described in paragraph (1) guidance and technical assistance on the use of the process referred to in that paragraph.

(c) RESEARCH.—

(1) IN GENERAL.—The Secretary shall—

(A) identify and support fundamental research to develop a framework and quantitative models to support compilation of information for risk-based analysis of transportation assets by standardizing the basis for quantifying annual risk and increasing system resilience; and

(B) build on existing resilience research, including studies conducted by—

(i) the Transportation Research Board of the National Academies of Sciences, Engineering, and Medicine; and

(ii) the National Institute of Standards and Technology.

(2) USE OF EXISTING FACILITIES.—In carrying out paragraph (1), the Secretary shall use existing research facilities available to the Secretary, including the Turner–Fairbank Highway Research Center and University Transportation Centers established under section 5505 of title 49, United States Code.

SEC. 25008. COORDINATION ON EMERGING TRANSPORTATION TECHNOLOGY.

(a) IN GENERAL.—Subchapter I of chapter 3 of title 49, United States Code, is amended by adding at the end the following:

"§ 313. Nontraditional and Emerging Transportation Technology Council

"(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Secretary of Transportation (referred to in this section as the 'Secretary') shall establish a council, to be known as the 'Nontraditional and Emerging Transportation Technology Council' (referred to in this section as the 'Council'), to address coordination on emerging technology issues across all modes of transportation.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Council shall be composed of—

"(A) the Secretary, who shall serve as an ex officio member of the Council;

"(B) the Deputy Secretary of Transportation;

"(C) the Under Secretary of Transportation for Policy;

"(D) the Assistant Secretary for Research and Technology of the Department of Transportation;

"(E) the Assistant Secretary for Budget and Programs of the Department of Transportation;

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"(F) the General Counsel of the Department of Transportation;

"(G) the Chief Information Officer of the Department of Transportation;

"(H) the Administrator of the Federal Aviation Administration;

"(I) the Administrator of the Federal Highway Administration;

"(J) the Administrator of the Federal Motor Carrier Safety Administration;

"(K) the Administrator of the Federal Railroad Administration;

"(L) the Administrator of the Federal Transit Administration;

"(M) the Administrator of the Maritime Administration;

"(N) the Administrator of the National Highway Traffic Safety Administration;

"(O) the Administrator of the Pipeline and Hazardous Materials Safety Administration; and

"(P) any other official of the Department of Transportation, as determined by the Secretary.

"(2) CHAIR AND VICE CHAIR.—

"(A) CHAIR.—The Deputy Secretary of Transportation (or a designee) shall serve as Chair of the Council.

"(B) VICE CHAIR.—The Under Secretary of Transportation for Policy (or a designee) shall serve as Vice Chair of the Council.

"(c) DUTIES.—The Council shall—

"(1) identify and resolve jurisdictional and regulatory gaps or inconsistencies associated with nontraditional and emerging transportation technologies, modes, or projects pending or brought before the Department of Transportation to reduce, to the maximum extent practicable, impediments to the prompt and safe deployment of new and innovative transportation technology, including with respect to—

"(A) safety oversight;

"(B) environmental review; and

"(C) funding and financing issues;

"(2) coordinate the response of the Department of Transportation to nontraditional and emerging transportation technology projects;

"(3) engage with stakeholders in nontraditional and emerging transportation technology projects; and

"(4) develop and establish Department of Transportation-wide processes, solutions, and best practices for identifying and managing nontraditional and emerging transportation technology projects.

"(d) BEST PRACTICES.—Not later than 1 year after the date of enactment of this section, the Council shall—

"(1) publish initial guidelines to achieve the purposes described in subsection (c)(4); and

"(2) promote each modal administration within the Department of Transportation to further test and support the advancement of nontraditional and emerging transportation technologies not specifically considered by the Council.

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"(e) SUPPORT.—The Office of the Secretary shall provide support for the Council.

"(f) MEETINGS.—The Council shall meet not less frequently than 4 times per year, at the call of the Chair.

"(g) LEAD MODAL ADMINISTRATION.—For each nontraditional or emerging transportation technology, mode, or project associated with a jurisdictional or regulatory gap or inconsistency identified under subsection (c)(1), the Chair of the Council shall—

"(1) designate a lead modal administration of the Department of Transportation for review of the technology, mode, or project; and

"(2) arrange for the detailing of staff between modal administrations or offices of the Department of Transportation as needed to maximize the sharing of experience and expertise.

"(h) TRANSPARENCY.—Not later than 1 year after the date of establishment of the Council, and not less frequently than annually thereafter until December 31, 2026, the Council shall post on a publicly accessible website a report describing the activities of the Council during the preceding calendar year.".

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 3 of title 49, United States Code, is amended by adding at the end the following:

"313. Nontraditional and Emerging Transportation Technology Council.".

SEC. 25009. INTERAGENCY INFRASTRUCTURE PERMITTING IMPROVEMENT CENTER.

(a) IN GENERAL.—Section 102 of title 49, United States Code (as amended by section 14009), is amended—

(1) in subsection (a), by inserting "(referred to in this section as the 'Department')" after "Transportation";

(2) in subsection (b), in the first sentence, by inserting "(referred to in this section as the 'Secretary')" after "Transportation";

(3) by redesignating subsection (h) as subsection (i); and

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

"(h) INTERAGENCY INFRASTRUCTURE PERMITTING IMPROVEMENT CENTER.—

"(1) DEFINITIONS.—In this subsection:

"(A) CENTER.—The term 'Center' means the Interagency Infrastructure Permitting Improvement Center established by paragraph (2).

"(B) PROJECT.—The term 'project' means a project authorized or funded under—

"(i) this title; or

"(ii) title 14, 23, 46, or 51.

"(2) ESTABLISHMENT.—There is established within the Office of the Secretary a center, to be known as the 'Interagency Infrastructure Permitting Improvement Center'.

"(3) PURPOSES.—The purposes of the Center shall be—

"(A) to implement reforms to improve interagency coordination and expedite projects relating to the permitting and environmental review of major transportation infrastructure projects, including—

"(i) developing and deploying information technology tools to track project schedules and metrics; and

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"(ii) improving the transparency and accountability of the permitting process;

"(B)(i) to identify appropriate methods to assess environmental impacts; and

"(ii) to develop innovative methods for reasonable mitigation;

"(C) to reduce uncertainty and delays with respect to environmental reviews and permitting; and

"(D) to reduce costs and risks to taxpayers in project delivery.

"(4) EXECUTIVE DIRECTOR.—The Center shall be headed by an Executive Director, who shall—

"(A) report to the Under Secretary of Transportation for Policy;

"(B) be responsible for the management and oversight of the daily activities, decisions, operations, and personnel of the Center; and

"(C) carry out such additional duties as the Secretary may prescribe.

"(5) DUTIES.—The Center shall carry out the following duties:

"(A) Coordinate and support implementation of priority reform actions for Federal agency permitting and reviews.

"(B) Support modernization efforts at the operating administrations within the Department and interagency pilot programs relating to innovative approaches to the permitting and review of transportation infrastructure projects.

"(C) Provide technical assistance and training to Department staff on policy changes, innovative approaches to project delivery, and other topics, as appropriate.

"(D) Identify, develop, and track metrics for timeliness of permit reviews, permit decisions, and project outcomes.

"(E) Administer and expand the use of online transparency tools providing for—

"(i) tracking and reporting of metrics;

"(ii) development and posting of schedules for permit reviews and permit decisions;

"(iii) the sharing of best practices relating to efficient project permitting and reviews; and

"(iv) the visual display of relevant geospatial data to support the permitting process.

"(F) Submit to the Secretary reports describing progress made toward achieving—

"(i) greater efficiency in permitting decisions and review of infrastructure projects; and

"(ii) better outcomes for communities and the environment.

"(6) INNOVATIVE BEST PRACTICES.—

"(A) IN GENERAL.—The Center shall work with the operating administrations within the Department, eligible entities, and other public and private interests to develop and promote best practices for innovative project delivery.

"(B) ACTIVITIES.—The Center shall support the Department and operating administrations in conducting environmental reviews and permitting, together with project sponsor technical assistance activities, by—

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"(i) carrying out activities that are appropriate and consistent with the goals and policies of the Department to improve the delivery timelines for projects;

"(ii) serving as the Department liaison to—

"(I) the Council on Environmental Quality; and

"(II) the Federal Permitting Improvement Steering Council established by section 41002(a) of the Fixing America's Surface Transportation Act (42 U.S.C. 4370m–1(a));

"(iii) supporting the National Surface Transportation and Innovative Finance Bureau (referred to in this paragraph as the 'Bureau') in implementing activities to improve delivery timelines, as described in section 116(f), for projects carried out under the programs described in section 116(d)(1) for which the Bureau administers the application process;

"(iv) leading activities to improve delivery timelines for projects carried out under programs not administered by the Bureau by—

"(I) coordinating efforts to improve the efficiency and effectiveness of the environmental review and permitting process;

"(II) providing technical assistance and training to field and headquarters staff of Federal agencies with respect to policy changes and innovative approaches to the delivery of projects; and

"(III) identifying, developing, and tracking metrics for permit reviews and decisions by Federal agencies for projects under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(C) NEPA COMPLIANCE ASSISTANCE.—

"(i) IN GENERAL.—Subject to clause (ii), at the request of an entity that is carrying out a project, the Center, in coordination with the appropriate operating administrations within the Department, shall provide technical assistance relating to compliance with the applicable requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and applicable Federal authorizations.

"(ii) ASSISTANCE FROM THE BUREAU.—For projects carried out under the programs described in section 116(d)(1) for which the Bureau administers the application process, the Bureau, on request of the entity carrying out the project, shall provide the technical assistance described in clause (i).".

(b) CONFORMING AMENDMENT.—Section 116(f)(2) of title 49, United States Code, is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) through (D) and subparagraphs (A) through (C), respectively.

SEC. 25010. RURAL OPPORTUNITIES TO USE TRANSPORTATION FOR ECONOMIC SUCCESS INITIATIVE.

(a) DEFINITIONS.—In this section:

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(1) BUILD AMERICA BUREAU.—The term "Build America Bureau" means the National Surface Transportation and Innovative Finance Bureau established under section 116 of title 49, United States Code.

(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) ROUTES COUNCIL.—The term "ROUTES Council" means the Rural Opportunities to Use Transportation for Economic Success Council established by subsection (c)(1).

(4) ROUTES OFFICE.—The term "ROUTES Office" means the Rural Opportunities to Use Transportation for Economic Success Office established by subsection (b)(1).

(b) ROUTES OFFICE.—

(1) IN GENERAL.—The Secretary shall establish within the Department the Rural Opportunities to Use Transportation for Economic Success Office—

(A) to improve analysis of projects from rural areas, Indian Tribes, and historically disadvantaged communities in rural areas applying for Department discretionary grants, including ensuring that project costs, local resources, and the larger benefits to the people and the economy of the United States are appropriately considered; and

(B) to provide rural communities, Indian Tribes, and historically disadvantaged communities in rural areas with technical assistance for meeting the transportation infrastructure investment needs of the United States in a financially sustainable manner.

(2) OBJECTIVES.—The ROUTES Office shall—

(A) collect input from knowledgeable entities and the public on—

(i) the benefits of rural and Tribal transportation projects;

(ii) the technical and financial assistance required for constructing and operating transportation infrastructure and services within rural areas and on the land of Indian Tribes;

(iii) barriers and opportunities to funding transportation projects in rural areas and on the land of Indian Tribes; and

(iv) unique transportation barriers and challenges faced by Indian Tribes and historically disadvantaged communities in rural areas;

(B) evaluate data on transportation challenges faced by rural communities and Indian Tribes and determine methods to align the discretionary funding and financing opportunities of the Department with the needs of those communities for meeting national transportation goals;

(C) provide education and technical assistance to rural communities and Indian Tribes about applicable Department discretionary grants, develop effective methods to evaluate projects in those communities in discretionary grant programs, and communicate those methods through program guidance;

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(D) carry out research and utilize innovative approaches to resolve the transportation challenges faced by rural areas and Indian Tribes; and

(E) perform such other duties as determined by the Secretary.

(c) ROUTES COUNCIL.—

(1) IN GENERAL.—The Secretary shall establish a Rural Opportunities to Use Transportation for Economic Success Council—

(A) to organize, guide, and lead the ROUTES Office; and

(B) to coordinate rural-related and Tribal-related funding programs and assistance among the modal administrations of the Department, the offices of the Department, and other Federal agencies, as appropriate—

(i) to ensure that the unique transportation needs and attributes of rural areas and Indian Tribes are fully addressed during the development and implementation of programs, policies, and activities of the Department;

(ii) to increase coordination of programs, policies, and activities of the Department in a manner that improves and expands transportation infrastructure in order to further economic development in, and the quality of life of, rural areas and Indian Tribes; and

(iii) to provide rural areas and Indian Tribes with proactive outreach—

(I) to improve access to discretionary funding and financing programs; and

(II) to facilitate timely resolution of environmental reviews for complex or high-priority projects.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The ROUTES Council shall be composed of the following officers of the Department, or their designees:

(i) The Deputy Secretary of Transportation.

(ii) The Under Secretary of Transportation for Policy.

(iii) The General Counsel.

(iv) The Chief Financial Officer and Assistant Secretary for Budget and Programs.

(v) The Assistant Secretary for Research and Technology.

(vi) The Assistant Secretary for Multimodal Freight.

(vii) The Administrators of—

(I) the Federal Aviation Administration;

(II) the Federal Highway Administration;

(III) the Federal Railroad Administration; and

(IV) the Federal Transit Administration.

(viii) The Executive Director of the Build America Bureau.

(ix) The Assistant Secretary for Governmental Affairs.

(x) The Assistant Secretary for Transportation Policy.

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(xi) The Deputy Assistant Secretary for Tribal Government Affairs.

(B) CHAIR.—The Deputy Secretary of Transportation shall be the Chair of the ROUTES Council.

(C) ADDITIONAL MEMBERS.—The Secretary or the Chair of the ROUTES Council may designate additional members to serve on the ROUTES Council.

(3) ADDITIONAL MODAL INPUT.—To address issues related to safety and transport of commodities produced in or by, or transported through, as applicable, rural areas, Indian Tribes, or the land of Indian Tribes, the ROUTES Council shall consult with the Administrators (or their designees) of—

(A) the Maritime Administration;

(B) the Great Lakes St. Lawrence Seaway Development Corporation; and

(C) the National Highway Traffic Safety Administration.

(4) DUTIES.—Members of the ROUTES Council shall—

(A) participate in all meetings and relevant ROUTES Council activities and be prepared to share information relevant to rural and Tribal transportation infrastructure projects and issues;

(B) provide guidance and leadership on rural and Tribal transportation infrastructure issues and represent the work of the ROUTES Council and the Department on those issues to external stakeholders; and

(C) recommend initiatives for the consideration of the Chair of the ROUTES Council to establish and staff any resulting activities or working groups.

(5) MEETINGS.—The ROUTES Council shall meet bimonthly.

(6) ADDITIONAL STAFFING.—The Secretary shall ensure that the ROUTES Council and ROUTES Office have adequate staff support to carry out the duties of the ROUTES Council and the ROUTES Office, respectively, under this section.

(7) WORK PRODUCTS AND DELIVERABLES.—The ROUTES Council may develop work products or deliverables to meet the goals of the ROUTES Council, including—

(A) an annual report to Congress describing ROUTES Council activities for the past year and expected activities for the coming year;

(B) any recommendations to enhance the effectiveness of Department discretionary grant programs regarding rural and Tribal infrastructure issues; and

(C) other guides and reports for relevant groups and the public.

SEC. 25011. SAFETY DATA INITIATIVE.

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

(1) a State;

(2) a unit of local government;

(3) a transit agency or authority;

(4) a metropolitan planning organization;

(5) any other subdivision of a State or local government;

(6) an institution of higher education; and

(7) a multi-State or multijurisdictional group.

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(b) SAFETY DATA INITIATIVE.—

(1) ESTABLISHMENT.—The Secretary shall establish an initiative, to be known as the "Safety Data Initiative", to promote the use of data integration, data visualization, and advanced analytics for surface transportation safety through the development of innovative practices and products for use by Federal, State, and local entities.

(2) ACTIVITIES.—

(A) APPLIED RESEARCH.—

(i) IN GENERAL.—The Secretary shall support and carry out applied research to develop practices and products that will encourage the integration and use of traditional and new sources of safety data and safety information to improve policy and decisionmaking at the Federal, State, and local government levels.

(ii) METHODOLOGY.—In carrying out clause (i), the Secretary may—

(I) carry out demonstration programs;

(II) award grants and provide incentives to eligible entities;

(III) enter into partnerships with—

(aa) eligible entities;

(bb) private sector entities; and

(cc) National Laboratories; and

(IV) use any other tools, strategies, or methods that will result in the effective use of data and information for safety purposes.

(B) TOOLS AND PRACTICES.—In carrying out subparagraph (A), the Secretary, to the maximum extent practicable, shall—

(i) develop safety analysis tools for State and local governments, with a particular focus on State and local governments with limited capacity to perform safety analysis;

(ii)(I) identify innovative State and local government practices;

(II) incubate those practices for further development; and

(III) replicate those practices nationwide; and

(iii) transfer to State and local governments the results of the applied research carried out under that subparagraph.

(C) DATA SHARING.—

(i) IN GENERAL.—To inform the creation of information useful for safety policy and decisionmaking, the Secretary shall—

(I) encourage the sharing of data between and among Federal, State, and local transportation agencies; and

(II) leverage data from private sector entities.

(ii) GOALS.—The goals of the data-sharing activities under clause (i) shall include—

(I) the creation of data ecosystems to reduce barriers to the efficient integration and analysis of relevant datasets for use by safety professionals; and

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(II) the establishment of procedures adequate to ensure sufficient security, privacy, and confidentiality as needed to promote the sharing of sensitive or proprietary data.

(iii) MANAGEMENT OF DATA ECOSYSTEMS.—A data ecosystem described in clause (ii)(I) may be managed by—

(I) the Director of the Bureau of Transportation Statistics;

(II) 1 or more trusted third parties, as determined by the Secretary; or

(III) 1 or more other entities or partnerships capable of securing, managing, and analyzing sensitive or proprietary data.

(3) PLAN.—

(A) IN GENERAL.—The Safety Data Initiative shall be carried out pursuant to a plan to be jointly established by—

(i) the Under Secretary of Transportation for Policy;

(ii) the Chief Information Officer of the Department;

(iii) the Administrator of the National Highway Traffic Safety Administration;

(iv) the Administrator of the Federal Highway Administration;

(v) the Administrator of the Federal Motor Carrier Safety Administration;

(vi) the Administrator of the Federal Transit Administration; and

(vii) the Administrator of the Federal Railroad Administration.

(B) REQUIREMENT.—The plan established under subparagraph (A) shall include details regarding the means by which tools and innovations developed by projects carried out under the Safety Data Initiative will be transferred to the appropriate program of the Department for further implementation.

(C) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall direct the officials described in clauses (i) through (vii) of subparagraph (A) to establish, by a date determined by the Secretary, the plan referred to in that subparagraph.

(4) TERMINATION.—The Safety Data Initiative shall terminate on the later of—

(A) the date that is 1 year after the date of enactment of this Act; and

(B) the date on which the Secretary makes the direction to officials described in paragraph (3)(C).

SEC. 25012. ADVANCED TRANSPORTATION RESEARCH.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code (as amended by section 21101(a)), is amended by adding at the end the following:

"§ 119. Advanced Research Projects Agency–Infrastructure

"(a) DEFINITIONS.—In this section:

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"(1) ARPA–I.— The term 'ARPA–I' means the Advanced Research Projects Agency–Infrastructure established by subsection (b).

"(2) DEPARTMENT.—The term 'Department' means the Department of Transportation.

"(3) DIRECTOR.—The term 'Director' means the Director of ARPA–I appointed under subsection (d).

"(4) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a unit of State or local government;

"(B) an institution of higher education;

"(C) a commercial entity;

"(D) a research foundation;

"(E) a trade or industry research collaborative;

"(F) a federally funded research and development center;

"(G) a research facility owned or funded by the Department;

"(H) a collaborative that includes relevant international entities; and

"(I) a consortia of 2 or more entities described in any of subparagraphs (A) through (H).

"(5) INFRASTRUCTURE.—

"(A) IN GENERAL.—The term 'infrastructure' means any transportation method or facility that facilitates the transit of goods or people within the United States (including territories).

"(B) INCLUSIONS.—The term 'infrastructure' includes—

"(i) roads;

"(ii) highways;

"(iii) bridges;

"(iv) airports;

"(v) rail lines;

"(vi) harbors; and

"(vii) pipelines.

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(b) ESTABLISHMENT.—There is established within the Department an agency, to be known as the 'Advanced Research Projects Agency–Infrastructure', to support the development of science and technology solutions—

"(1) to overcome long-term challenges; and

"(2) to advance the state of the art for United States transportation infrastructure.

"(c) GOALS.—

"(1) IN GENERAL.—The goals of ARPA–I shall be—

"(A) to advance the transportation infrastructure of the United States by developing innovative science and technology solutions that—

"(i) lower the long-term costs of infrastructure development, including costs of planning, construction, and maintenance;

"(ii) reduce the lifecycle impacts of transportation infrastructure on the environment, including through the reduction of greenhouse gas emissions;

"(iii) contribute significantly to improving the safe, secure, and efficient movement of goods and people; and

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"(iv) promote the resilience of infrastructure from physical and cyber threats; and

"(B) to ensure that the United States is a global leader in developing and deploying advanced transportation infrastructure technologies and materials.

"(2) RESEARCH PROJECTS.—ARPA–I shall achieve the goals described in paragraph (1) by providing assistance under this section for infrastructure research projects that—

"(A) advance novel, early-stage research with practicable application to transportation infrastructure;

"(B) translate techniques, processes, and technologies, from the conceptual phase to prototype, testing, or demonstration;

"(C) develop advanced manufacturing processes and technologies for the domestic manufacturing of novel transportation-related technologies; and

"(D) accelerate transformational technological advances in areas in which industry entities are unlikely to carry out projects due to technical and financial uncertainty.

"(d) DIRECTOR.—

"(1) APPOINTMENT.—ARPA–I shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The Director shall be an individual who, by reason of professional background and experience, is especially qualified to advise the Secretary regarding, and manage research programs addressing, matters relating to the development of science and technology solutions to advance United States transportation infrastructure.

"(3) RELATIONSHIP TO SECRETARY.—The Director shall—

"(A) be located within the Office of the Assistant Secretary for Research and Technology; and

"(B) report to the Secretary.

"(4) RELATIONSHIP TO OTHER PROGRAMS.—No other program within the Department shall report to the Director.

"(5) RESPONSIBILITIES.—The responsibilities of the Director shall include—

"(A) approving new programs within ARPA–I;

"(B) developing funding criteria, and assessing the success of programs, to achieve the goals described in subsection (c)(1) through the establishment of technical milestones;

"(C) administering available funding by providing to eligible entities assistance to achieve the goals described in subsection (c)(1);

"(D) terminating programs carried out under this section that are not achieving the goals of the programs; and

"(E) establishing a process through which eligible entities can submit to ARPA–I unsolicited research proposals for assistance under this section in accordance with subsection (f).

"(e) PERSONNEL.—

"(1) IN GENERAL.—The Director shall establish and maintain within ARPA–I a staff with sufficient qualifications and expertise to enable ARPA–I to carry out the responsibilities

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under this section, in conjunction with other operations of the Department.

"(2) PROGRAM DIRECTORS.—

"(A) IN GENERAL.—The Director shall designate employees to serve as program directors for ARPA–I.

"(B) RESPONSIBILITIES.—Each program director shall be responsible for—

"(i) establishing research and development goals for the applicable program, including by convening workshops and conferring with outside experts;

"(ii) publicizing the goals of the applicable program;

"(iii) soliciting applications for specific areas of particular promise, especially in areas that the private sector or the Federal Government are not likely to carry out absent assistance from ARPA–I;

"(iv) establishing research collaborations for carrying out the applicable program;

"(v) selecting on the basis of merit each project to be supported under the applicable program, taking into consideration—

"(I) the novelty and scientific and technical merit of proposed projects;

"(II) the demonstrated capabilities of eligible entities to successfully carry out proposed projects;

"(III) the extent to which an eligible entity took into consideration future commercial applications of a proposed project, including the feasibility of partnering with 1 or more commercial entities; and

"(IV) such other criteria as the Director may establish;

"(vi) identifying innovative cost-sharing arrangements for projects carried out or funded by ARPA–I;

"(vii) monitoring the progress of projects supported under the applicable program;

"(viii) identifying mechanisms for commercial application of successful technology development projects, including through establishment of partnerships between eligible entities and commercial entities; and

"(ix) as applicable, recommending—

"(I) program restructuring; or

"(II) termination of applicable research partnerships or projects.

"(C) TERM OF SERVICE.—A program director—

"(i) shall serve for a term of 3 years; and

"(ii) may be reappointed for any subsequent term of service.

"(3) HIRING AND MANAGEMENT.—

"(A) IN GENERAL.—The Director may—

"(i) make appointments of scientific, engineering, and professional personnel, without regard to the civil service laws;

"(ii) fix the basic pay of such personnel at such rate as the Director may determine, but not to exceed

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level II of the Executive Schedule, without regard to the civil service laws; and

"(iii) pay an employee appointed under this subparagraph payments in addition to basic pay, subject to the condition that the total amount of those additional payments for any 12-month period shall not exceed the least of—

"(I) $25,000;

"(II) an amount equal to 25 percent of the annual rate of basic pay of the employee; and

"(III) the amount of the applicable limitation for a calendar year under section 5307(a)(1) of title 5.

"(B) PRIVATE RECRUITING FIRMS.—The Director may enter into a contract with a private recruiting firm for the hiring of qualified technical staff to carry out this section.

"(C) ADDITIONAL STAFF.—The Director may use all authorities available to the Secretary to hire administrative, financial, and clerical staff, as the Director determines to be necessary to carry out this section.

"(f) RESEARCH PROPOSALS.—

"(1) IN GENERAL.—An eligible entity may submit to the Director an unsolicited research proposal at such time, in such manner, and containing such information as the Director may require, including a description of—

"(A) the extent of current and prior efforts with respect to the project proposed to be carried out using the assistance, if applicable; and

"(B) any current or prior investments in the technology area for which funding is requested, including as described in subsection (c)(2)(D).

"(2) REVIEW.—The Director—

"(A) shall review each unsolicited research proposal submitted under paragraph (1), taking into consideration—

"(i) the novelty and scientific and technical merit of the research proposal;

"(ii) the demonstrated capabilities of the applicant to successfully carry out the research proposal;

"(iii) the extent to which the applicant took into consideration future commercial applications of the proposed research project, including the feasibility of partnering with 1 or more commercial entities; and

"(iv) such other criteria as the Director may establish;

"(B) may approve a research proposal if the Director determines that the research—

"(i) is in accordance with—

"(I) the goals described in subsection (c)(1); or

"(II) an applicable transportation research and development strategic plan developed under section 6503; and

"(ii) would not duplicate any other Federal research being conducted or funded by another Federal agency; and

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"(C)(i) if funding is denied for the research proposal, shall provide to the eligible entity that submitted the proposal a written notice of the denial that, as applicable—

"(I) explains why the research proposal was not selected, including whether the research proposal fails to cover an area of need; and

"(II) recommends that the research proposal be submitted to another research program; or

"(ii) if the research proposal is approved for funding, shall provide to the eligible entity that submitted the proposal—

"(I) a written notice of the approval; and

"(II) assistance in accordance with subsection (g) for the proposed research.

"(g) FORMS OF ASSISTANCE.—On approval of a research proposal of an eligible entity, the Director may provide to the eligible entity assistance in the form of—

"(1) a grant;

"(2) a contract;

"(3) a cooperative agreement;

"(4) a cash prize; or

"(5) another, similar form of funding.

"(h) REPORTS AND ROADMAPS.—

"(1) ANNUAL REPORTS.—For each fiscal year, the Director shall provide to the Secretary, for inclusion in the budget request submitted by the Secretary to the President under section 1108 of title 31 for the fiscal year, a report that, with respect to the preceding fiscal year, describes—

"(A) the projects that received assistance from ARPA–I, including—

"(i) each such project that was funded as a result of an unsolicited research proposal; and

"(ii) each such project that examines topics or technologies closely related to other activities funded by the Department, including an analysis of whether the Director achieved compliance with subsection (i)(1) in supporting the project; and

"(B) the instances of, and reasons for, the provision of assistance under this section for any projects being carried out by industry entities.

"(2) STRATEGIC VISION ROADMAP.—Not later than October 1, 2022, and not less frequently than once every 4 years thereafter, the Director shall submit to the relevant authorizing and appropriations committees of Congress a roadmap describing the strategic vision that ARPA–I will use to guide the selection of future projects for technology investment during the 4 fiscal-year period beginning on the date of submission of the report.

"(i) COORDINATION AND NONDUPLICATION.—The Director shall ensure that—

"(1) the activities of ARPA–I are coordinated with, and do not duplicate the efforts of, programs and laboratories within—

"(A) the Department; and

"(B) other relevant research agencies; and

"(2) no funding is provided by ARPA–I for a project, unless the eligible entity proposing the project—

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"(A) demonstrates sufficient attempts to secure private financing; or

"(B) indicates that the project is not independently commercially viable.

"(j) FEDERAL DEMONSTRATION OF TECHNOLOGIES.—The Director shall seek opportunities to partner with purchasing and procurement programs of Federal agencies to demonstrate technologies resulting from activities funded through ARPA–I.

"(k) PARTNERSHIPS.—The Director shall seek opportunities to enter into contracts or partnerships with minority-serving institutions (as described in any of paragraphs (1) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)))—

"(1) to accomplish the goals of ARPA–I;

"(2) to develop institutional capacity in advanced transportation infrastructure technologies and materials;

"(3) to engage underserved populations in developing, demonstrating, and deploying those technologies and materials; and

"(4) to otherwise address the needs of ARPA–I.

"(l) UNIVERSITY TRANSPORTATION CENTERS.—The Director may—

"(1) partner with university transportation centers under section 5505 to accomplish the goals, and address the needs, of ARPA–I; and

"(2) sponsor and select for funding, in accordance with section 5505, competitively selected university transportation center grants, in addition to the assistance provided under section 5505, to address targeted technology and material goals of ARPA–I.

"(m) ADVICE.—

"(1) ADVISORY COMMITTEES.—The Director may seek advice regarding any aspect of ARPA–I from—

"(A) an existing advisory committee, office, or other group within the Department; and

"(B) a new advisory committee organized to support the programs of ARPA–I by providing advice and assistance regarding—

"(i) specific program tasks; or

"(ii) the overall direction of ARPA–I.

"(2) ADDITIONAL SOURCES.—In carrying out this section, the Director may seek advice and review from—

"(A) the President's Council of Advisors on Science and Technology;

"(B) the Advanced Research Projects Agency–Energy; and

"(C) any professional or scientific organization with expertise relating to specific processes or technologies under development by ARPA–I.

"(n) EVALUATION.—

"(1) IN GENERAL.—Not later than December 27, 2024, the Secretary may enter into an arrangement with the National Academy of Sciences under which the National Academy shall conduct an evaluation of the achievement by ARPA–I of the goals described in subsection (c)(1).

"(2) INCLUSIONS.—The evaluation under paragraph (1) may include—

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"(A) a recommendation regarding whether ARPA–I should be continued;

"(B) a recommendation regarding whether ARPA–I, or the Department generally, should continue to allow entities to submit unsolicited research proposals; and

"(C) a description of—

"(i) the lessons learned from the operation of ARPA–I; and

"(ii) the manner in which those lessons may apply to the operation of other programs of the Department.

"(3) AVAILABILITY.—On completion of the evaluation under paragraph (1), the evaluation shall be made available to—

"(A) Congress; and

"(B) the public.

"(o) PROTECTION OF INFORMATION.—

"(1) IN GENERAL.—Each type of information described in paragraph (2) that is collected by ARPA–I from eligible entities shall be considered to be—

"(A) commercial and financial information obtained from a person;

"(B) privileged or confidential; and

"(C) not subject to disclosure under section 552(b)(4) of title 5.

"(2) DESCRIPTION OF TYPES OF INFORMATION.—The types of information referred to in paragraph (1) are—

"(A) information relating to plans for commercialization of technologies developed using assistance provided under this section, including business plans, technology-to-market plans, market studies, and cost and performance models;

"(B) information relating to investments provided to an eligible entity from a third party (such as a venture capital firm, a hedge fund, and a private equity firm), including any percentage of ownership of an eligible entity provided in return for such an investment;

"(C) information relating to additional financial support that the eligible entity—

"(i) plans to invest, or has invested, in the technology developed using assistance provided under this section; or

"(ii) is seeking from a third party; and

"(D) information relating to revenue from the licensing or sale of a new product or service resulting from research conducted using assistance provided under this section.

"(p) EFFECT ON EXISTING AUTHORITIES.—The authority provided by this section—

"(1) shall be in addition to any existing authority provided to the Secretary; and

"(2) shall not supersede or modify any other existing authority.

"(q) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section.

"(2) SEPARATE BUDGET AND APPROPRIATION.—

"(A) BUDGET REQUEST.—The budget request for ARPA–I shall be separate from the budget request of the remainder of the Department.

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"(B) APPROPRIATIONS.—The funding appropriated for ARPA–I shall be separate and distinct from the funding appropriated for the remainder of the Department.

"(3) ALLOCATION.—Of the amounts made available for a fiscal year under paragraph (1)—

"(A) not less than 5 percent shall be used for technology transfer and outreach activities—

"(i) in accordance with the goal described in subsection (c)(2)(D); and

"(ii) within the responsibilities of the program directors described in subsection (e)(2)(B)(viii); and

"(B) none may be used for the construction of any new building or facility during the 5-year period beginning on the date of enactment of the Surface Transportation Investment Act of 2021.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 49, United States Code (as amended by section 21101(c)), is amended by adding at the end the following:

"119. Advanced Research Projects Agency–Infrastructure.".

SEC. 25013. OPEN RESEARCH INITIATIVE.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is amended by adding at the end the following:

"§ 5506. Advanced transportation research initiative

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

"(1) a State agency;

"(2) a local government agency;

"(3) an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), including a university transportation center established under section 5505;

"(4) a nonprofit organization, including a nonprofit research organization; and

"(5) a private sector organization working in collaboration with an entity described in any of paragraphs (1) through (4).

"(b) PILOT PROGRAM.—The Secretary of Transportation (referred to in this section as the 'Secretary') shall establish an advanced transportation research pilot program under which the Secretary—

"(1) shall establish a process for eligible entities to submit to the Secretary unsolicited research proposals; and

"(2) may enter into arrangements with 1 or more eligible entities to fund research proposed under paragraph (1), in accordance with this section.

"(c) ELIGIBLE RESEARCH.—The Secretary may enter into an arrangement with an eligible entity under this section to fund research that—

"(1) addresses—

"(A) a research need identified by—

"(i) the Secretary; or

"(ii) the Administrator of a modal administration of the Department of Transportation; or

"(B) an issue that the Secretary determines to be important; and

"(2) is not duplicative of—

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"(A) any other Federal research project; or

"(B) any project for which funding is provided by another Federal agency.

"(d) PROJECT REVIEW.—The Secretary shall—

"(1) review each research proposal submitted under the pilot program established under subsection (b); and

"(2)(A) if funding is denied for the research proposal—

"(i) provide to the eligible entity that submitted the proposal a written notice of the denial that, as applicable—

"(I) explains why the research proposal was not selected, including whether the research proposal fails to cover an area of need; and

"(II) recommends that the research proposal be submitted to another research program; and

"(ii) if the Secretary recommends that the research proposal be submitted to another research program under clause (i)(II), provide guidance and direction to—

"(I) the eligible entity; and

"(II) the proposed research program office; or

"(B) if the research proposal is selected for funding—

"(i) provide to the eligible entity that submitted the proposal a written notice of the selection; and

"(ii) seek to enter into an arrangement with the eligible entity to provide funding for the proposed research.

"(e) COORDINATION.—

"(1) IN GENERAL.—The Secretary shall ensure that the activities carried out under subsection (c) are coordinated with, and do not duplicate the efforts of, programs of the Department of Transportation and other Federal agencies.

"(2) INTRAAGENCY COORDINATION.—The Secretary shall coordinate the research carried out under this section with—

"(A) the research, education, and technology transfer activities carried out by grant recipients under section 5505; and

"(B) the research, development, demonstration, and commercial application activities of other relevant programs of the Department of Transportation, including all modal administrations of the Department.

"(3) INTERAGENCY COLLABORATION.—The Secretary shall coordinate, as appropriate, regarding fundamental research with the potential for application in the transportation sector with—

"(A) the Director of the Office of Science and Technology Policy;

"(B) the Director of the National Science Foundation;

"(C) the Secretary of Energy;

"(D) the Director of the National Institute of Standards and Technology;

"(E) the Secretary of Homeland Security;

"(F) the Administrator of the National Oceanic and Atmospheric Administration;

"(G) the Secretary of Defense; and

"(H) the heads of other appropriate Federal agencies, as determined by the Secretary.

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"(f) REVIEW, EVALUATION, AND REPORT.—Not less frequently than biennially, in accordance with the plan developed under section 6503, the Secretary shall—

"(1) review and evaluate the pilot program established under subsection (b), including the research carried out under that pilot program; and

"(2) make public on a website of the Department of Transportation a report describing the review and evaluation under paragraph (1).

"(g) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost of an activity carried out under this section shall not exceed 80 percent.

"(2) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners (including personnel, travel, facility, and hardware development costs) shall be credited toward the non-Federal share of the cost of an activity carried out under this section.

"(h) LIMITATION ON CERTAIN EXPENSES.—Of any amounts made available to carry out this section for a fiscal year, the Secretary may use not more than 1.5 percent for coordination, evaluation, and oversight activities under this section.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $50,000,000 for each of fiscal years 2022 through 2026.".

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 55 of title 49, United States Code, is amended by adding at the end the following:

"5506. Advanced transportation research initiative.".

SEC. 25014. TRANSPORTATION RESEARCH AND DEVELOPMENT 5-YEAR STRATEGIC PLAN.

Section 6503 of title 49, United States Code, is amended—

(1) in subsection (a), by striking "The Secretary" and inserting "Not later than 180 days after the date of publication of the Department of Transportation Strategic Plan and not less frequently than once every 5 years thereafter, the Secretary";

(2) in subsection (b), in the matter preceding paragraph (1), by striking "The strategic" and inserting "Each strategic";

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "The strategic" and inserting "Each strategic"; and

(B) in paragraph (1)—

(i) in subparagraph (E), by striking "and" at the end;

(ii) in subparagraph (F), by adding "and" after the semicolon at the end; and

(iii) by adding at the end the following:

"(G) reducing transportation cybersecurity risks;";

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "the strategic" and inserting "each strategic"; and

(B) in paragraph (4), by striking "2016" and inserting "2021, and not less frequently than once every 5 years thereafter"; and

(5) by striking subsection (e).

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SEC. 25015. RESEARCH PLANNING MODIFICATIONS.

(a) ANNUAL MODAL RESEARCH PLANS.—Section 6501 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Not later than June 1 of each year, the head of each modal administration and joint program office of the Department of Transportation shall prepare and submit to the Assistant Secretary for Research and Technology of the Department of Transportation (referred to in this chapter as the 'Assistant Secretary')—

"(A) a comprehensive annual modal research plan for the following fiscal year; and

"(B) a detailed outlook for the fiscal year thereafter.";

(B) in paragraph (2), by inserting "prepared or" before "submitted";

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following:

"(2) REQUIREMENTS.—Each plan under paragraph (1) shall include—

"(A) a general description of the strategic goals of the Department that are addressed by the research programs being carried out by the Assistant Secretary or modal administration, as applicable;

"(B) a description of each proposed research program, as described in the budget request submitted by the Secretary of Transportation to the President under section 1108 of title 31 for the following fiscal year, including—

"(i) the major objectives of the program; and

"(ii) the requested amount of funding for each program and area;

"(C) a list of activities the Assistant Secretary or modal administration plans to carry out under the research programs described in subparagraph (B);

"(D) an assessment of the potential impact of the research programs described in subparagraph (B), including—

"(i) potential outputs, outcomes, and impacts on technologies and practices used by entities subject to the jurisdiction of the modal administration;

"(ii) potential effects on applicable regulations of the modal administration, including the modification or modernization of those regulations;

"(iii) potential economic or societal impacts; and

"(iv) progress made toward achieving strategic goals of—

"(I) the applicable modal administration; or

"(II) the Department of Transportation;

"(E) a description of potential partnerships to be established to conduct the research program, including partnerships with—

"(i) institutions of higher education; and

"(ii) private sector entities; and

"(F) such other requirements as the Assistant Secretary considers to be necessary.";

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(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting "by the head of a modal administration or joint program office" after "submitted"; and

(ii) in subparagraph (B), by striking clause (ii) and inserting the following:

"(ii) request that the plan and outlook be—

"(I) revised in accordance with such suggestions as the Assistant Secretary shall include to ensure conformity with the criteria described in paragraph (2); and

"(II) resubmitted to the Assistant Secretary for approval.";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following:

"(2) CRITERIA.—In conducting a review under paragraph (1)(A), the Assistant Secretary shall, with respect to the modal research plan that is the subject of the review—

"(A) take into consideration whether—

"(i) the plan contains research objectives that are consistent with the strategic research and policy objectives of the Department of Transportation included in the strategic plan required under section 6503; and

"(ii) the research programs described in the plan have the potential to benefit the safety, mobility, and efficiency of the United States transportation system;

"(B) identify and evaluate any potential opportunities for collaboration between or among modal administrations with respect to particular research programs described in the plan;

"(C) identify and evaluate whether other modal administrations may be better suited to carry out the research programs described in the plan;

"(D) assess whether any projects described in the plan are—

"(i) duplicative across modal administrations; or

"(ii) unnecessary; and

"(E) take into consideration such other criteria as the Assistant Secretary determines to be necessary."; and

(D) by adding at the end the following:

"(5) SAVINGS CLAUSE.—Nothing in this subsection limits the ability of the head of a modal administration to comply with applicable law."; and

(3) in subsection (c), in the matter preceding paragraph (1), by striking "subsection (b)(3)" and inserting "subsection (b)(4).

(b) CONSOLIDATED RESEARCH DATABASE.—Section 6502(a) of title 49, United States Code, is amended by striking the subsection designation and heading and all that follows through subparagraph (B) of paragraph (2) and inserting the following:

"(a) RESEARCH ABSTRACT DATABASE.—

"(1) SUBMISSION.—Not later than September 1 of each year, the head of each modal administration and joint program office of the Department of Transportation shall submit to the Assistant Secretary, for review and public posting, a description

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of each proposed research project to be carried out during the following fiscal year, including—

"(A) proposed funding for any new projects; and

"(B) proposed additional funding for any existing projects.

"(2) PUBLICATION.—Not less frequently than annually, after receiving the descriptions under paragraph (1), the Assistant Secretary shall publish on a public website a comprehensive database including a description of all research projects conducted by the Department of Transportation, including research funded through university transportation centers under section 5505.

"(3) CONTENTS.—The database published under paragraph (2) shall—

"(A) be delimited by research project; and

"(B) include a description of, with respect to each research project—

"(i) research objectives;

"(ii) the progress made with respect to the project, including whether the project is ongoing or complete;

"(iii) any outcomes of the project, including potential implications for policy, regulations, or guidance issued by a modal administration or the Department of Transportation;

"(iv) any findings of the project;

"(v) the amount of funds allocated for the project; and

"(vi) such other information as the Assistant Secretary determines to be necessary to address Departmental priorities and statutory mandates;".

SEC. 25016. INCORPORATION OF DEPARTMENT OF TRANSPORTATION RESEARCH.

(a) IN GENERAL.—Chapter 65 of title 49, United States Code, is amended by adding at the end the following:

"§ 6504. Incorporation of Department of Transportation research

"(a) REVIEW.—Not later than December 31, 2021, and not less frequently than once every 5 years thereafter, in concurrence with the applicable strategic plan under section 6503, the Secretary of Transportation shall—

"(1) conduct a review of research conducted by the Department of Transportation; and

"(2) to the maximum extent practicable and appropriate, identify modifications to laws, regulations, guidance, and other policy documents to incorporate any innovations resulting from the research described in paragraph (1) that have the potential to improve the safety or efficiency of the United States transportation system.

"(b) REQUIREMENTS.—In conducting a review under subsection (a), the Secretary of Transportation shall—

"(1) identify any innovative practices, materials, or technologies that have demonstrable benefits to the transportation system;

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"(2) determine whether the practices, materials, or technologies described in paragraph (1) require any statutory or regulatory modifications for adoption; and

"(3)(A) if modifications are determined to be required under paragraph (2), develop—

"(i) a proposal for those modifications; and

"(ii) a description of the manner in which any such regulatory modifications would be—

"(I) incorporated into the Unified Regulatory Agenda; or

"(II) adopted into existing regulations as soon as practicable; or

"(B) if modifications are determined not to be required under paragraph (2), develop a description of the means by which the practices, materials, or technologies described in paragraph (1) will otherwise be incorporated into Department of Transportation or modal administration policy or guidance, including as part of the Technology Transfer Program of the Office of the Assistant Secretary for Research and Technology.

"(c) REPORT.—On completion of each review under subsection (a), the Secretary of Transportation shall submit to the appropriate committees of Congress a report describing, with respect to the period covered by the report—

"(1) each new practice, material, or technology identified under subsection (b)(1); and

"(2) any statutory or regulatory modification for the adoption of such a practice, material, or technology that—

"(A) is determined to be required under subsection (b)(2); or

"(B) was otherwise made during that period.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 65 of title 49, United States Code, is amended by adding at the end the following:

"6504. Incorporation of Department of Transportation research.".

SEC. 25017. UNIVERSITY TRANSPORTATION CENTERS PROGRAM.

Section 5505 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "of Transportation, acting through the Assistant Secretary for Research and Technology (referred to in this section as the 'Secretary')," after "The Secretary"; and

(B) in paragraph (2)—

(i) in subparagraph (B), by inserting "multimodal" after "critical"; and

(ii) in subparagraph (C), by inserting "with respect to the matters described in subparagraphs (A) through (G) of section 6503(c)(1)" after "transportation leaders";

(2) in subsection (b)—

(A) in paragraph (2)(A), by striking "for each of the transportation centers described under paragraphs (2), (3), and (4) of subsection (c)" and inserting "as a lead institution under this section, except as provided in subparagraph (B)";

(B) in paragraph (4)—

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(i) in subparagraph (A), by striking "identified in chapter 65" and inserting "described in subparagraphs (A) through (G) of section 6503(c)(1)"; and

(ii) in subparagraph (B), in the matter preceding clause (i), by striking "the Assistant Secretary" and all that follows through "modal administrations" and inserting "the heads of the modal administrations of the Department of Transportation,"; and

(C) in paragraph (5)(B), in the matter preceding clause (i), by striking "submit" and all that follows through "of the Senate" and inserting "make available to the public on a website of the Department of Transportation";

(3) in subsection (c)(3)(E)—

(A) by inserting ", including the cybersecurity implications of technologies relating to connected vehicles, connected infrastructure, and autonomous vehicles" after "autonomous vehicles"; and

(B) by striking "The Secretary" and inserting the following:

"(i) IN GENERAL.—A regional university transportation center receiving a grant under this paragraph shall carry out research focusing on 1 or more of the matters described in subparagraphs (A) through (G) of section 6503(c)(1).

"(ii) FOCUSED OBJECTIVES.—The Secretary"; and

(4) in subsection (d)—

(A) in paragraph (2)—

(i) in the paragraph heading, by striking "ANNUAL REVIEW" and inserting "REVIEW";

(ii) in the matter preceding subparagraph (A), by striking "annually" and inserting "biennially"; and

(iii) in subparagraph (B), by striking "submit" and all that follows through "of the Senate" and inserting "make available to the public on a website of the Department of Transportation"; and

(B) in paragraph (3), by striking "2016 through 2020" and inserting "2022 through 2026".

SEC. 25018. NATIONAL TRAVEL AND TOURISM INFRASTRUCTURE STRATEGIC PLAN.

(a) IN GENERAL.—Section 1431(e) of the FAST Act (49 U.S.C. 301 note; Public Law 114–94) is amended—

(1) by redesignating paragraphs (1) through (7) as subparagraphs (A) though (G), respectively, and indenting appropriately;

(2) in the matter preceding subparagraph (A) (as so redesignated)—

(A) by striking "Not later than 3 years after the date of enactment of this Act" and inserting "Not later than 180 days after the date of enactment of the Surface Transportation Investment Act of 2021"; and

(B) by striking "plan that includes" and inserting the following: "plan—

"(1) to develop an immediate-term and long-term strategy, including policy recommendations across all modes of transportation, for the Department and other agencies to use infrastructure investments to revive the travel and tourism industry

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and the overall travel and tourism economy in the wake of the Coronavirus Disease 2019 (COVID–19) pandemic; and

"(2) that includes"; and

(3) in paragraph (2) (as so redesignated)—

(A) in subparagraph (A) (as so redesignated), by inserting ", including consideration of the impacts of the COVID–19 pandemic" after "network";

(B) in subparagraph (D) (as so redesignated), by inserting "of regional significance" after "corridors";

(C) in subparagraph (F) (as so redesignated), by striking "and" at the end;

(D) in subparagraph (G) (as so redesignated), by striking the period at the end and inserting "; and"; and

(E) by adding at the end the following:

"(H) an identification of possible infrastructure investments that create recovery opportunities for small, underserved, minority, and rural businesses in the travel and tourism industry, including efforts to preserve and protect the scenic, but often less-traveled, roads that promote tourism and economic development throughout the United States.".

(b) CHIEF TRAVEL AND TOURISM OFFICER.—Section 102 of title 49, United States Code, is amended by striking subsection (i) (as redesignated by section 25009(a)(3)) and inserting the following:

"(i) CHIEF TRAVEL AND TOURISM OFFICER.—

"(1) ESTABLISHMENT.—There is established in the Office of the Secretary of Transportation a position, to be known as the 'Chief Travel and Tourism Officer'.

"(2) DUTIES.—The Chief Travel and Tourism Officer shall collaborate with the Assistant Secretary for Aviation and International Affairs to carry out—

"(A) the National Travel and Tourism Infrastructure Strategic Plan under section 1431(e) of Public Law 114–94 (49 U.S.C. 301 note); and

"(B) other travel- and tourism-related matters involving the Department of Transportation.".

SEC. 25019. LOCAL HIRING PREFERENCE FOR CONSTRUCTION JOBS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—A recipient or subrecipient of a grant provided by the Secretary under title 23 or 49, United States Code, may implement a local or other geographical or economic hiring preference relating to the use of labor for construction of a project funded by the grant, including prehire agreements, subject to any applicable State and local laws, policies, and procedures.

(2) TREATMENT.—The use of a local or other geographical or economic hiring preference pursuant to paragraph (1) in any bid for a contract for the construction of a project funded by a grant described in paragraph (1) shall not be considered to unduly limit competition.

(b) WORKFORCE DIVERSITY REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing methods—

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(1) to ensure preapprenticeship programs are established and implemented to meet the needs of employers in transportation and transportation infrastructure construction industries, including with respect to the formal connection of the preapprenticeship programs to registered apprenticeship programs;

(2) to address barriers to employment (within the meaning of the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.)) in transportation and transportation infrastructure construction industries for—

(A) individuals who are former offenders (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102));

(B) individuals with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); and

(C) individuals that represent populations that are traditionally underrepresented in the workforce; and

(3) to encourage a recipient or subrecipient implementing a local or other geographical or economic hiring preference pursuant to subsection (a)(1) to establish, in coordination with nonprofit organizations that represent employees, outreach and support programs that increase diversity within the workforce, including expanded participation from individuals described in subparagraphs (A) through (C) of paragraph (2).

(c) MODEL PLAN.—Not later than 1 year after the date of submission of the report under subsection (b), the Secretary shall establish, and publish on the website of the Department, a model plan for use by States, units of local government, and private sector entities to address the issues described in that subsection.

SEC. 25020. TRANSPORTATION WORKFORCE DEVELOPMENT.

(a) ASSESSMENT.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the National Academy shall develop and submit to the Secretary a workforce needs assessment that—

(1) addresses—

(A) the education and recruitment of technical workers for the intelligent transportation technologies and systems industry;

(B) the development of a workforce skilled in various types of intelligent transportation technologies, components, infrastructure, and equipment, including with respect to—

(i) installation;

(ii) maintenance;

(iii) manufacturing;

(iv) operations, including data analysis and review; and

(v) cybersecurity; and

(C) barriers to employment in the intelligent transportation technologies and systems industry for—

(i) individuals who are former offenders (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102));

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(ii) individuals with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); and

(iii) individuals that represent populations that are traditionally underrepresented in the workforce; and

(2) includes recommendations relating to the issues described in paragraph (1).

(b) WORKING GROUP.—

(1) ESTABLISHMENT.—The Secretary shall establish a working group, to be composed of—

(A) the Secretary of Energy;

(B) the Secretary of Labor; and

(C) the heads of such other Federal agencies as the Secretary determines to be necessary.

(2) IMPLEMENTATION PLAN.—

(A) IN GENERAL.—The working group established under paragraph (1) shall develop an intelligent transportation technologies and systems industry workforce development implantation plan.

(B) REQUIREMENTS.—The implementation plan under subparagraph (A) shall address any issues and recommendations included in the needs assessment under subsection (a), taking into consideration a whole-of-government approach with respect to—

(i) using registered apprenticeship and preapprenticeship programs; and

(ii) re-skilling workers who may be interested in working within the intelligent transportation technologies and systems industry.

(3) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of receipt of the needs assessment under subsection (a), the Secretary shall submit to Congress the implementation plan developed under paragraph (2).

(4) TERMINATION.—The working group established under paragraph (1) shall terminate on the date on which the implementation plan developed under paragraph (2) is submitted to Congress under paragraph (3).

(c) TRANSPORTATION WORKFORCE OUTREACH PROGRAM.—

(1) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code (as amended by section 25013(a)), is amended by adding at the end the following:

"§ 5507. Transportation workforce outreach program

"(a) IN GENERAL.—The Secretary of Transportation (referred to in this section as the 'Secretary') shall establish and administer a transportation workforce outreach program, under which the Secretary shall carry out a series of public service announcement campaigns during each of fiscal years 2022 through 2026.

"(b) PURPOSES.—The purpose of the campaigns carried out under the program under this section shall be—

"(1) to increase awareness of career opportunities in the transportation sector, including aviation pilots, safety inspectors, mechanics and technicians, air traffic controllers, flight attendants, truck and bus drivers, engineers, transit workers, railroad workers, and other transportation professionals; and

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"(2) to target awareness of professional opportunities in the transportation sector to diverse segments of the population, including with respect to race, sex, ethnicity, ability (including physical and mental ability), veteran status, and socioeconomic status.

"(c) ADVERTISING.—The Secretary may use, or authorize the use of, amounts made available to carry out the program under this section for the development, production, and use of broadcast, digital, and print media advertising and outreach in carrying out a campaign under this section.

"(d) FUNDING.—The Secretary may use to carry out this section any amounts otherwise made available to the Secretary, not to exceed $5,000,000, for each of fiscal years 2022 through 2026.".

(2) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 55 of title 49, United States Code (as amended by section 25013(b)), is amended by adding at the end the following:

"5507. Transportation workforce outreach program.".

SEC. 25021. INTERMODAL TRANSPORTATION ADVISORY BOARD REPEAL.

(a) IN GENERAL.—Section 5502 of title 49, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 55 of title 49, United States Code, is amended by striking the item relating to section 5502.

SEC. 25022. GAO CYBERSECURITY RECOMMENDATIONS.

(a) CYBERSECURITY RISK MANAGEMENT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall implement the recommendation for the Department made by the Comptroller General of the United States in the report entitled "Cybersecurity: Agencies Need to Fully Establish Risk Management Programs and Address Challenges", numbered GAO–19–384, and dated July 2019—

(1) by developing a cybersecurity risk management strategy for the systems and information of the Department;

(2) by updating policies to address an organization-wide risk assessment; and

(3) by updating the processes for coordination between cybersecurity risk management functions and enterprise risk management functions.

(b) WORK ROLES.—Not later than 3 years after the date of enactment of this Act, the Secretary shall implement the recommendation of the Comptroller General of the United States in the report entitled "Cybersecurity Workforce: Agencies Need to Accurately Categorize Positions to Effectively Identify Critical Staffing Needs", numbered GAO–19–144, and dated March 2019, by—

(1) reviewing positions in the Department; and

(2) assigning appropriate work roles in accordance with the National Initiative for Cybersecurity Education Cybersecurity Workforce Framework.

(c) GAO REVIEW.—

(1) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science,

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and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that examines the approach of the Department to managing cybersecurity for the systems and information of the Department.

(2) CONTENTS.—The report under paragraph (1) shall include an evaluation of—

(A) the roles, responsibilities, and reporting relationships of the senior officials of the Department with respect to cybersecurity at the components of the Department;

(B) the extent to which officials of the Department—

(i) establish requirements for, share information with, provide resources to, and monitor the performance of managers with respect to cybersecurity within the components of the Department; and

(ii) hold managers accountable for cybersecurity within the components of the Department; and

(C) other aspects of cybersecurity, as the Comptroller General of the United States determines to be appropriate.

SEC. 25023. VOLPE OVERSIGHT.

(a) FINANCIAL MANAGEMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement the recommendations of the Inspector General of the Department included in the report entitled "DOT Needs to Strengthen Its Oversight of IAAs With Volpe" and dated September 30, 2019, to improve planning, financial management, and the sharing of performance information with respect to intraagency agreements with the John A. Volpe National Transportation Systems Center (referred to in this section as the "Volpe Center").

(b) GAO REVIEW.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that examines the surface transportation activities at the Volpe Center.

(2) CONTENTS.—The report under paragraph (1) shall include an evaluation of—

(A) the amount of Department funding provided to the Volpe Center, as compared to other Federal and non-Federal research partners;

(B) the process used by the Department to determine whether to work with the Volpe Center, as compared to any other Federal or non-Federal research partner;

(C) the extent to which the Department is collaborating with the Volpe Center to address research needs relating to emerging issues; and

(D) whether the operation of the Volpe Center is duplicative of other public or private sector efforts.

SEC. 25024. MODIFICATIONS TO GRANT PROGRAM.

Section 1906 of the SAFETEA–LU (23 U.S.C. 402 note; Public Law 109–59) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "and" at the end;

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(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) developing and implementing programs, public outreach, and training to reduce the impact of traffic stops described in subsection (a)(1).";

(2) by striking subsection (c) and inserting the following:

"(c) MAXIMUM AMOUNT.—The total amount provided to a State under this section in any fiscal year may not exceed—

"(1) for a State described in subsection (a)(1), 10 percent of the amount made available to carry out this section in that fiscal year; and

"(2) for a State described in subsection (a)(2), 5 percent of the amount made available to carry out this section in that fiscal year."; and

(3) in subsection (d)—

(A) by striking "$7,500,000 for each of fiscal years 2017 through 2020" and inserting "$11,500,000 for each fiscal year";

(B) by redesignating paragraph (3) as paragraph (4); and

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

"(3) TECHNICAL ASSISTANCE.—The Secretary may allocate not more than 10 percent of the amount made available to carry out this section in a fiscal year to provide technical assistance to States to carry out activities under this section.".

SEC. 25025. DRUG-IMPAIRED DRIVING DATA COLLECTION.

Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the heads of appropriate Federal agencies, State highway safety offices, State toxicologists, traffic safety advocates, and other interested parties, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that, in accordance with the document entitled "Recommendations for Toxicological Investigations of Drug-Impaired Driving and Motor Vehicle Fatalities—2017 Update" (and subsequent updates to that document)—

(1) identifies any barriers that States encounter in submitting alcohol and drug toxicology results to the Fatality Analysis Reporting System;

(2) provides recommendations on how to address the barriers identified pursuant to paragraph (1); and

(3) describes steps that the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, will take to assist States in improving—

(A) toxicology testing in cases of motor vehicle crashes; and

(B) the reporting of alcohol and drug toxicology results in cases of motor vehicle crashes.

SEC. 25026. REPORT ON MARIJUANA RESEARCH.

(a) DEFINITION OF MARIJUANA.—In this section, the term "marijuana" has the meaning given the term in section 4008(d) of the FAST Act (Public Law 114–94; 129 Stat. 1511).

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Attorney General and the Secretary of Health and Human Services, shall submit

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to the Committees on Commerce, Science, and Transportation and the Judiciary of the Senate and the Committees on Transportation and Infrastructure and the Judiciary of the House of Representatives, and make publicly available on the website of the Department, a report that—

(1) describes methods for, and contains recommendations with respect to—

(A) increasing and improving, for scientific researchers studying impairment while driving under the influence of marijuana, access to samples and strains of marijuana and products containing marijuana that are lawfully available to patients or consumers in a State on a retail basis;

(B) establishing a national clearinghouse to collect and distribute samples and strains of marijuana for scientific research that includes marijuana and products containing marijuana lawfully available to patients or consumers in a State on a retail basis; and

(C) facilitating, for scientific researchers located in States that have not legalized marijuana for medical or recreational use, access to samples and strains of marijuana and products containing marijuana from the clearinghouse described in subparagraph (B) for purposes of research on marijuana-impaired driving; and

(2) identifies, and contains recommendations for addressing, Federal statutory and regulatory barriers to—

(A) the conduct of scientific research on marijuana-impaired driving; and

(B) the establishment of a national clearinghouse for purposes of facilitating research on marijuana-impaired driving.

SEC. 25027. GAO STUDY ON IMPROVING THE EFFICIENCY OF TRAFFIC SYSTEMS.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall carry out, and submit to Congress a report describing the results of, a study on the potential societal benefits of improving the efficiency of traffic systems.

TITLE VI—HAZARDOUS MATERIALS

SEC. 26001. AUTHORIZATION OF APPROPRIATIONS.

Section 5128 of title 49, United States Code, is amended to read as follows:

"§ 5128. Authorization of appropriations

"(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119)—

"(1) $67,000,000 for fiscal year 2022;
"(2) $68,000,000 for fiscal year 2023;
"(3) $69,000,000 for fiscal year 2024;
"(4) $70,000,000 for fiscal year 2025; and
"(5) $71,000,000 for fiscal year 2026.

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"(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—From the Hazardous Materials Preparedness Fund established under section 5116(h), the Secretary may expend, for each of fiscal years 2022 through 2026—

"(1) $39,050,000 to carry out section 5116(a);

"(2) $150,000 to carry out section 5116(e);

"(3) $625,000 to publish and distribute the Emergency Response Guidebook under section 5116(h)(3); and

"(4) $2,000,000 to carry out section 5116(i).

"(c) HAZARDOUS MATERIALS TRAINING GRANTS.—From the Hazardous Materials Emergency Preparedness Fund established pursuant to section 5116(h), the Secretary may expend $5,000,000 for each of fiscal years 2022 through 2026 to carry out section 5107(e).

"(d) COMMUNITY SAFETY GRANTS.—Of the amounts made available under subsection (a) to carry out this chapter, the Secretary shall withhold $4,000,000 for each of fiscal years 2022 through 2026 to carry out section 5107(i).

"(e) CREDITS TO APPROPRIATIONS.—

"(1) EXPENSES.—In addition to amounts otherwise made available to carry out this chapter, the Secretary may credit amounts received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, Indian tribe, authority or entity.

"(2) AVAILABILITY OF AMOUNTS.—Amounts made available under this section shall remain available until expended.".

SEC. 26002. ASSISTANCE FOR LOCAL EMERGENCY RESPONSE TRAINING GRANT PROGRAM.

Section 5116 of title 49, United States Code, is amended—

(1) in subsection (j), in the second sentence of the matter preceding paragraph (1), by striking "subsection (i)" and inserting "subsections (i) and (j)";

(2) by redesignating subsection (j) as subsection (k); and

(3) by inserting after subsection (i) the following:

"(j) ALERT GRANT PROGRAM.—

"(1) ASSISTANCE FOR LOCAL EMERGENCY RESPONSE TRAINING.—The Secretary shall establish a grant program to make grants to eligible entities described in paragraph (2)—

"(A) to develop a hazardous materials response training curriculum for emergency responders, including response activities for the transportation of crude oil, ethanol, and other flammable liquids by rail, consistent with the standards of the National Fire Protection Association; and

"(B) to make the training described in subparagraph (A) available in an electronic format.

"(2) ELIGIBLE ENTITIES.—An eligible entity referred to in paragraph (1) is a nonprofit organization that—

"(A) represents first responders or public officials responsible for coordinating disaster response; and

"(B) is able to provide direct or web-based training to individuals responsible for responding to accidents and incidents involving hazardous materials.

"(3) FUNDING.—

"(A) IN GENERAL.—To carry out the grant program under paragraph (1), the Secretary may use, for each fiscal year, any amounts recovered during such fiscal year from

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grants awarded under this section during a prior fiscal year.

"(B) OTHER HAZARDOUS MATERIAL TRAINING ACTIVITIES.—For each fiscal year, after providing grants under paragraph (1), if funds remain available, the Secretary may use the amounts described in subparagraph (A)—

"(i) to make grants under—

"(I) subsection (a)(1)(C);

"(II) subsection (i); and

"(III) section 5107(e);

"(ii) to conduct monitoring and provide technical assistance under subsection (e);

"(iii) to publish and distribute the emergency response guide referred to in subsection (h)(3); and

"(iv) to pay administrative costs in accordance with subsection (h)(4).

"(C) OBLIGATION LIMITATION.—Notwithstanding any other provision of law, for each fiscal year, amounts described in subparagraph (A) shall not be included in the obligation limitation for the Hazardous Materials Emergency Preparedness grant program for that fiscal year.".

SEC. 26003. REAL-TIME EMERGENCY RESPONSE INFORMATION.

Section 7302 of the FAST Act (49 U.S.C. 20103 note; Public Law 114–94) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "1 year after the date of enactment of this Act" and inserting "December 5, 2022";

(B) in paragraph (1), by amending subparagraph (B) to read as follows:

"(B) to provide the electronic train consist information described in subparagraph (A) to authorized State and local first responders, emergency response officials, and law enforcement personnel that are involved in the response to, or investigation of, an accident, incident, or public health or safety emergency involving the rail transportation of hazardous materials;";

(C) by striking paragraph (2);

(D) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), and (6), respectively; and

(E) in paragraph (3), as redesignated, by striking "paragraph (3)" and inserting "paragraph (2)";

(2) in subsection (b)—

(A) by striking paragraphs (1) and (4); and

(B) by redesignating paragraphs (2), (3), (5), (6), and (7) as paragraphs (1), (2), (3), (4), and (5), respectively; and

(3) in subsection (c), by striking ", as described in subsection (a)(1)(B),".

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TITLE VII—GENERAL PROVISIONS

SEC. 27001. PERFORMANCE MEASUREMENT, TRANSPARENCY, AND ACCOUNTABILITY.

For each grant awarded under this Act, or an amendment made by this Act, the Secretary may—

(1) develop metrics to assess the effectiveness of the activities funded by the grant;

(2) establish standards for the performance of the activities funded by the grant that are based on the metrics developed under paragraph (1); and

(3) not later than the date that is 4 years after the date of the initial award of the grant and every 2 years thereafter until the date on which Federal financial assistance is discontinued for the applicable activity, conduct an assessment of the activity funded by the grant to confirm whether the performance is meeting the standards for performance established under paragraph (2).

SEC. 27002. COORDINATION REGARDING FORCED LABOR.

The Secretary shall coordinate with the Commissioner of U.S. Customs and Border Protection to ensure that no illegal products or materials produced with forced labor are procured with funding made available under this Act.

SEC. 27003. DEPARTMENT OF TRANSPORTATION SPECTRUM AUDIT.

(a) AUDIT AND REPORT.—Not later than 18 months after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information and the Secretary shall jointly—

(1) conduct an audit of the electromagnetic spectrum that is assigned or otherwise allocated to the Department as of the date of the audit; and

(2) submit to Congress, and make available to each Member of Congress upon request, a report containing the results of the audit conducted under paragraph (1).

(b) CONTENTS OF REPORT.—The Assistant Secretary of Commerce for Communications and Information and the Secretary shall include in the report submitted under subsection (a)(2), with respect to the electromagnetic spectrum that is assigned or otherwise allocated to the Department as of the date of the audit—

(1) each particular band of spectrum being used by the Department;

(2) a description of each purpose for which a particular band described in paragraph (1) is being used, and how much of the band is being used for that purpose;

(3) the State or other geographic area in which a particular band described in paragraph (1) is assigned or allocated for use;

(4) whether a particular band described in paragraph (1) is used exclusively by the Department or shared with another Federal entity or a non-Federal entity; and

(5) any portion of the spectrum that is not being used by the Department.

(c) FORM OF REPORT.—The report required under subsection (a)(2) shall be submitted in unclassified form but may include a classified annex.

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SEC. 27004. STUDY AND REPORTS ON THE TRAVEL AND TOURISM ACTIVITIES OF THE DEPARTMENT.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study (referred to in this section as the "study") on the travel and tourism activities within the Department.

(2) REQUIREMENT.—The study shall evaluate how the Department evaluates travel and tourism needs or criteria in considering applications for grants under the grant programs of the Department.

(b) REPORT OF THE SECRETARY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study, which shall include—

(1) an identification of how the Department currently evaluates travel and tourism needs or criteria in considering applications for grants under the grant programs of the Department;

(2) a description of any actions that the Department will take to improve the evaluation of tourism- and travel-related criteria in considering applications for grants under those grant programs; and

(3) recommendations as to any statutory or regulatory changes that may be required to enhance the consideration by the Department of travel and tourism needs or criteria in considering applications for grants under those grant programs.

(c) GAO ASSESSMENT AND REPORT.—

(1) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the existing resources of the Department used to conduct travel- and tourism-related activities, including the consideration of travel and tourism needs or criteria in considering applications for grants under the grant programs of the Department, in order to identify—

(A) any resources needed by the Department; and

(B) any barriers to carrying out those activities.

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the assessment conducted under paragraph (1), which shall include—

(A) recommendations for improving the evaluation and consideration by the Department of travel and tourism with respect to the discretionary grant programs of the Department;

(B) an assessment of the resources needed to carry out the tourism- and travel-related activities of the Department;

(C) an assessment of any barriers to carrying out activities relating to travel and tourism; and

(D) recommendations for improving the ability of the Department to carry out activities relating to travel and

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tourism, which may include proposed statutory or regulatory changes that may be needed to facilitate those activities.

TITLE VIII—SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY

SEC. 28001. SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY.

(a) DIVISION OF ANNUAL APPROPRIATIONS.—

(1) IN GENERAL.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(A) in subsection (a), by striking "2021" and inserting "2026";

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking "2021" and inserting "2026"; and

(II) by striking subparagraph (B) and inserting the following:

"(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—

"(i) for the fiscal year that includes the date of enactment of the Surface Transportation Reauthorization Act of 2021, the sum obtained by adding—

"(I) the available amount specified in this subparagraph for the preceding fiscal year; and

"(II) $979,500; and

"(ii) for each fiscal year thereafter, the sum obtained by adding—

"(I) the available amount specified in this subparagraph for the preceding fiscal year; and

"(II) the product obtained by multiplying—

"(aa) the available amount specified in this subparagraph for the preceding fiscal year; and

"(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor."; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking "2016 through 2021" and inserting "2022 through 2026"; and

(II) by striking subparagraph (B) and inserting the following:

"(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—

"(i) for fiscal year 2022, $12,786,434; and

"(ii) for fiscal year 2023 and each fiscal year thereafter, the sum obtained by adding—

"(I) the available amount specified in this subparagraph for the preceding fiscal year; and

"(II) the product obtained by multiplying—

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"(aa) the available amount specified in this subparagraph for the preceding fiscal year; and

"(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor."; and

(C) in subsection (e)(2), by striking "$900,000" and inserting "$1,300,000".

(2) ADMINISTRATION.—Section 9(a) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h(a)) is amended—

(A) by striking paragraphs (1) and (2) and inserting the following:

"(1) personnel costs of employees for the work hours of each employee spent directly administering this Act, as those hours are certified by the supervisor of the employee;";

(B) by redesignating paragraphs (3) through (12) as paragraphs (2) through (11), respectively;

(C) in paragraph (2) (as so redesignated), by striking "paragraphs (1) and (2)" and inserting "paragraph (1)";

(D) in paragraph (4)(B) (as so redesignated), by striking "full-time equivalent employee authorized under paragraphs (1) and (2)" and inserting "employee authorized under paragraph (1)";

(E) in paragraph (8)(A) (as so redesignated), by striking "on a full-time basis"; and

(F) in paragraph (10) (as so redesignated)—

(i) by inserting "or part-time" after "full-time"; and

(ii) by inserting ", subject to the condition that the percentage of the relocation expenses paid with funds made available pursuant to this Act may not exceed the percentage of the work hours of the employee that are spent administering this Act" after "incurred".

(3) OTHER ACTIVITIES.—Section 14(e) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777m(e)) is amended by adding at the end the following:

"(3) A portion, as determined by the Sport Fishing and Boating Partnership Council, of funds disbursed for the purposes described in paragraph (2) but remaining unobligated as of October 1, 2021, shall be used to study the impact of derelict vessels and identify recyclable solutions for recreational vessels.".

(4) RECREATIONAL BOATING SAFETY.—Section 13107(c)(2) of title 46, United States Code, is amended by striking "No funds available" and inserting "On or after October 1, 2024, no funds available".

(b) WILDLIFE RESTORATION FUND ADMINISTRATION.—

(1) ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS.—Section 4(a) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)) is amended—

(A) in paragraph (1), by striking subparagraph (B) and inserting the following:

"(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—

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"(i) for the fiscal year that includes the date of enactment of the Surface Transportation Reauthorization Act of 2021, the sum obtained by adding—

"(I) the available amount specified in this subparagraph for the preceding fiscal year; and

"(II) $979,500; and

"(ii) for each fiscal year thereafter, the sum obtained by adding—

"(I) the available amount specified in this subparagraph for the preceding fiscal year; and

"(II) the product obtained by multiplying—

"(aa) the available amount specified in this subparagraph for the preceding fiscal year; and

"(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor."; and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting "subsequent" before "fiscal year."; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) APPORTIONMENT OF UNOBLIGATED AMOUNTS.—

"(i) IN GENERAL.—Not later than 60 days after the end of a fiscal year, the Secretary of the Interior shall apportion among the States any of the available amount under paragraph (1) that remained available for obligation pursuant to subparagraph (A) during that fiscal year and remains unobligated at the end of that fiscal year.

"(ii) REQUIREMENT.—The available amount apportioned under clause (i) shall be apportioned on the same basis and in the same manner as other amounts made available under this Act were apportioned among the States for the fiscal year in which the amount was originally made available.".

(2) AUTHORIZED EXPENSES FOR ADMINISTRATION.—Section 9(a) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h(a)) is amended—

(A) by striking paragraphs (1) and (2) and inserting the following:

"(1) personnel costs of employees for the work hours of each employee spent directly administering this Act, as those hours are certified by the supervisor of the employee;";

(B) by redesignating paragraphs (3) through (12) as paragraphs (2) through (11), respectively;

(C) in paragraph (2) (as so redesignated), by striking "paragraphs (1) and (2)" and inserting "paragraph (1)";

(D) in paragraph (4)(B) (as so redesignated), by striking "full-time equivalent employee authorized under paragraphs (1) and (2)" and inserting "employee authorized under paragraph (1)";

(E) in paragraph (8)(A) (as so redesignated), by striking "on a full-time basis"; and

(F) in paragraph (10) (as so redesignated)—

(i) by inserting "or part-time" after "full-time"; and

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(ii) by inserting ", subject to the condition that the percentage of the relocation expenses paid with funds made available pursuant to this Act may not exceed the percentage of the work hours of the employee that are spent administering this Act" after "incurred".

(c) RECREATIONAL BOATING ACCESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Sport Fishing and Boating Partnership Council, the Committee on Natural Resources and the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report that, to the extent practicable, given available data, shall document—

(A) the use of nonmotorized vessels in each State and how the increased use of nonmotorized vessels is impacting motorized and nonmotorized vessel access;

(B) user conflicts at waterway access points; and

(C) the use of—

(i) Sport Fish Restoration Program funds to improve nonmotorized access at waterway entry points and the reasons for providing that access; and

(ii) Recreational Boating Safety Program funds for nonmotorized boating safety programs.

(2) CONSULTATION.—The Comptroller General of the United States shall consult with the Sport Fishing and Boating Partnership Council and the National Boating Safety Advisory Council on study design, scope, and priorities for the report under paragraph (1).

(d) SPORT FISHING AND BOATING PARTNERSHIP COUNCIL.—

(1) IN GENERAL.—The Sport Fishing and Boating Partnership Council established by the Secretary of the Interior shall be an advisory committee of the Department of the Interior and the Department of Commerce subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(2) FACA.— The Secretary of the Interior and the Secretary of Commerce shall jointly carry out the requirements of the Federal Advisory Committee Act (5 U.S.C. App.) with respect to the Sport Fishing and Boating Partnership Council described in paragraph (1).

(3) EFFECTIVE DATE.—This subsection shall take effect on January 1, 2023.

DIVISION C—TRANSIT

SEC. 30001. DEFINITIONS.

(a) IN GENERAL.—Section 5302 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (1) through (24) as paragraphs (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), and (25), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

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"(1) ASSAULT ON A TRANSIT WORKER.—The term 'assault on a transit worker' means a circumstance in which an individual knowingly, without lawful authority or permission, and with intent to endanger the safety of any individual, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates a transit worker while the transit worker is performing the duties of the transit worker."; and

(3) in subparagraph (G) of paragraph (4) (as so redesignated)—

(A) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively;

(B) by inserting after clause (iii) the following:

"(iv) provides that if equipment to fuel privately owned zero-emission passenger vehicles is installed, the recipient of assistance under this chapter shall collect fees from users of the equipment in order to recover the costs of construction, maintenance, and operation of the equipment;";

(C) in clause (vi) (as so redesignated)—

(i) in subclause (XIII), by striking "and" at the end;

(ii) in subclause (XIV), by adding "and" after the semicolon; and

(iii) by adding at the end the following:

"(XV) technology to fuel a zero-emission vehicle;".

(b) CONFORMING AMENDMENTS.—

(1) Section 601(a)(12)(E) of title 23, United States Code, is amended by striking "section 5302(3)(G)(v)" and inserting "section 5302(4)(G)(v)".

(2) Section 5323(e)(3) of title 49, United States Code, is amended by striking "section 5302(3)(J)" and inserting "section 5302(4)(J)".

(3) Section 5336(e) of title 49, United States Code, is amended by striking ", as defined in section 5302(4)".

(4) Section 28501(4) of title 49, United States Code, is amended by striking "section 5302(a)(6)" and inserting "section 5302".

SEC. 30002. METROPOLITAN TRANSPORTATION PLANNING.

(a) IN GENERAL.—Section 5303 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by inserting "and better connect housing and employment" after "urbanized areas";

(2) in subsection (g)(3)(A), by inserting "housing," after "economic development,";

(3) in subsection (h)(1)(E), by inserting ", housing," after "growth";

(4) in subsection (i)—

(A) in paragraph (4)(B)—

(i) by redesignating clauses (iii) through (vi) as clauses (iv) through (vii), respectively; and

(ii) by inserting after clause (ii) the following:

"(iii) assumed distribution of population and housing;"; and

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(B) in paragraph (6)(A), by inserting "affordable housing organizations," after "disabled,"; and

(5) in subsection (k)—

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(B) by inserting after paragraph (3) the following:

"(4) HOUSING COORDINATION PROCESS.—

"(A) IN GENERAL.—Within a metropolitan planning area serving a transportation management area, the transportation planning process under this section may address the integration of housing, transportation, and economic development strategies through a process that provides for effective integration, based on a cooperatively developed and implemented strategy, of new and existing transportation facilities eligible for funding under this chapter and title 23.

"(B) COORDINATION IN INTEGRATED PLANNING PROCESS.—In carrying out the process described in subparagraph (A), a metropolitan planning organization may—

"(i) consult with—

"(I) State and local entities responsible for land use, economic development, housing, management of road networks, or public transportation; and

"(II) other appropriate public or private entities; and

"(ii) coordinate, to the extent practicable, with applicable State and local entities to align the goals of the process with the goals of any comprehensive housing affordability strategies established within the metropolitan planning area pursuant to section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) and plans developed under section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1).

"(C) HOUSING COORDINATION PLAN.—

"(i) IN GENERAL.—A metropolitan planning organization serving a transportation management area may develop a housing coordination plan that includes projects and strategies that may be considered in the metropolitan transportation plan of the metropolitan planning organization.

"(ii) CONTENTS.—A plan described in clause (i) may—

"(I) develop regional goals for the integration of housing, transportation, and economic development strategies to—

"(aa) better connect housing and employment while mitigating commuting times;

"(bb) align transportation improvements with housing needs, such as housing supply shortages, and proposed housing development;

"(cc) align planning for housing and transportation to address needs in relationship to household incomes within the metropolitan planning area;

"(dd) expand housing and economic development within the catchment areas of

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existing transportation facilities and public transportation services when appropriate, including higher-density development, as locally determined;

"(ee) manage effects of growth of vehicle miles traveled experienced in the metropolitan planning area related to housing development and economic development;

"(ff) increase share of households with sufficient and affordable access to the transportation networks of the metropolitan planning area;

"(II) identify the location of existing and planned housing and employment, and transportation options that connect housing and employment; and

"(III) include a comparison of transportation plans to land use management plans, including zoning plans, that may affect road use, public transportation ridership and housing development.".

(b) ADDITIONAL CONSIDERATION AND COORDINATION.—Section 5303 of title 49, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (3), by adding at the end the following:

"(D) CONSIDERATIONS.—In designating officials or representatives under paragraph (2) for the first time, subject to the bylaws or enabling statute of the metropolitan planning organization, the metropolitan planning organization shall consider the equitable and proportional representation of the population of the metropolitan planning area."; and

(B) in paragraph (7)—

(i) by striking "an existing metropolitan planning area" and inserting "an existing urbanized area (as defined by the Bureau of the Census)"; and

(ii) by striking "the existing metropolitan planning area" and inserting "the area";

(2) in subsection (g)—

(A) in paragraph (1), by striking "a metropolitan area" and inserting "an urbanized area (as defined by the Bureau of the Census)"; and

(B) by adding at the end the following:

"(4) COORDINATION BETWEEN MPOS.—If more than 1 metropolitan planning organization is designated within an urbanized area (as defined by the Bureau of the Census) under subsection (d)(7), the metropolitan planning organizations designated within the area shall ensure, to the maximum extent practicable, the consistency of any data used in the planning process, including information used in forecasting travel demand.

"(5) SAVINGS CLAUSE.—Nothing in this subsection requires metropolitan planning organizations designated within a single urbanized area to jointly develop planning documents, including a unified long-range transportation plan or unified TIP.";

(3) in subsection (i)(6), by adding at the end the following:

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"(D) USE OF TECHNOLOGY.—A metropolitan planning organization may use social media and other web-based tools—

"(i) to further encourage public participation; and

"(ii) to solicit public feedback during the transportation planning process."; and

(4) in subsection (p), by striking "section 104(b)(5)" and inserting "section 104(b)(6)".

SEC. 30003. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

(a) TECHNICAL AMENDMENTS.—Section 5304 of title 49, United States Code, is amended—

(1) in subsection (e), in the matter preceding paragraph (1), by striking the quotation marks before "In"; and

(2) in subsection (i), by striking "this this" and inserting "this".

(b) USE OF TECHNOLOGY.—Section 5304(f)(3) of title 49, United States Code, is amended by adding at the end the following:

"(C) USE OF TECHNOLOGY.—A State may use social media and other web-based tools—

"(i) to further encourage public participation; and

"(ii) to solicit public feedback during the transportation planning process.".

SEC. 30004. PLANNING PROGRAMS.

Section 5305 of title 49, United States Code, is amended—

(1) in subsection (e)(1)(A), in the matter preceding clause (i), by striking "this section and section" and inserting "this section and sections"; and

(2) by striking subsection (f) and inserting the following:

"(f) GOVERNMENT SHARE OF COSTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Government share of the cost of an activity funded using amounts made available under this section may not exceed 80 percent of the cost of the activity unless the Secretary determines that it is in the interests of the Government—

"(A) not to require a State or local match; or

"(B) to allow a Government share greater than 80 percent.

"(2) CERTAIN ACTIVITIES.—

"(A) IN GENERAL.—The Government share of the cost of an activity funded using amounts made available under this section shall be not less than 90 percent for an activity that assists parts of an urbanized area or rural area with lower population density or lower average income levels compared to—

"(i) the applicable urbanized area;

"(ii) the applicable rural area;

"(iii) an adjoining urbanized area; or

"(iv) an adjoining rural area.

"(B) REPORT.—A State or metropolitan planning organization that carries out an activity described in subparagraph (A) with an increased Government share described in that subparagraph shall report to the Secretary, in a form as determined by the Secretary, how the increased Government share for transportation planning activities benefits commuting and other essential

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travel in parts of the applicable urbanized area or rural area described in subparagraph (A) with lower population density or lower average income levels.".

SEC. 30005. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.

(a) IN GENERAL.—Section 5309 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (6);

(B) by redesignating paragraph (7) as paragraph (6); and

(C) in paragraph (6) (as so redesignated)—

(i) in subparagraph (A), by striking "$100,000,000" and inserting "$150,000,000"; and

(ii) in subparagraph (B), by striking "$300,000,000" and inserting "$400,000,000";

(2) in subsection (c)(1)—

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

(B) in subparagraph (B)(iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(C) the applicant has made progress toward meeting the performance targets in section 5326(c)(2).";

(3) in subsection (e)(2)(A)(iii)(II), by striking "the next 5 years" and inserting "the next 10 years, without regard to any temporary measures employed by the applicant expected to increase short-term capacity within the next 10 years";

(4) in subsection (g)—

(A) in paragraph (3)(A), by striking "exceed" and all that follows through "50 percent" and inserting "exceed 50 percent";

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following:

"(7) PROJECT RE-ENTRY.—In carrying out ratings and evaluations under this subsection, the Secretary shall provide full and fair consideration to projects that seek an updated rating after a period of inactivity following an earlier rating and evaluation.";

(5) in subsection (i), by striking paragraphs (1) through (8) and inserting the following:

"(1) FUTURE BUNDLING.—

"(A) DEFINITION.—In this paragraph, the term 'future bundling request' means a letter described in subparagraph (B) that requests future funding for additional projects.

"(B) REQUEST.—When an applicant submits a letter to the Secretary requesting entry of a project into the project development phase under subsection (d)(1)(A)(i)(I), (e)(1)(A)(i)(I), or (h)(2)(A)(i)(I), the applicant may include a description of other projects for consideration for future funding under this section. An applicant shall include in the request the amount of funding requested under this section for each additional project and the estimated capital cost of each project.

"(C) READINESS.—Other projects included in the request shall be ready to enter the project development phase under subsection (d)(1)(A), (e)(1)(A), or (h)(2)(A),

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within 5 years of the initial project submitted as part of the request.

"(D) PLANNING.—Projects in the future bundling request shall be included in the metropolitan transportation plan in accordance with section 5303(i).

"(E) PROJECT SPONSOR.—The applicant that submits a future bundling request shall be the project sponsor for each project included in the request.

"(F) PROGRAM AND PROJECT SHARE.—A future bundling request submitted under this paragraph shall include a proposed share of each of the request's projects that is consistent with the requirements of subsections (k)(2)(C)(ii) or (h)(7), as applicable.

"(G) BENEFITS.—The bundling of projects under this subsection—

"(i) shall enhance, or increase the capacity of—

"(I) the total transportation system of the applicant; or

"(II) the transportation system of the region the applicant serves (which, in the case of a State whose request addresses a single region, means that region); and

"(ii) shall—

"(I) streamline procurements for the applicant; or

"(II) enable time or cost savings for the projects.

"(H) EVALUATION.—Each project submitted for consideration for funding in a future bundling request shall be subject to the applicable evaluation criteria under this section for the project type, including demonstrating the availability of local resources to recapitalize, maintain, and operate the overall existing and proposed public transportation system pursuant to subsection (f)(1)(C).

"(I) LETTER OF INTENT.—

"(i) IN GENERAL.—Upon entering into a grant agreement for the initial project for which an applicant submits a future bundling request, the Secretary may issue a letter of intent to the applicant that announces an intention to obligate, for 1 or more additional projects included in the request, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the additional project or projects in the future bundling. Such letter may include a condition that the project or projects must meet the evaluation criteria in this subsection before a grant agreement can be executed.

"(ii) AMOUNT.—The amount that the Secretary announces an intention to obligate for an additional project in the future bundling request through a letter of intent issued under clause (i) shall be sufficient to complete at least an operable segment of the project.

"(iii) TREATMENT.—The issuance of a letter of intent under clause (i) shall not be deemed to be an obligation under sections 1108(c), 1501, and 1502(a) of title 31 or an administrative commitment.

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"(2) IMMEDIATE BUNDLING.—

"(A) DEFINITION.—In this paragraph, the term 'immediate bundling request' means a letter described in subparagraph (B) that requests immediate funding for multiple projects.

"(B) REQUEST.—An applicant may submit a letter to the Secretary requesting entry of multiple projects into the project development phase under subsection (d)(1)(A)(i)(I), (e)(1)(A)(i)(I), or (h)(2)(A)(i)(I), for consideration for funding under this section. An applicant shall include in the request the amount of funding requested under this section for each additional project and the estimated capital cost of each project.

"(C) READINESS.—Projects included in the request must be ready to enter the project development phase under subsection (d)(1)(A), (e)(1)(A), or (h)(2)(A) at the same time.

"(D) PLANNING.—Projects in the bundle shall be included in the metropolitan transportation plan in accordance with section 5303(i).

"(E) PROJECT SPONSOR.—The applicant that submits an immediate bundling request shall be the project sponsor for each project included in the request.

"(F) PROGRAM AND PROJECT SHARE.—An immediate bundling request submitted under this subsection shall include a proposed share of each of the request's projects that is consistent with the requirements of subsections (k)(2)(C)(ii) or (h)(7), as applicable.

"(G) BENEFITS.—The bundling of projects under this subsection—

"(i) shall enhance, or increase the capacity of—

"(I) the total transportation system of the applicant; or

"(II) the transportation system of the region the applicant serves (which, in the case of a State whose request addresses a single region, means that region); and

"(ii) shall—

"(I) streamline procurements for the applicant; or

"(II) enable time or cost savings for the projects.

"(H) EVALUATION.—A project submitted for consideration for immediate funding in an immediate bundling request shall be subject to the applicable evaluation criteria under this section for the project type, including demonstrating the availability of local resources to recapitalize, maintain, and operate the overall existing and proposed public transportation system pursuant to subsection (f)(1)(C).

"(I) LETTER OF INTENT OR SINGLE GRANT AGREEMENT.—

"(i) IN GENERAL.—Upon entering into a grant agreement for the initial project for which an applicant submits a request, the Secretary may issue a letter of intent or single, combined grant agreement to the applicant.

"(ii) LETTER OF INTENT.—

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"(I) IN GENERAL.—A letter of intent announces an intention to obligate, for 1 or more additional projects included in the request, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the additional project or projects. Such letter may include a condition that the project or projects must meet the evaluation criteria in this subsection before a grant agreement can be executed.

"(II) AMOUNT.—The amount that the Secretary announces an intention to obligate for an additional project in a letter of intent issued under clause (i) shall be sufficient to complete at least an operable segment of the project.

"(III) TREATMENT.—The issuance of a letter of intent under clause (i) shall not be deemed to be an obligation under sections 1108(c), 1501, and 1502(a) of title 31 or an administrative commitment.

"(3) EVALUATION CRITERIA.—When the Secretary issues rules or policy guidance under this section, the Secretary may request comment from the public regarding potential changes to the evaluation criteria for project justification and local financial commitment under subsections (d), (e), (f), and (h) for the purposes of streamlining the evaluation process for projects included in a future bundling request or an immediate bundling request, including changes to enable simultaneous evaluation of multiple projects under 1 or more evaluation criteria. Notwithstanding paragraphs (1)(H) and (2)(H), such criteria may be utilized for projects included in a future bundling request or an immediate bundling request under this subsection upon promulgation of the applicable rule or policy guidance.

"(4) GRANT AGREEMENTS.—

"(A) NEW START AND CORE CAPACITY IMPROVEMENT PROJECTS.—A new start project or core capacity improvement project in an immediate bundling request or future bundling request shall be carried out through a full funding grant agreement or expedited grant agreement pursuant to subsection (k)(2).

"(B) SMALL START.—A small start project shall be carried out through a grant agreement pursuant to subsection (h)(7).

"(C) REQUIREMENT.—A combined grant agreement described in paragraph (2)(I)(i) shall—

"(i) include only projects in an immediate future bundling request that are ready to receive a grant agreement under this section,

"(ii) be carried out through a full funding grant agreement or expedited grant agreement pursuant to subsection (k)(2) for the included projects, if a project seeking assistance under the combined grant agreement is a new start project or core capacity improvement project; and

"(iii) be carried out through a grant agreement pursuant to subsection (h)(7) for the included projects,

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if the projects seeking assistance under the combined grant agreement consist entirely of small start projects.

"(D) SAVINGS PROVISION.—The use of a combined grant agreement shall not waive or amend applicable evaluation criteria under this section for projects included in the combined grant agreement.";

(6) in subsection (k)—

(A) in paragraph (2)(E)—

(i) by striking "(E) BEFORE AND AFTER STUDY.—" and all that follows through "(I) SUBMISSION OF PLAN.—" and inserting the following: "(E) INFORMATION COLLECTION AND ANALYSIS PLAN.—

"(i) SUBMISSION OF PLAN.—";

(ii) by redesignating subclause (II) of clause (i) (as so designated) as clause (ii), and adjusting the margin accordingly; and

(iii) in clause (ii) (as so redesignated)—

(I) by redesignating items (aa) through (dd) as subclauses (I) through (IV), respectively, and adjusting the margins accordingly; and

(II) in the matter preceding subclause (I) (as so redesignated), by striking "subclause (I)" and inserting "clause (i)"; and

(B) in paragraph (5), by striking "At least 30" and inserting "Not later than 15";

(7) in subsection (o)—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as so redesignated)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "of" and inserting "that";

(II) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and adjusting the margins accordingly;

(III) by inserting before subclause (I) (as so redesignated), the following:

"(i) assesses—";

(IV) in clause (i) (as so designated)—

(aa) in subclause (I) (as so redesignated), by striking "new fixed guideway capital projects and core capacity improvement projects" and inserting "all new fixed guideway capital projects and core capacity improvement projects for grant agreements under this section and section 3005(b) of the Federal Public Transportation Act of 2015 (49 U.S.C. 5309 note; Public Law 114–94)"; and

(bb) in subclause (II) (as so redesignated), by striking "and" at the end; and

(V) by adding at the end the following:

"(ii) includes, with respect to projects that entered into revenue service since the previous biennial review—

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"(I) a description and analysis of the impacts of the projects on public transportation services and public transportation ridership;

"(II) a description and analysis of the consistency of predicted and actual benefits and costs of the innovative project development and delivery methods of, or innovative financing for, the projects; and

"(III) an identification of the reasons for any differences between predicted and actual outcomes for the projects; and

"(iii) in conducting the review under clause (ii), incorporates information from the plans submitted by applicants under subsection (k)(2)(E)(i); and"; and

(ii) in subparagraph (B), by striking "each year" and inserting "the applicable year"; and

(8) by adding at the end the following:

"(r) CAPITAL INVESTMENT GRANT DASHBOARD.—

"(1) IN GENERAL.—The Secretary shall make publicly available in an easily identifiable location on the website of the Department of Transportation a dashboard containing the following information for each project seeking a grant agreement under this section:

"(A) Project name.

"(B) Project sponsor.

"(C) City or urbanized area and State in which the project will be located.

"(D) Project type.

"(E) Project mode.

"(F) Project length and number of stops, including length of exclusive bus rapid transit lanes, if applicable.

"(G) Anticipated total project cost.

"(H) Anticipated share of project costs to be sought under this section.

"(I) Date of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(J) Date on which the project entered the project development phase.

"(K) Date on which the project entered the engineering phase, if applicable.

"(L) Date on which a Letter of No Prejudice was requested, and date on which a Letter of No Prejudice was issued or denied, if applicable.

"(M) Date of the applicant's most recent project ratings, including date of request for updated ratings, if applicable.

"(N) Status of the project sponsor in securing non-Federal matching funds.

"(O) Date on which a project grant agreement is anticipated to be executed.

"(2) UPDATES.—The Secretary shall update the information provided under paragraph (1) not less frequently than monthly.

"(3) PROJECT PROFILES.—The Secretary shall continue to make profiles for projects that have applied for or are receiving assistance under this section publicly available in an easily identifiable location on the website of the Department of Transportation, in the same manner as the Secretary did as of the day before the date of enactment of this subsection.".

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(b) EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM.—Section 3005(b) of the Federal Public Transportation Act of 2015 (49 U.S.C. 5309 note; Public Law 114–94) is amended—

(1) in paragraph (1)(I)—

(A) in clause (i), by striking "$75,000,000" and inserting "$150,000,000"; and

(B) in clause (ii), by striking "$300,000,000" and inserting "$400,000,000";

(2) in paragraph (8)(D)(i), by striking "30 days" and inserting "15 days";

(3) by striking paragraph (12); and

(4) by redesignating paragraph (13) as paragraph (12).

SEC. 30006. FORMULA GRANTS FOR RURAL AREAS.

Section 5311 of title 49, United States Code, is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Of the amounts made available or appropriated for each fiscal year pursuant to section 5338(a)(2)(F) to carry out this section—

"(A) an amount equal to 5 percent shall be available to carry out paragraph (2); and

"(B) 3 percent shall be available to carry out paragraph (3).

"(2) PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS.—For each fiscal year, the amounts made available under paragraph (1)(A) shall be apportioned for grants to Indian tribes for any purpose eligible under this section, under such terms and conditions as may be established by the Secretary, of which—

"(A) 20 percent shall be distributed by the Secretary on a competitive basis; and

"(B) 80 percent shall be apportioned as formula grants as provided in subsection (j)."; and

(2) in subsection (j)(1)(A), in the matter preceding clause (i), by striking "subsection (c)(1)(B)" and inserting "subsection (c)(2)(B)".

SEC. 30007. PUBLIC TRANSPORTATION INNOVATION.

(a) IN GENERAL.—Section 5312 of title 49, United States Code, is amended—

(1) by striking the first subsection designated as subsection (g), relating to annual reports on research, as so designated by section 3008(a)(6)(A) of the FAST Act (Public Law 114–94; 129 Stat. 1468) and inserting the following:

"(f) ANNUAL REPORT ON RESEARCH.—

"(1) IN GENERAL.—Not later than the first Monday in February of each year, the Secretary shall make available to the public on the Web site of the Department of Transportation, a report that includes—

"(A) a description of each project that received assistance under this section during the preceding fiscal year;

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"(B) an evaluation of each project described in paragraph (1), including any evaluation conducted under subsection (e)(4) for the preceding fiscal year; and

"(C) a strategic research roadmap proposal for allocations of amounts for assistance under this section for the current and subsequent fiscal year, including anticipated work areas, proposed demonstrations and strategic partnership opportunities;

"(2) UPDATES.—Not less than every 3 months, the Secretary shall update on the Web site of the Department of Transportation the information described in paragraph (1)(C) to reflect any changes to the Secretary's plans to make assistance available under this section.

"(3) LONG-TERM RESEARCH PLANS.—The Secretary is encouraged to develop long-term research plans and shall identify in the annual report under paragraph (1) and in updates under paragraph (2) allocations of amounts for assistance and notices of funding opportunities to execute long-term strategic research roadmap plans.";

(2) in paragraph (1) of subsection (g), relating to Government share of costs, by striking the period at the end and inserting ", except that if there is substantial public interest or benefit, the Secretary may approve a greater Federal share."; and

(3) in subsection (h)—

(A) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—The Secretary shall competitively select at least 1 facility—

"(i) to conduct testing, evaluation, and analysis of low or no emission vehicle components intended for use in low or no emission vehicles; and

"(ii) to conduct directed technology research.";

(ii) by striking subparagraph (B) and inserting the following:

"(B) TESTING, EVALUATION, AND ANALYSIS.—

"(i) IN GENERAL.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to, at least 1 institution of higher education to operate and maintain a facility to conduct testing, evaluation, and analysis of low or no emission vehicle components, and new and emerging technology components, intended for use in low or no emission vehicles.

"(ii) REQUIREMENTS.—An institution of higher education described in clause (i) shall have—

"(I) capacity to carry out transportation-related advanced component and vehicle evaluation;

"(II) laboratories capable of testing and evaluation; and

"(III) direct access to or a partnership with a testing facility capable of emulating real-world circumstances in order to test low or no emission vehicle components installed on the intended vehicle."; and

(iii) by adding at the end the following:

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"(H) CAPITAL EQUIPMENT AND DIRECTED RESEARCH.—A facility operated and maintained under subparagraph (A) may use funds made available under this subsection for—

"(i) acquisition of equipment and capital projects related to testing low or no emission vehicle components; or

"(ii) research related to advanced vehicle technologies that provides advancements to the entire public transportation industry.

"(I) COST SHARE.—The cost share for activities described in subparagraph (H) shall be subject to the terms in subsection (g)."; and

(B) in paragraph (3), by inserting ", as applicable" before the period at the end.

(b) LOW OR NO EMISSION VEHICLE COMPONENT ASSESSMENT.—

(1) IN GENERAL.—Institutions of higher education selected to operate and maintain a facility to conduct testing, evaluation, and analysis of low or no emission vehicle components pursuant to section 5312(h) of title 49, United States Code, shall not carry out testing for a new bus model under section 5318 of that title.

(2) USE OF FUNDS.—Funds made available to institutions of higher education described in paragraph (1) for testing under section 5318 of title 49, United States Code, may be used for eligible activities under section 5312(h) of that title.

(c) ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF ADVANCED DIGITAL CONSTRUCTION MANAGEMENT SYSTEMS.—Section 5312(b) of title 49, United States Code, is amended by adding at the end the following:

"(4) ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF ADVANCED DIGITAL CONSTRUCTION MANAGEMENT SYSTEMS.—

"(A) IN GENERAL.—The Secretary shall establish and implement a program under this subsection to promote, implement, deploy, demonstrate, showcase, support, and document the application of advanced digital construction management systems, practices, performance, and benefits.

"(B) GOALS.—The goals of the accelerated implementation and deployment of advanced digital construction management systems program established under subparagraph (A) shall include—

"(i) accelerated adoption of advanced digital systems applied throughout the lifecycle of transportation infrastructure (including through the planning, design and engineering, construction, operations, and maintenance phases) that—

"(I) maximize interoperability with other systems, products, tools, or applications;

"(II) boost productivity;

"(III) manage complexity;

"(IV) reduce project delays and cost overruns;

"(V) enhance safety and quality; and

"(VI) reduce total costs for the entire lifecycle of transportation infrastructure assets;

"(ii) more timely and productive information-sharing among stakeholders through reduced reliance on paper to manage construction processes and

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deliverables such as blueprints, design drawings, procurement and supply-chain orders, equipment logs, daily progress reports, and punch lists;

"(iii) deployment of digital management systems that enable and leverage the use of digital technologies on construction sites by contractors, such as state-of-the-art automated and connected machinery and optimized routing software that allows construction workers to perform tasks faster, safer, more accurately, and with minimal supervision;

"(iv) the development and deployment of best practices for use in digital construction management;

"(v) increased technology adoption and deployment by States, local governmental authorities, and designated recipients that enables project sponsors—

"(I) to integrate the adoption of digital management systems and technologies in contracts; and

"(II) to weigh the cost of digitization and technology in setting project budgets;

"(vi) technology training and workforce development to build the capabilities of project managers and sponsors that enables States, local governmental authorities, or designated recipients—

"(I) to better manage projects using advanced construction management technologies; and

"(II) to properly measure and reward technology adoption across projects;

"(vii) development of guidance to assist States, local governmental authorities, and designated recipients in updating regulations to allow project sponsors and contractors—

"(I) to report data relating to the project in digital formats; and

"(II) to fully capture the efficiencies and benefits of advanced digital construction management systems and related technologies;

"(viii) reduction in the environmental footprint of construction projects using advanced digital construction management systems resulting from elimination of congestion through more efficient projects; and

"(ix) enhanced worker and pedestrian safety resulting from increased transparency.

"(C) PUBLICATION.—The reporting requirements for the accelerated implementation and deployment of advanced digital construction management systems program established under section 503(c)(5) of title 23 shall include data and analysis collected under this section.".

SEC. 30008. BUS TESTING FACILITIES.

Section 5318 of title 49, United States Code, is amended by adding at the end the following:

"(f) CAPITAL EQUIPMENT.—A facility operated and maintained under this section may use funds made available under this section for the acquisition of equipment and capital projects related to testing new bus models.".

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SEC. 30009. TRANSIT-ORIENTED DEVELOPMENT.

Section 20005(b) of MAP–21 (49 U.S.C. 5303 note; Public Law 112–141) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by inserting "or site-specific" after "comprehensive"; and

(2) in paragraph (3)—

(A) in subparagraph (B), by inserting "or a site-specific plan" after "comprehensive plan";

(B) in subparagraph (C), by inserting "or the proposed site-specific plan" after "proposed comprehensive plan";

(C) in subparagraph (D), by inserting "or the site-specific plan" after "comprehensive plan"; and

(D) in subparagraph (E)(iii), by inserting "or the site-specific plan" after "comprehensive plan".

SEC. 30010. GENERAL PROVISIONS.

Section 5323(u) of title 49, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) EXCEPTION.—For purposes of paragraph (1), the term 'otherwise related legally or financially' does not include—

"(A) a minority relationship or investment; or

"(B) relationship with or investment in a subsidiary, joint venture, or other entity based in a country described in paragraph (1)(B) that does not export rolling stock or components of rolling stock for use in the United States.".

SEC. 30011. PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM.

Section 5324 of title 49, United States Code, is amended by adding at the end the following:

"(f) INSURANCE.—Before receiving a grant under this section following an emergency, an applicant shall—

"(1) submit to the Secretary documentation demonstrating proof of insurance required under Federal law for all structures related to the grant application; and

"(2) certify to the Secretary that the applicant has insurance required under State law for all structures related to the grant application.".

SEC. 30012. PUBLIC TRANSPORTATION SAFETY PROGRAM.

(a) IN GENERAL.—Section 5329 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting ", or, in the case of a recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more, safety performance measures, including measures related to the risk reduction program under subsection (d)(1)(I), for all modes of public transportation" after "public transportation";

(ii) in subparagraph (C)(ii)—

(I) in subclause (I), by striking "and" at the end;

(II) in subclause (II), by adding "and" at the end; and

(III) by adding at the end the following:

"(III) innovations in driver assistance technologies and driver protection infrastructure,

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where appropriate, and a reduction in visibility impairments that contribute to pedestrian fatalities;";

(iii) in subparagraph (D)(ii)(V), by striking "and" at the end;

(iv) in subparagraph (E), by striking the period at the end and inserting "; and";

(v) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively;

(vi) by inserting after subparagraph (C) the following:

"(D) in consultation with the Secretary of Health and Human Services, precautionary and reactive actions required to ensure public and personnel safety and health during an emergency (as defined in section 5324(a));"; and

(vii) by adding at the end the following:

"(G) consideration, where appropriate, of performance-based and risk-based methodologies."; and

(B) by adding at the end the following:

"(3) PLAN UPDATES.—The Secretary shall update the national public transportation safety plan under paragraph (1) as necessary with respect to recipients receiving assistance under section 5307 that serve an urbanized area with a population of 200,000 or more.";

(2) in subsection (c)—

(A) by striking paragraph (2); and

(B) by striking the subsection designation and heading and all that follows through "The Secretary" in paragraph (1) and inserting the following:

"(c) PUBLIC TRANSPORTATION SAFETY CERTIFICATION TRAINING PROGRAM.—The Secretary";

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "Effective 1 year" and all that follows through "each recipient" and inserting "Each recipient";

(ii) in subparagraph (A), by inserting ", or, in the case of a recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more, the safety committee of the entity established under paragraph (5), followed by the board of directors (or equivalent entity) of the recipient approve," after "approve";

(iii) by redesignating subparagraphs (B) through (G) as subparagraphs (C) through (H), respectively;

(iv) by inserting after subparagraph (A) the following:

"(B) for each recipient serving an urbanized area with a population of fewer than 200,000, a requirement that the agency safety plan be developed in cooperation with frontline employee representatives;";

(v) in subparagraph (D) (as so redesignated), by inserting ", and consistent with guidelines of the Centers for Disease Control and Prevention or a State health authority, minimize exposure to infectious diseases" after "public, personnel, and property to hazards and unsafe conditions";

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(vi) by striking subparagraph (F) (as so redesignated) and inserting the following:

"(F) performance targets based on—

"(i) the safety performance criteria and state of good repair standards established under subparagraphs (A) and (B), respectively, of subsection (b)(2); or

"(ii) in the case of a recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more, safety performance measures established under the national public transportation safety plan, as described in subsection (b)(2)(A);";

(vii) in subparagraph (G) (as so redesignated), by striking "and" at the end; and

(viii) by striking subparagraph (H) (as so redesignated) and inserting the following:

"(H) a comprehensive staff training program for—

"(i) the operations personnel and personnel directly responsible for safety of the recipient that includes—

"(I) the completion of a safety training program; and

"(II) continuing safety education and training; or

"(ii) in the case of a recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more, the operations and maintenance personnel and personnel directly responsible for safety of the recipient that includes—

"(I) the completion of a safety training program;

"(II) continuing safety education and training; and

"(III) de-escalation training; and

"(I) in the case of a recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more, a risk reduction program for transit operations to improve safety by reducing the number and rates of accidents, injuries, and assaults on transit workers based on data submitted to the national transit database under section 5335, including—

"(i) a reduction of vehicular and pedestrian accidents involving buses that includes measures to reduce visibility impairments for bus operators that contribute to accidents, including retrofits to buses in revenue service and specifications for future procurements that reduce visibility impairments; and

"(ii) the mitigation of assaults on transit workers, including the deployment of assault mitigation infrastructure and technology on buses, including barriers to restrict the unwanted entry of individuals and objects into the workstations of bus operators when a risk analysis performed by the safety committee of the recipient established under paragraph (5) determines that such barriers or other measures would reduce assaults on transit workers and injuries to transit workers."; and

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(B) by adding at the end the following:

"(4) RISK REDUCTION PERFORMANCE TARGETS.—

"(A) IN GENERAL.—The safety committee of a recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more established under paragraph (5) shall establish performance targets for the risk reduction program required under paragraph (1)(I) using a 3-year rolling average of the data submitted by the recipient to the national transit database under section 5335.

"(B) SAFETY SET ASIDE.—A recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more shall allocate not less than 0.75 percent of those funds to safety-related projects eligible under section 5307.

"(C) FAILURE TO MEET PERFORMANCE TARGETS.—A recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more that does not meet the performance targets established under subparagraph (A) shall allocate the amount made available in subparagraph (B) in the following fiscal year to projects described in subparagraph (D).

"(D) ELIGIBLE PROJECTS.—Funds set aside under subparagraph (C) shall be used for projects that are reasonably likely to assist the recipient in meeting the performance targets established in subparagraph (A), including modifications to rolling stock and de-escalation training.

"(5) SAFETY COMMITTEE.—

"(A) IN GENERAL.—For purposes of this subsection, the safety committee of a recipient shall—

"(i) be convened by a joint labor-management process;

"(ii) consist of an equal number of—

"(I) frontline employee representatives, selected by a labor organization representing the plurality of the frontline workforce employed by the recipient or, if applicable, a contractor to the recipient, to the extent frontline employees are represented by labor organizations; and

"(II) management representatives; and

"(iii) have, at a minimum, responsibility for—

"(I) identifying and recommending risk-based mitigations or strategies necessary to reduce the likelihood and severity of consequences identified through the agency's safety risk assessment;

"(II) identifying mitigations or strategies that may be ineffective, inappropriate, or were not implemented as intended; and

"(III) identifying safety deficiencies for purposes of continuous improvement.

"(B) APPLICABILITY.—This paragraph applies only to a recipient receiving assistance under section 5307 that is serving an urbanized area with a population of 200,000 or more.";

(4) in subsection (e)—

(A) in paragraph (4)(A)(v), by inserting ", inspection," after "investigative"; and

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(B) by adding at the end the following:

"(11) EFFECTIVENESS OF ENFORCEMENT AUTHORITIES AND PRACTICES.—The Secretary shall develop and disseminate to State safety oversight agencies the process and methodology that the Secretary will use to monitor the effectiveness of the enforcement authorities and practices of State safety oversight agencies."; and

(5) by striking subsection (k) and inserting the following:

"(k) INSPECTIONS.—

"(1) INSPECTION ACCESS.—

"(A) IN GENERAL.—A State safety oversight program shall provide the State safety oversight agency established by the program with the authority and capability to enter the facilities of each rail fixed guideway public transportation system that the State safety oversight agency oversees to inspect infrastructure, equipment, records, personnel, and data, including the data that the rail fixed guideway public transportation agency collects when identifying and evaluating safety risks.

"(B) POLICIES AND PROCEDURES.—A State safety oversight agency, in consultation with each rail fixed guideway public transportation agency that the State safety oversight agency oversees, shall establish policies and procedures regarding the access of the State safety oversight agency to conduct inspections of the rail fixed guideway public transportation system, including access for inspections that occur without advance notice to the rail fixed guideway public transportation agency.

"(2) DATA COLLECTION.—

"(A) IN GENERAL.—A rail fixed guideway public transportation agency shall provide the applicable State safety oversight agency with the data that the rail fixed guideway public transportation agency collects when identifying and evaluating safety risks, in accordance with subparagraph (B).

"(B) POLICIES AND PROCEDURES.—A State safety oversight agency, in consultation with each rail fixed guideway public transportation agency that the State safety oversight agency oversees, shall establish policies and procedures for collecting data described in subparagraph (A) from a rail fixed guideway public transportation agency, including with respect to frequency of collection, that is commensurate with the size and complexity of the rail fixed guideway public transportation system.

"(3) INCORPORATION.—Policies and procedures established under this subsection shall be incorporated into—

"(A) the State safety oversight program standard adopted by a State safety oversight agency under section 674.27 of title 49, Code of Federal Regulations (or any successor regulation); and

"(B) the public transportation agency safety plan established by a rail fixed guideway public transportation agency under subsection (d).

"(4) ASSESSMENT BY SECRETARY.—In assessing the capability of a State safety oversight agency to conduct inspections as required under paragraph (1), the Secretary shall ensure that—

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"(A) the inspection practices of the State safety oversight agency are commensurate with the number, size, and complexity of the rail fixed guideway public transportation systems that the State safety oversight agency oversees;

"(B) the inspection program of the State safety oversight agency is risk-based; and

"(C) the State safety oversight agency has sufficient resources to conduct the inspections.

"(5) SPECIAL DIRECTIVE.—The Secretary shall issue a special directive to each State safety oversight agency on the development and implementation of risk-based inspection programs under this subsection.

"(6) ENFORCEMENT.—The Secretary may use any authority under this section, including any enforcement action authorized under subsection (g), to ensure the compliance of a State safety oversight agency or State safety oversight program with this subsection.".

(b) DEADLINE; EFFECTIVE DATE.—

(1) SPECIAL DIRECTIVE ON RISK-BASED INSPECTION PROGRAMS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue each special directive required under section 5329(k)(5) of title 49, United States Code (as added by subsection (a)).

(2) INSPECTION REQUIREMENTS.—Section 5329(k) of title 49, United States Code (as amended by subsection (a)), shall apply with respect to a State safety oversight agency on and after the date that is 2 years after the date on which the Secretary of Transportation issues the special directive to the State safety oversight agency under paragraph (5) of that section 5329(k).

(c) NO EFFECT ON INITIAL CERTIFICATION PROCESS.—Nothing in this section or the amendments made by this section affects the requirements for initial approval of a State safety oversight program, including the initial deadline, under section 5329(e)(3) of title 49, United States Code.

SEC. 30013. ADMINISTRATIVE PROVISIONS.

Section 5334(h)(4) of title 49, United States Code, is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

"(B) REIMBURSEMENT.—

"(i) FAIR MARKET VALUE OF LESS THAN $5,000.—With respect to rolling stock and equipment with a unit fair market value of $5,000 or less per unit and unused supplies with a total aggregate fair market value of $5,000 or less that was purchased using Federal financial assistance under this chapter, the rolling stock, equipment, and supplies may be retained, sold, or otherwise disposed of at the end of the service life of the rolling stock, equipment, or supplies without any obligation to reimburse the Federal Transit Administration.

"(ii) FAIR MARKET VALUE OF MORE THAN $5,000.—

"(I) IN GENERAL.—With respect to rolling stock and equipment with a unit fair market value of more than $5,000 per unit and unused supplies

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with a total aggregate fair market value of more than $5,000 that was purchased using Federal financial assistance under this chapter, the rolling stock, equipment, and supplies may be retained or sold at the end of the service life of the rolling stock, equipment, or supplies.

"(II) REIMBURSEMENT REQUIRED.—If rolling stock, equipment, or supplies described in subclause (I) is sold, of the proceeds from the sale—

"(aa) the recipient shall retain an amount equal to the sum of—

"(AA) $5,000; and

"(BB) of the remaining proceeds, a percentage of the amount equal to the non-Federal share expended by the recipient in making the original purchase; and

"(bb) any amounts remaining after application of item (aa) shall be returned to the Federal Transit Administration.

"(iii) ROLLING STOCK AND EQUIPMENT RETAINED.—Rolling stock, equipment, or supplies described in clause (i) or (ii) that is retained by a recipient under those clauses may be used by the recipient for other public transportation projects or programs with no obligation to reimburse the Federal Transit Administration, and no approval of the Secretary to retain that rolling stock, equipment, or supplies is required.".

SEC. 30014. NATIONAL TRANSIT DATABASE.

Section 5335 of title 49, United States Code, is amended—

(1) in subsection (a), in the first sentence, by inserting "geographic service area coverage," after "operating,"; and

(2) by striking subsection (c) and inserting the following:

"(c) DATA REQUIRED TO BE REPORTED.—Each recipient of a grant under this chapter shall report to the Secretary, for inclusion in the national transit database under this section—

"(1) any information relating to a transit asset inventory or condition assessment conducted by the recipient;

"(2) any data on assaults on transit workers of the recipients; and

"(3) any data on fatalities that result from an impact with a bus.".

SEC. 30015. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.

(a) SMALL URBANIZED AREAS.—Section 5336(h)(3) of title 49, United States Code, is amended by striking "paragraphs (1) and (2)" and all that follows through "2 percent" in subparagraph (B) and inserting "paragraphs (1) and (2), 3 percent".

(b) FUNDING FOR STATE SAFETY OVERSIGHT PROGRAM GRANTS.—

(1) IN GENERAL.—Section 5336(h)(4) of title 49, United States Code, is amended by striking "0.5 percent" and inserting "0.75 percent".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply with respect to fiscal year 2022 and each fiscal year thereafter.

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SEC. 30016. STATE OF GOOD REPAIR GRANTS.

Section 5337 of title 49, United States Code, is amended by adding at the end the following:

"(f) COMPETITIVE GRANTS FOR RAIL VEHICLE REPLACEMENT.—

"(1) IN GENERAL.—The Secretary may make grants under this subsection to assist State and local governmental authorities in financing capital projects for the replacement of rail rolling stock.

"(2) GRANT REQUIREMENTS.—Except as otherwise provided in this subsection, a grant under this subsection shall be subject to the same terms and conditions as a grant under subsection (b).

"(3) COMPETITIVE PROCESS.—The Secretary shall solicit grant applications and make not more than 3 new awards to eligible projects under this subsection on a competitive basis each fiscal year.

"(4) CONSIDERATION.—In awarding grants under this subsection, the Secretary shall consider—

"(A) the size of the rail system of the applicant;

"(B) the amount of funds available to the applicant under this subsection;

"(C) the age and condition of the rail rolling stock of the applicant that has exceeded or will exceed the useful service life of the rail rolling stock in the 5-year period following the grant; and

"(D) whether the applicant has identified replacement of the rail vehicles as a priority in the investment prioritization portion of the transit asset management plan of the recipient pursuant to part 625 of title 49, Code of Federal Regulations (or successor regulations).

"(5) MAXIMUM SHARE OF COMPETITIVE GRANT ASSISTANCE.—The amount of grant assistance provided by the Secretary under this subsection, as a share of eligible project costs, shall be not more than 50 percent.

"(6) GOVERNMENT SHARE OF COST.—The Government share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

"(7) MULTI-YEAR GRANT AGREEMENTS.—

"(A) IN GENERAL.—An eligible project for which a grant is provided under this subsection may be carried out through a multi-year grant agreement in accordance with this paragraph.

"(B) REQUIREMENTS.—A multi-year grant agreement under this paragraph shall—

"(i) establish the terms of participation by the Federal Government in the project; and

"(ii) establish the maximum amount of Federal financial assistance for the project that may be provided through grant payments to be provided in not more than 3 consecutive fiscal years.

"(C) FINANCIAL RULES.—A multi-year grant agreement under this paragraph—

"(i) shall obligate an amount of available budget authority specified in law; and

"(ii) may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional

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amount from future available budget authority specified in law.

"(D) STATEMENT OF CONTINGENT COMMITMENT.—A multi-year agreement under this paragraph shall state that the contingent commitment is not an obligation of the Federal Government.".

SEC. 30017. AUTHORIZATIONS.

Section 5338 of title 49, United States Code, is amended to read as follows:

"§ 5338. Authorizations

"(a) GRANTS.—

"(1) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5335, 5337, 5339, and 5340, section 20005(b) of the Federal Public Transportation Act of 2012 (49 U.S.C. 5303 note; Public Law 112–141), and section 3006(b) of the Federal Public Transportation Act of 2015 (49 U.S.C. 5310 note; Public Law 114–94)—

"(A) $13,355,000,000 for fiscal year 2022;
"(B) $13,634,000,000 for fiscal year 2023;
"(C) $13,990,000,000 for fiscal year 2024;
"(D) $14,279,000,000 for fiscal year 2025; and
"(E) $14,642,000,000 for fiscal year 2026.

"(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

"(A) $184,647,343 for fiscal year 2022, $188,504,820 for fiscal year 2023, $193,426,906 for fiscal year 2024, $197,422,644 for fiscal year 2025, and $202,441,512 for fiscal year 2026 shall be available to carry out section 5305;

"(B) $13,157,184 for fiscal year 2022, $13,432,051 for fiscal year 2023, $13,782,778 for fiscal year 2024, $14,067,497 for fiscal year 2025, and $14,425,121 for fiscal year 2026 shall be available to carry out section 20005(b) of the Federal Public Transportation Act of 2012 (49 U.S.C. 5303 note; Public Law 112–141);

"(C) $6,408,288,249 for fiscal year 2022, $6,542,164,133 for fiscal year 2023, $6,712,987,840 for fiscal year 2024, $6,851,662,142 for fiscal year 2025, and $7,025,844,743 for fiscal year 2026 shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307;

"(D) $371,247,094 for fiscal year 2022, $379,002,836 for fiscal year 2023, $388,899,052 for fiscal year 2024, $396,932,778 for fiscal year 2025, and $407,023,583 for fiscal year 2026 shall be available to provide financial assistance for services for the enhanced mobility of seniors and individuals with disabilities under section 5310;

"(E) $4,605,014 for fiscal year 2022, $4,701,218 for fiscal year 2023, $4,823,972 for fiscal year 2024, $4,923,624 for fiscal year 2025, and $5,048,792 for fiscal year 2026 shall be available for the pilot program for innovative coordinated access and mobility under section 3006(b) of

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the Federal Public Transportation Act of 2015 (49 U.S.C. 5310 note; Public Law 114–94);

"(F) $875,289,555 for fiscal year 2022, $893,575,275 for fiscal year 2023, $916,907,591 for fiscal year 2024, $935,848,712 for fiscal year 2025, and $959,639,810 for fiscal year 2026 shall be available to provide financial assistance for rural areas under section 5311;

"(G) $36,840,115 for fiscal year 2022, $37,609,743 for fiscal year 2023, $38,591,779 for fiscal year 2024, $39,388,993 for fiscal year 2025, and $40,390,337 for fiscal year 2026 shall be available to carry out section 5312, of which—

"(i) $5,000,000 for fiscal year 2022, $5,104,455 for fiscal year 2023, $5,237,739 for fiscal year 2024, $5,345,938 for fiscal year 2025, and $5,481,842 for fiscal year 2026 shall be available to carry out section 5312(h); and

"(ii) $6,578,592 for fiscal year 2022, $6,716,026 for fiscal year 2023, $6,891,389 for fiscal year 2024, $7,033,749 for fiscal year 2025, and $7,212,560 for fiscal year 2026 shall be available to carry out section 5312(i);

"(H) $11,841,465 for fiscal year 2022, $12,088,846 for fiscal year 2023, $12,404,500 for fiscal year 2024, $12,660,748 for fiscal year 2025, and $12,982,608 for fiscal year 2026 shall be available to carry out section 5314, of which $6,578,592 for fiscal year 2022, $6,716,026 for fiscal year 2023, $6,891,389 for fiscal year 2024, $7,033,749 for fiscal year 2025, and $7,212,560 for fiscal year 2026 shall be available for the national transit institute under section 5314(c);

"(I) $5,000,000 for fiscal year 2022, $5,104,455 for fiscal year 2023, $5,237,739 for fiscal year 2024, $5,345,938 for fiscal year 2025, and $5,481,842 for fiscal year 2026 shall be available for bus testing under section 5318;

"(J) $131,000,000 for fiscal year 2022, $134,930,000 for fiscal year 2023, $138,977,900 for fiscal year 2024, $143,147,237 for fiscal year 2025, and $147,441,654 for fiscal year 2026 shall be available to carry out section 5334;

"(K) $5,262,874 for fiscal year 2022, $5,372,820 for fiscal year 2023, $5,513,111 for fiscal year 2024, $5,626,999 for fiscal year 2025, and $5,770,048 for fiscal year 2026 shall be available to carry out section 5335;

"(L) $3,515,528,226 for fiscal year 2022, $3,587,778,037 for fiscal year 2023, $3,680,934,484 for fiscal year 2024, $3,755,675,417 for fiscal year 2025, and $3,850,496,668 for fiscal year 2026 shall be available to carry out section 5337, of which $300,000,000 for each of fiscal years 2022 through 2026 shall be available to carry out section 5337(f);

"(M) $603,992,657 for fiscal year 2022, $616,610,699 for fiscal year 2023, $632,711,140 for fiscal year 2024, $645,781,441 for fiscal year 2025, and $662,198,464 for fiscal year 2026 shall be available for the bus and buses facilities program under section 5339(a);

"(N) $447,257,433 for fiscal year 2022, $456,601,111 for fiscal year 2023, $468,523,511 for fiscal year 2024,

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$478,202,088 for fiscal year 2025, and $490,358,916 for fiscal year 2026 shall be available for buses and bus facilities competitive grants under section 5339(b) and no or low emission grants under section 5339(c), of which $71,561,189 for fiscal year 2022, $73,056,178 for fiscal year 2023, $74,963,762 for fiscal year 2024, $76,512,334 for fiscal year 2025, and $78,457,427 for fiscal year 2026 shall be available to carry out section 5339(c); and

"(O) $741,042,792 for fiscal year 2022, $756,523,956 for fiscal year 2023, $776,277,698 for fiscal year 2024, $792,313,742 for fiscal year 2025, and $812,455,901 for fiscal year 2026, to carry out section 5340 to provide financial assistance for urbanized areas under section 5307 and rural areas under section 5311, of which—

"(i) $392,752,680 for fiscal year 2022, $400,957,696 for fiscal year 2023, $411,427,180 for fiscal year 2024, $419,926,283 for fiscal year 2025, and $430,601,628 for fiscal year 2026 shall be for growing States under section 5340(c); and

"(ii) $348,290,112 for fiscal year 2022, $355,566,259 for fiscal year 2023, $364,850,518 for fiscal year 2024, $372,387,459 for fiscal year 2025, and $381,854,274 for fiscal year 2026 shall be for high density States under section 5340(d).

"(b) CAPITAL INVESTMENT GRANTS.—There are authorized to be appropriated to carry out section 5309 of this title and section 3005(b) of the Federal Public Transportation Act of 2015 (49 U.S.C. 5309 note; Public Law 114–94), $3,000,000,000 for each of fiscal years 2022 through 2026.

"(c) OVERSIGHT.—

"(1) IN GENERAL.—Of the amounts made available to carry out this chapter for a fiscal year, the Secretary may use not more than the following amounts for the activities described in paragraph (2):

"(A) 0.5 percent of amounts made available to carry out section 5305.

"(B) 0.75 percent of amounts made available to carry out section 5307.

"(C) 1 percent of amounts made available to carry out section 5309.

"(D) 1 percent of amounts made available to carry out section 601 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432; 126 Stat. 4968).

"(E) 0.5 percent of amounts made available to carry out section 5310.

"(F) 0.5 percent of amounts made available to carry out section 5311.

"(G) 1 percent of amounts made available to carry out section 5337, of which not less than 0.25 percent of amounts made available for this subparagraph shall be available to carry out section 5329.

"(H) 0.75 percent of amounts made available to carry out section 5339.

"(2) ACTIVITIES.—The activities described in this paragraph are as follows:

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"(A) Activities to oversee the construction of a major capital project.

"(B) Activities to review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under this chapter.

"(C) Activities to provide technical assistance generally, and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

"(D) Activities to carry out section 5334.

"(3) GOVERNMENT SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection.

"(4) AVAILABILITY OF CERTAIN FUNDS.—Funds made available under paragraph (1)(C) shall be made available to the Secretary before allocating the funds appropriated to carry out any project under a full funding grant agreement.

"(d) GRANTS AS CONTRACTUAL OBLIGATIONS.—

"(1) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant or contract that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

"(2) GRANTS FINANCED FROM GENERAL FUND.—A grant or contract that is approved by the Secretary and financed with amounts appropriated in advance from the General Fund of the Treasury pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project only to the extent that amounts are appropriated for such purpose by an Act of Congress.

"(e) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under this section shall remain available until expended.".

SEC. 30018. GRANTS FOR BUSES AND BUS FACILITIES.

Section 5339 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (5)(A)—

(i) by striking "$90,500,000 for each of fiscal years 2016 through 2020" and inserting "$206,000,000 each fiscal year";

(ii) by striking "$1,750,000" and inserting "$4,000,000"; and

(iii) by striking "$500,000" and inserting "$1,000,000"; and

(B) by adding at the end the following:

"(10) MAXIMIZING USE OF FUNDS.—

"(A) IN GENERAL.—Eligible recipients and subrecipients under this subsection should, to the extent practicable, seek to utilize the procurement tools authorized under section 3019 of the FAST Act (49 U.S.C. 5325 note; Public Law 114–94).

"(B) WRITTEN EXPLANATION.—If an eligible recipient or subrecipient under this subsection purchases less than 5 buses through a standalone procurement, the eligible recipient or subrecipient shall provide to the Secretary

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a written explanation regarding why the tools authorized under section 3019 of the FAST Act (49 U.S.C. 5325 note; Public Law 114–94) were not utilized.";

(2) in subsection (b)—

(A) by striking paragraph (5) and inserting the following:

"(5) RURAL PROJECTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), not less than 15 percent of the amounts made available under this subsection in a fiscal year shall be distributed to projects in rural areas.

"(B) UNUTILIZED AMOUNTS.—The Secretary may use less than 15 percent of the amounts made available under this subsection in a fiscal year for the projects described in subparagraph (A) if the Secretary cannot meet the requirement of that subparagraph due to insufficient eligible applications."; and

(B) by adding at the end the following:

"(9) COMPETITIVE PROCESS.—The Secretary shall—

"(A) not later than 30 days after the date on which amounts are made available for obligation under this subsection for a full fiscal year, solicit grant applications for eligible projects on a competitive basis; and

"(B) award a grant under this subsection based on the solicitation under subparagraph (A) not later than the earlier of—

"(i) 75 days after the date on which the solicitation expires; or

"(ii) the end of the fiscal year in which the Secretary solicited the grant applications.

"(10) CONTINUED USE OF PARTNERSHIPS.—

"(A) IN GENERAL.—An eligible recipient of a grant under this subsection may submit an application in partnership with other entities, including a transit vehicle manufacturer that intends to participate in the implementation of a project under this subsection and subsection (c).

"(B) COMPETITIVE PROCUREMENT.—Projects awarded with partnerships under this subsection shall be considered to satisfy the requirement for a competitive procurement under section 5325.

"(11) MAXIMIZING USE OF FUNDS.—

"(A) IN GENERAL.—Eligible recipients under this subsection should, to the extent practicable, seek to utilize the procurement tools authorized under section 3019 of the FAST Act (49 U.S.C. 5325 note; Public Law 114–94).

"(B) WRITTEN EXPLANATION.—If an eligible recipient under this subsection purchases less than 5 buses through a standalone procurement, the eligible recipient shall provide to the Secretary a written explanation regarding why the tools authorized under section 3019 of the FAST Act (49 U.S.C. 5325 note; Public Law 114–94) were not utilized.";

(3) in subsection (c)—

(A) in paragraph (3)—

(i) by amending subparagraph (A) to read as follows:

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"(A) IN GENERAL.—A grant under this subsection shall be subject to—

"(i) with respect to eligible recipients in urbanized areas, section 5307; and

"(ii) with respect to eligible recipients in rural areas, section 5311."; and

(ii) by adding at the end the following:

"(D) FLEET TRANSITION PLAN.—In awarding grants under this subsection or under subsection (b) for projects related to zero emission vehicles, the Secretary shall require the applicant to submit a zero emission transition plan, which, at a minimum—

"(i) demonstrates a long-term fleet management plan with a strategy for how the applicant intends to use the current application and future acquisitions;

"(ii) addresses the availability of current and future resources to meet costs;

"(iii) considers policy and legislation impacting technologies;

"(iv) includes an evaluation of existing and future facilities and their relationship to the technology transition;

"(v) describes the partnership of the applicant with the utility or alternative fuel provider of the applicant; and

"(vi) examines the impact of the transition on the applicant's current workforce by identifying skill gaps, training needs, and retraining needs of the existing workers of the applicant to operate and maintain zero emission vehicles and related infrastructure and avoids the displacement of the existing workforce.";

(B) by striking paragraph (5) and inserting the following:

"(5) CONSIDERATION.—In awarding grants under this subsection, the Secretary—

"(A) shall consider eligible projects relating to the acquisition or leasing of low or no emission buses or bus facilities that make greater reductions in energy consumption and harmful emissions, including direct carbon emissions, than comparable standard buses or other low or no emission buses; and

"(B) shall, for no less than 25 percent of the funds made available to carry out this subsection, only consider eligible projects related to the acquisition of low or no emission buses or bus facilities other than zero emission vehicles and related facilities."; and

(C) by adding at the end the following:

"(8) CONTINUED USE OF PARTNERSHIPS.—

"(A) IN GENERAL.—A recipient of a grant under this subsection may submit an application in partnership with other entities, including a transit vehicle manufacturer, that intends to participate in the implementation of an eligible project under this subsection.

"(B) COMPETITIVE PROCUREMENT.—Eligible projects awarded with partnerships under this subsection shall be considered to satisfy the requirement for a competitive procurement under section 5325."; and

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(4) by adding at the end the following:

"(d) WORKFORCE DEVELOPMENT TRAINING ACTIVITIES.—5 percent of grants related to zero emissions vehicles (as defined in subsection (c)(1)) or related infrastructure under subsection (b) or (c) shall be used by recipients to fund workforce development training, as described in section 5314(b)(2) (including registered apprenticeships and other labor-management training programs) under the recipient's plan to address the impact of the transition to zero emission vehicles on the applicant's current workforce under subsection (c)(3)(D), unless the recipient certifies a smaller percentage is necessary to carry out that plan.".

SEC. 30019. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY SAFETY, ACCOUNTABILITY, AND INVESTMENT.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term "Board" means the Board of Directors of the Transit Authority.

(2) COMPACT.—The term "Compact" means the Washington Metropolitan Area Transit Authority Compact consented to by Congress under Public Law 89–774 (80 Stat. 1324).

(3) COVERED RECIPIENT.—The term "covered recipient" means—

(A)(i) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(ii) the Committee on Homeland Security and Governmental Affairs of the Senate;

(iii) the Committee on Transportation and Infrastructure of the House of Representatives; and

(iv) the Committee on Oversight and Reform of the House of Representatives;

(B)(i) the Governor of Maryland;

(ii) the President of the Maryland Senate; and

(iii) the Speaker of the Maryland House of Delegates;

(C)(i) the Governor of Virginia;

(ii) the President of the Virginia Senate; and

(iii) the Speaker of the Virginia House of Delegates;

(D)(i) the Mayor of the District of Columbia; and

(ii) the Chairman of the Council of the District of Columbia; and

(E) the Chairman of the Northern Virginia Transportation Commission.

(4) INSPECTOR GENERAL; OFFICE OF THE INSPECTOR GENERAL.—The terms "Inspector General" and "Office of Inspector General" mean the Inspector General and the Office of Inspector General, respectively, of the Transit Authority.

(5) TRANSIT AUTHORITY.—The term "Transit Authority" means the Washington Metropolitan Area Transit Authority established under Article III of the Compact.

(b) REAUTHORIZATION OF CAPITAL AND PREVENTIVE MAINTENANCE GRANTS TO WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.—Section 601(f) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432; 122 Stat. 4970) is amended by striking "an aggregate amount" and all that follows through the period at the end and inserting "$150,000,000 for each of fiscal years 2022 through 2030.".

(c) FUNDS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY'S INSPECTOR GENERAL.—Title VI of the Passenger Rail

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Investment and Improvement Act of 2008 (division B of Public Law 110–432; 122 Stat. 4968) is amended by adding at the end the following:

"SEC. 602. FUNDING FOR INSPECTOR GENERAL.

"(a) DEFINITIONS.—In this section:

"(1) COMPACT.—The term 'Compact' means the Washington Metropolitan Area Transit Authority Compact consented to by Congress under Public Law 89–774 (80 Stat. 1324).

"(2) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(3) TRANSIT AUTHORITY.—The term 'Transit Authority' has the meaning given the term in section 601(a)(2).

"(b) FUNDING FOR OFFICE OF INSPECTOR GENERAL OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.—Subject to subsection (c), of the amounts authorized to be appropriated for a fiscal year under section 601(f), the Secretary shall use $5,000,000 for grants to the Transit Authority for use exclusively by the Office of Inspector General of the Transit Authority for the operations of the Office in accordance with Section 9 of Article III of the Compact, to remain available until expended.

"(c) MATCHING INSPECTOR GENERAL FUNDS REQUIRED FROM TRANSIT AUTHORITY.—The Secretary may not provide any amounts to the Transit Authority for a fiscal year under subsection (b) until the Transit Authority notifies the Secretary that the Transit Authority has made available $5,000,000 in non-Federal funds for that fiscal year for use exclusively by the Office of Inspector General of the Transit Authority for the operations of the Office in accordance with Section 9 of Article III of the Compact.".

(d) REFORMS TO OFFICE OF INSPECTOR GENERAL.—

(1) SENSE OF CONGRESS.—Congress recognizes the importance of the Transit Authority having a strong and independent Office of Inspector General, as codified in subsections (a) and (d) of Section 9 of Article III of the Compact.

(2) REFORMS.—The Secretary of Transportation may not provide any amounts to the Transit Authority under section 601(f) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432; 122 Stat. 4968) (as amended by subsection (b)), until the Secretary of Transportation certifies that the Board has passed a resolution that—

(A) provides that, for each fiscal year, the Office of Inspector General shall transmit a budget estimate and request to the Board specifying the aggregate amount of funds requested for the fiscal year for the operations of the Office of Inspector General;

(B) delegates to the Inspector General, to the extent possible under the Compact and in accordance with each applicable Federal law or regulation, contracting officer authority, subject to the requirement that the Inspector General exercise that authority—

(i) in accordance with Section 73 of Article XVI of the Compact, after working with the Transit Authority to amend procurement policies and procedures to give the Inspector General approving authority for exceptions to those policies and procedures; and

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(ii) only as is necessary to carry out the duties of the Office of Inspector General;

(C) delegates to the Inspector General, to the extent possible under the Compact and in accordance with each applicable Federal law or regulation—

(i) the authority to select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Office of Inspector General, subject to the requirement that the Inspector General exercise that authority in accordance with—

(I) subsections (g) and (h) of Section 12 of Article V of the Compact; and

(II) personnel policies and procedures of the Transit Authority; and

(ii) approving authority, subject to the approval of the Board, for exceptions to policies that impact the independence of the Office of Inspector General, but those exceptions may not include the use of employee benefits and pension plans other than the employee benefits and pension plans of the Transit Authority;

(D)(i) ensures that the Inspector General obtains legal advice from a counsel reporting directly to the Inspector General; and

(ii) prohibits the counsel described in clause (i) from—

(I) providing legal advice for or on behalf of the Transit Authority;

(II) issuing a legal opinion on behalf of the Transit Authority or making a statement about a legal position of the Transit Authority; or

(III) waiving any privilege or protection from disclosure on any matter under the jurisdiction of the Transit Authority; and

(E) requires the Inspector General to—

(i) post any report containing a recommendation for corrective action to the website of the Office of Inspector General not later than 3 days after the report is submitted in final form to the Board, except that—

(I) the Inspector General shall, if required by law or otherwise appropriate, redact—

(aa) personally identifiable information;

(bb) legally privileged information;

(cc) information legally prohibited from disclosure; and

(dd) information that, in the determination of the Inspector General, would pose a security risk to the systems of the Transit Authority; and

(II) with respect to any investigative findings in a case involving administrative misconduct, whether included in a recommendation or otherwise, the Inspector General shall publish only a summary of the findings, which summary shall be redacted in accordance with the procedures set forth in subclause (I);

(ii) submit a semiannual report containing recommendations of corrective action to the Board, which

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the Board shall transmit not later than 30 days after receipt of the report, together with any comments the Board determines appropriate, to—

(I) each covered recipient described in subsection (a)(3)(A); and

(II) any other recipients that the Board determines appropriate; and

(iii) not later than 2 years after the date of enactment of this Act and 5 years after the date of enactment of this Act, submit to each covered recipient a report that—

(I) describes the implementation by the Transit Authority of the reforms required under, and the use by the Transit Authority of the funding authorized under—

(aa) chapter 34 of title 33.2 of the Code of Virginia;

(bb) section 10–205 of the Transportation Article of the Code of Maryland; and

(cc) section 6002 of the Dedicated WMATA Funding and Tax Changes Affecting Real Property and Sales Amendment Act of 2018 (1–325.401, D.C. Official Code); and

(II) contains—

(aa) an assessment of the effective use of the funding described in subclause (I) to address major capital improvement projects;

(bb) a discussion of compliance with strategic plan deadlines;

(cc) an examination of compliance with the reform requirements under the laws described in subclause (I), including identifying any challenges to compliance or implementation; and

(dd) recommendations to the Transit Authority to improve implementation.

(e) CAPITAL PROGRAM AND PLANNING.—

(1) CAPITAL PLANNING PROCEDURES.—The Transit Authority may not expend any amounts received under section 602(b) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432; 122 Stat. 4968), (as added by subsection (c)), until the General Manager of the Transit Authority certifies to the Secretary of Transportation that the Transit Authority has implemented—

(A) documented policies and procedures for the capital planning process that include—

(i) a process that aligns projects to the strategic goals of the Transit Authority; and

(ii) a process to develop total project costs and alternatives for all major capital projects (as defined in section 633.5 of title 49, Code of Federal Regulations (or successor regulations));

(B) a transit asset management planning process that includes —

(i) asset inventory and condition assessment procedures; and

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(ii) procedures to develop a data set of track, guideway, and infrastructure systems, including tunnels, bridges, and communications assets, that complies with the transit asset management regulations of the Secretary of Transportation under part 625 of title 49, Code of Federal Regulations (or successor regulations); and

(C) performance measures, aligned with the strategic goals of the Transit Authority, to assess the effectiveness and outcomes of major capital projects.

(2) ANNUAL REPORT.—As a condition of receiving amounts under section 602(b) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432; 122 Stat. 4968) (as added by subsection (c)), the Transit Authority shall submit an annual report detailing the Capital Improvement Program of the Transit Agency approved by the Board and compliance with the transit asset management regulations of the Secretary of Transportation under part 625 of title 49, Code of Federal Regulations (or successor regulations), to—

(A) each covered recipient; and

(B) any other recipient that the Board determines appropriate.

(f) SENSE OF CONGRESS.—It is the sense of Congress that the Transit Authority should—

(1) continue to prioritize the implementation of new technological systems that include robust cybersecurity protections; and

(2) prioritize continued integration of new wireless services and emergency communications networks, while also leveraging partnerships with mobility services to improve the competitiveness of the core business.

(g) ADDITIONAL REPORTING.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the congressional committees described in paragraph (2) a report that—

(A) assesses whether the reforms required under subsection (d) (relating to strengthening the independence of the Office of Inspector General) have been implemented; and

(B) assesses—

(i) whether the reforms required under subsection (g) have been implemented; and

(ii) the impact of those reforms on the capital planning process of the Transit Authority.

(2) CONGRESSIONAL COMMITTEES.—The congressional committees described in this paragraph are—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committee on Transportation and Infrastructure of the House of Representatives; and

(D) the Committee on Oversight and Reform of the House of Representatives.

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DIVISION D—ENERGY

SEC. 40001. DEFINITIONS.

In this division:

(1) DEPARTMENT.—The term "Department" means the Department of Energy.

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

TITLE I—GRID INFRASTRUCTURE AND RESILIENCY

Subtitle A—Grid Infrastructure Resilience and Reliability

SEC. 40101. PREVENTING OUTAGES AND ENHANCING THE RESILIENCE OF THE ELECTRIC GRID.

(a) DEFINITIONS.—In this section:

(1) DISRUPTIVE EVENT.—The term "disruptive event" means an event in which operations of the electric grid are disrupted, preventively shut off, or cannot operate safely due to extreme weather, wildfire, or a natural disaster.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) an electric grid operator;

(B) an electricity storage operator;

(C) an electricity generator;

(D) a transmission owner or operator;

(E) a distribution provider;

(F) a fuel supplier; and

(G) any other relevant entity, as determined by the Secretary.

(3) NATURAL DISASTER.—The term "natural disaster" has the meaning given the term in section 602(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a(a)).

(4) POWER LINE.—The term "power line" includes a transmission line or a distribution line, as applicable.

(5) PROGRAM.—The term "program" means the program established under subsection (b).

(b) ESTABLISHMENT OF PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program under which the Secretary shall make grants to eligible entities, States, and Indian Tribes in accordance with this section.

(c) GRANTS TO ELIGIBLE ENTITIES.—

(1) IN GENERAL.—The Secretary may make a grant under the program to an eligible entity to carry out activities that—

(A) are supplemental to existing hardening efforts of the eligible entity planned for any given year; and

(B)(i) reduce the risk of any power lines owned or operated by the eligible entity causing a wildfire; or

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(ii) increase the ability of the eligible entity to reduce the likelihood and consequences of disruptive events.

(2) APPLICATION.—

(A) IN GENERAL.—An eligible entity desiring a grant under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(B) REQUIREMENT.—As a condition of receiving a grant under the program, an eligible entity shall submit to the Secretary, as part of the application of the eligible entity submitted under subparagraph (A), a report detailing past, current, and future efforts by the eligible entity to reduce the likelihood and consequences of disruptive events.

(3) LIMITATION.—The Secretary may not award a grant to an eligible entity in an amount that is greater than the total amount that the eligible entity has spent in the previous 3 years on efforts to reduce the likelihood and consequences of disruptive events.

(4) PRIORITY.—In making grants to eligible entities under the program, the Secretary shall give priority to projects that, in the determination of the Secretary, will generate the greatest community benefit (whether rural or urban) in reducing the likelihood and consequences of disruptive events.

(5) SMALL UTILITIES SET ASIDE.—The Secretary shall ensure that not less than 30 percent of the amounts made available to eligible entities under the program are made available to eligible entities that sell not more than 4,000,000 megawatt hours of electricity per year.

(d) GRANTS TO STATES AND INDIAN TRIBES.—

(1) IN GENERAL.—The Secretary, in accordance with this subsection, may make grants under the program to States and Indian Tribes, which each State or Indian Tribe may use to award grants to eligible entities.

(2) ANNUAL APPLICATION.—

(A) IN GENERAL.—For each fiscal year, to be eligible to receive a grant under this subsection, a State or Indian Tribe shall submit to the Secretary an application that includes a plan described in subparagraph (B).

(B) PLAN REQUIRED.—A plan prepared by a State or Indian Tribe for purposes of an application described in subparagraph (A) shall—

(i) describe the criteria and methods that will be used by the State or Indian Tribe to award grants to eligible entities;

(ii) be adopted after notice and a public hearing; and

(iii) describe the proposed funding distributions and recipients of the grants to be provided by the State or Indian Tribe.

(3) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—The Secretary shall provide grants to States and Indian Tribes under this subsection based on a formula determined by the Secretary, in accordance with subparagraph (B).

(B) REQUIREMENT.—The formula referred to in subparagraph (A) shall be based on the following factors:

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(i) The total population of the State or Indian Tribe.

(ii)(I) The total area of the State or the land of the Indian Tribe; or

(II) the areas in the State or on the land of the Indian Tribe with a low ratio of electricity customers per mileage of power lines.

(iii) The probability of disruptive events in the State or on the land of the Indian Tribe during the previous 10 years, as determined based on the number of federally declared disasters or emergencies in the State or on the land of the Indian Tribe, as applicable, including—

(I) disasters for which Fire Management Assistance Grants are provided under section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187);

(II) major disasters declared by the President under section 401 of that Act (42 U.S.C. 5170);

(III) emergencies declared by the President under section 501 of that Act (42 U.S.C. 5191); and

(IV) any other federally declared disaster or emergency in the State or on the land of the Indian Tribe.

(iv) The number and severity, measured by population and economic impacts, of disruptive events experienced by the State or Indian Tribe on or after January 1, 2011.

(v) The total amount, on a per capita basis, of public and private expenditures during the previous 10 years to carry out mitigation efforts to reduce the likelihood and consequences of disruptive events in the State or on the land of the Indian Tribe, with States or Indian Tribes with higher per capita expenditures receiving additional weight or consideration as compared to States or Indian Tribes with lower per capita expenditures.

(C) ANNUAL UPDATE OF DATA USED IN DISTRIBUTION OF FUNDS.—Beginning 1 year after the date of enactment of this Act, the Secretary shall annually update—

(i) all data relating to the factors described in subparagraph (B); and

(ii) all other data used in distributing grants to States and Indian Tribes under this subsection.

(4) OVERSIGHT.—The Secretary shall ensure that each grant provided to a State or Indian Tribe under the program is allocated, pursuant to the applicable plan of the State or Indian Tribe, to eligible entities for projects within the State or on the land of the Indian Tribe.

(5) PRIORITY.—In making grants to eligible entities using funds made available to the applicable State or Indian Tribe under the program, the State or Indian Tribe shall give priority to projects that, in the determination of the State or Indian Tribe, will generate the greatest community benefit (whether rural or urban) in reducing the likelihood and consequences of disruptive events.

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(6) SMALL UTILITIES SET ASIDE.—A State or Indian Tribe receiving a grant under the program shall ensure that, of the amounts made available to eligible entities from funds made available to the State or Indian Tribe under the program, the percentage made available to eligible entities that sell not more than 4,000,000 megawatt hours of electricity per year is not less than the percentage of all customers in the State or Indian Tribe that are served by those eligible entities.

(7) TECHNICAL ASSISTANCE AND ADMINISTRATIVE EXPENSES.—Of the amounts made available to a State or Indian Tribe under the program each fiscal year, the State or Indian Tribe may use not more than 5 percent for—

(A) providing technical assistance under subsection (g)(1)(A); and

(B) administrative expenses associated with the program.

(8) MATCHING REQUIREMENT.—Each State and Indian Tribe shall be required to match 15 percent of the amount of each grant provided to the State or Indian Tribe under the program.

(e) USE OF GRANTS.—

(1) IN GENERAL.—A grant awarded to an eligible entity under the program may be used for activities, technologies, equipment, and hardening measures to reduce the likelihood and consequences of disruptive events, including—

(A) weatherization technologies and equipment;

(B) fire-resistant technologies and fire prevention systems;

(C) monitoring and control technologies;

(D) the undergrounding of electrical equipment;

(E) utility pole management;

(F) the relocation of power lines or the reconductoring of power lines with low-sag, advanced conductors;

(G) vegetation and fuel-load management;

(H) the use or construction of distributed energy resources for enhancing system adaptive capacity during disruptive events, including—

(i) microgrids; and

(ii) battery-storage subcomponents;

(I) adaptive protection technologies;

(J) advanced modeling technologies;

(K) hardening of power lines, facilities, substations, of other systems; and

(L) the replacement of old overhead conductors and underground cables.

(2) PROHIBITIONS AND LIMITATIONS.—

(A) IN GENERAL.—A grant awarded to an eligible entity under the program may not be used for—

(i) construction of a new—

(I) electric generating facility; or

(II) large-scale battery-storage facility that is not used for enhancing system adaptive capacity during disruptive events; or

(ii) cybersecurity.

(B) CERTAIN INVESTMENTS ELIGIBLE FOR RECOVERY.—

(i) IN GENERAL.—An eligible entity may not seek cost recovery for the portion of the cost of any system,

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technology, or equipment that is funded through a grant awarded under the program.

(ii) SAVINGS PROVISION.—Nothing in this subparagraph prohibits an eligible entity from recovering through traditional or incentive-based ratemaking any portion of an investment in a system, technology, or equipment that is not funded by a grant awarded under the program.

(C) APPLICATION LIMITATIONS.—An eligible entity may not submit an application for a grant provided by the Secretary under subsection (c) and a grant provided by a State or Indian Tribe pursuant to subsection (d) during the same application cycle.

(f) DISTRIBUTION OF FUNDING.—Of the amounts made available to carry out the program for a fiscal year, the Secretary shall ensure that—

(1) 50 percent is used to award grants to eligible entities under subsection (c); and

(2) 50 percent is used to make grants to States and Indian Tribes under subsection (d).

(g) TECHNICAL AND OTHER ASSISTANCE.—

(1) IN GENERAL.—The Secretary, States, and Indian Tribes may—

(A) provide technical assistance and facilitate the distribution and sharing of information to reduce the likelihood and consequences of disruptive events; and

(B) promulgate consumer-facing information and resources to inform the public of best practices and resources relating to reducing the likelihood and consequences of disruptive events.

(2) USE OF FUNDS BY THE SECRETARY.—Of the amounts made available to the Secretary to carry out the program each fiscal year, the Secretary may use not more than 5 percent for—

(A) providing technical assistance under paragraph (1)(A); and

(B) administrative expenses associated with the program.

(h) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), an eligible entity that receives a grant under this section shall be required to match 100 percent of the amount of the grant.

(2) EXCEPTION FOR SMALL UTILITIES.—An eligible entity that sells not more than 4,000,000 megawatt hours of electricity per year shall be required to match ⅓ of the amount of the grant.

(i) BIENNIAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter through 2026, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the program.

(2) REQUIREMENTS.—The report under paragraph (1) shall include information and data on—

(A) the costs of the projects for which grants are awarded to eligible entities;

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(B) the types of activities, technologies, equipment, and hardening measures funded by those grants; and

(C) the extent to which the ability of the power grid to withstand disruptive events has increased.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program $5,000,000,000 for the period of fiscal years 2022 through 2026.

SEC. 40102. HAZARD MITIGATION USING DISASTER ASSISTANCE.

Section 404(f)(12) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(f)(12)) is amended—

(1) by inserting "and wildfire" after "windstorm";

(2) by striking "including replacing" and inserting the following: "including—

"(A) replacing";

(3) in subparagraph (A) (as so designated)—

(A) by inserting ", wildfire," after "extreme wind"; and

(B) by adding "and" after the semicolon at the end; and

(4) by adding at the end the following:

"(B) the installation of fire-resistant wires and infrastructure and the undergrounding of wires;".

SEC. 40103. ELECTRIC GRID RELIABILITY AND RESILIENCE RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) DEFINITION OF FEDERAL FINANCIAL ASSISTANCE.—In this section, the term "Federal financial assistance" has the meaning given the term in section 200.1 of title 2, Code of Federal Regulations.

(b) ENERGY INFRASTRUCTURE FEDERAL FINANCIAL ASSISTANCE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—The term "eligible entity" means each of—

(i) a State;

(ii) a combination of 2 or more States;

(iii) an Indian Tribe;

(iv) a unit of local government; and

(v) a public utility commission.

(B) PROGRAM.—The term "program" means the competitive Federal financial assistance program established under paragraph (2).

(2) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program, to be known as the "Program Upgrading Our Electric Grid and Ensuring Reliability and Resiliency", to provide, on a competitive basis, Federal financial assistance to eligible entities to carry out the purpose described in paragraph (3).

(3) PURPOSE.—The purpose of the program is to coordinate and collaborate with electric sector owners and operators—

(A) to demonstrate innovative approaches to transmission, storage, and distribution infrastructure to harden and enhance resilience and reliability; and

(B) to demonstrate new approaches to enhance regional grid resilience, implemented through States by public and rural electric cooperative entities on a cost-shared basis.

(4) APPLICATIONS.—To be eligible to receive Federal financial assistance under the program, an eligible entity shall

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submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of—

(A) how the Federal financial assistance would be used;

(B) the expected beneficiaries, and

(C) in the case of a proposal from an eligible entity described in paragraph (1)(A)(ii), how the proposal would improve regional energy infrastructure.

(5) SELECTION.—The Secretary shall select eligible entities to receive Federal financial assistance under the program on a competitive basis.

(6) COST SHARE.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to Federal financial assistance provided under the program.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection, $5,000,000,000 for the period of fiscal years 2022 through 2026.

(c) ENERGY IMPROVEMENT IN RURAL OR REMOTE AREAS.—

(1) DEFINITION OF RURAL OR REMOTE AREA.—In this subsection, the term "rural or remote area" means a city, town, or unincorporated area that has a population of not more than 10,000 inhabitants.

(2) REQUIRED ACTIVITIES.—The Secretary shall carry out activities to improve in rural or remote areas of the United States—

(A) the resilience, safety, reliability, and availability of energy; and

(B) environmental protection from adverse impacts of energy generation.

(3) FEDERAL FINANCIAL ASSISTANCE.—The Secretary, in consultation with the Secretary of the Interior, may provide Federal financial assistance to rural or remote areas for the purpose of—

(A) overall cost-effectiveness of energy generation, transmission, or distribution systems;

(B) siting or upgrading transmission and distribution lines;

(C) reducing greenhouse gas emissions from energy generation by rural or remote areas;

(D) providing or modernizing electric generation facilities;

(E) developing microgrids; and

(F) increasing energy efficiency.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection, $1,000,000,000 for the period of fiscal years 2022 through 2026.

(d) ENERGY INFRASTRUCTURE RESILIENCE FRAMEWORK.—

(1) IN GENERAL.—The Secretary, in collaboration with the Secretary of Homeland Security, the Federal Energy Regulatory Commission, the North American Electric Reliability Corporation, and interested energy infrastructure stakeholders, shall develop common analytical frameworks, tools, metrics, and data to assess the resilience, reliability, safety, and security of energy infrastructure in the United States, including by developing

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and storing an inventory of easily transported high-voltage recovery transformers and other required equipment.

(2) ASSESSMENT AND REPORT.—

(A) ASSESSMENT.—The Secretary shall carry out an assessment of—

(i) with respect to the inventory of high-voltage recovery transformers, new transformers, and other equipment proposed to be developed and stored under paragraph (1)—

(I) the policies, technical specifications, and logistical and program structures necessary to mitigate the risks associated with the loss of high-voltage recovery transformers;

(II) the technical specifications for high-voltage recovery transformers;

(III) where inventory of high-voltage recovery transformers should be stored;

(IV) the quantity of high-voltage recovery transformers necessary for the inventory;

(V) how the stored inventory of high-voltage recovery transformers would be secured and maintained;

(VI) how the high-voltage recovery transformers may be transported;

(VII) opportunities for developing new flexible advanced transformer designs; and

(VIII) whether new Federal regulations or cost-sharing requirements are necessary to carry out the storage of high-voltage recovery transformers; and

(ii) any efforts carried out by industry as of the date of the assessment—

(I) to share transformers and equipment;

(II) to develop plans for next generation transformers; and

(III) to plan for surge and long-term manufacturing of, and long-term standardization of, transformer designs.

(B) PROTECTION OF INFORMATION.—Information that is provided to, generated by, or collected by the Secretary under subparagraph (A) shall be considered to be critical electric infrastructure information under section 215A of the Federal Power Act (16 U.S.C. 824o–1).

(C) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the assessment carried out under subparagraph (A).

SEC. 40104. UTILITY DEMAND RESPONSE.

(a) CONSIDERATION OF DEMAND-RESPONSE STANDARD.—

(1) IN GENERAL.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(20) DEMAND-RESPONSE PRACTICES.—

"(A) IN GENERAL.—Each electric utility shall promote the use of demand-response and demand flexibility practices by commercial, residential, and industrial consumers

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to reduce electricity consumption during periods of unusually high demand.

"(B) RATE RECOVERY.—

"(i) IN GENERAL.—Each State regulatory authority shall consider establishing rate mechanisms allowing an electric utility with respect to which the State regulatory authority has ratemaking authority to timely recover the costs of promoting demand-response and demand flexibility practices in accordance with subparagraph (A).

"(ii) NONREGULATED ELECTRIC UTILITIES.—A nonregulated electric utility may establish rate mechanisms for the timely recovery of the costs of promoting demand-response and demand flexibility practices in accordance with subparagraph (A).".

(2) COMPLIANCE.—

(A) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding at the end the following:

"(7)(A) Not later than 1 year after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority) and each nonregulated electric utility shall commence consideration under section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (20) of section 111(d).

"(B) Not later than 2 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority), and each nonregulated electric utility shall complete the consideration and make the determination under section 111 with respect to the standard established by paragraph (20) of section 111(d).".

(B) FAILURE TO COMPLY.—

(i) IN GENERAL.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended—

(I) by striking "such paragraph (14)" and all that follows through "paragraphs (16)" and inserting "such paragraph (14). In the case of the standard established by paragraph (15) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (15). In the case of the standards established by paragraphs (16)"; and

(II) by adding at the end the following: "In the case of the standard established by paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (20).".

(ii) TECHNICAL CORRECTION.—Paragraph (2) of section 1254(b) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 971) is repealed and the amendment made by that paragraph (as in effect on the day before the date of enactment of this Act) is void,

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and section 112(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(d)) shall be in effect as if that amendment had not been enacted.

(C) PRIOR STATE ACTIONS.—

(i) IN GENERAL.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) is amended by adding at the end the following:

"(g) PRIOR STATE ACTIONS.—Subsections (b) and (c) shall not apply to the standard established by paragraph (20) of section 111(d) in the case of any electric utility in a State if, before the date of enactment of this subsection—

"(1) the State has implemented for the electric utility the standard (or a comparable standard);

"(2) the State regulatory authority for the State or the relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard (or a comparable standard) for the electric utility; or

"(3) the State legislature has voted on the implementation of the standard (or a comparable standard) for the electric utility.".

(ii) CROSS-REFERENCE.—Section 124 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2634) is amended—

(I) by striking "this subsection" each place it appears and inserting "this section"; and

(II) by adding at the end the following: "In the case of the standard established by paragraph (20) of section 111(d), the reference contained in this section to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (20).".

(b) OPTIONAL FEATURES OF 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" at the end;

(2) by redesignating paragraph (17) as paragraph (18); and

(3) by inserting after paragraph (16) the following:

"(17) programs that promote the installation and use of demand-response technology and demand-response practices; and".

(c) FEDERAL ENERGY MANAGEMENT PROGRAM.—Section 543(i) of the National Energy Conservation Policy Act (42 U.S.C. 8253(i)) is amended—

(1) in paragraph (1)—

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

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(C) to reduce energy consumption during periods of unusually high electricity or natural gas demand."; and

(2) in paragraph (3)(A)—

(A) in clause (v), by striking "and" at the end;

(B) in clause (vi), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

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"(vii) promote the installation of demand-response technology and the use of demand-response practices in Federal buildings.".

(d) COMPONENTS OF ZERO-NET-ENERGY COMMERCIAL BUILDINGS INITIATIVE.—Section 422(d)(3) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(d)) is amended by inserting "(including demand-response technologies, practices, and policies)" after "policies".

SEC. 40105. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.

(a) DESIGNATION OF NATIONAL INTEREST ELECTRIC TRANSMISSION CORRIDORS.—Section 216(a) of the Federal Power Act (16 U.S.C. 824p(a)) is amended—

(1) in paragraph (1)—

(A) by inserting "and Indian Tribes" after "affected States"; and

(B) by inserting "capacity constraints and" before "congestion";

(2) in paragraph (2)—

(A) by striking "After" and inserting "Not less frequently than once every 3 years, the Secretary, after"; and

(B) by striking "affected States" and all that follows through the period at the end and inserting the following: "affected States and Indian Tribes), shall issue a report, based on the study under paragraph (1) or other information relating to electric transmission capacity constraints and congestion, which may designate as a national interest electric transmission corridor any geographic area that—

"(i) is experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers; or

"(ii) is expected to experience such energy transmission capacity constraints or congestion.";

(3) in paragraph (3)—

(A) by striking "The Secretary shall conduct the study and issue the report in consultation" and inserting "Not less frequently than once every 3 years, the Secretary, in conducting the study under paragraph (1) and issuing the report under paragraph (2), shall consult"; and

(4) in paragraph (4)—

(A) in subparagraph (C), by inserting "or energy security" after "independence";

(B) in subparagraph (D), by striking "and" at the end;

(C) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(F) the designation would enhance the ability of facilities that generate or transmit firm or intermittent energy to connect to the electric grid;

"(G) the designation—

"(i) maximizes existing rights-of-way; and

"(ii) avoids and minimizes, to the maximum extent practicable, and offsets to the extent appropriate and practicable, sensitive environmental areas and cultural heritage sites; and

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"(H) the designation would result in a reduction in the cost to purchase electric energy for consumers.".

(b) CONSTRUCTION PERMIT.—Section 216(b) of the Federal Power Act (16 U.S.C. 824p(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(ii), by inserting "or interregional benefits" after "interstate benefits"; and

(B) by striking subparagraph (C) and inserting the following:

"(C) a State commission or other entity that has authority to approve the siting of the facilities—

"(i) has not made a determination on an application seeking approval pursuant to applicable law by the date that is 1 year after the later of—

"(I) the date on which the application was filed; and

"(II) the date on which the relevant national interest electric transmission corridor was designated by the Secretary under subsection (a);

"(ii) has conditioned its approval in such a manner that the proposed construction or modification will not significantly reduce transmission capacity constraints or congestion in interstate commerce or is not economically feasible; or

"(iii) has denied an application seeking approval pursuant to applicable law;".

(c) RIGHTS-OF-WAY.—Section 216(e)(1) of the Federal Power Act (16 U.S.C. 824p(e)(1)) is amended by striking "modify the transmission facilities, the" and inserting "modify, and operate and maintain, the transmission facilities and, in the determination of the Commission, the permit holder has made good faith efforts to engage with landowners and other stakeholders early in the applicable permitting process, the".

(d) INTERSTATE COMPACTS.—Section 216(i) of the Federal Power Act (16 U.S.C. 824p(i)) is amended—

(1) in paragraph (2), by striking "may" and inserting "shall"; and

(2) in paragraph (4), by striking "the members" and all that follows through the period at the end and inserting the following: "the Secretary determines that the members of the compact are in disagreement after the later of—

"(A) the date that is 1 year after the date on which the relevant application for the facility was filed; and

"(B) the date that is 1 year after the date on which the relevant national interest electric transmission corridor was designated by the Secretary under subsection (a).".

SEC. 40106. TRANSMISSION FACILITATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CAPACITY CONTRACT.—The term "capacity contract" means a contract entered into by the Secretary and an eligible entity under subsection (e)(1)(A) for the right to the use of the transmission capacity of an eligible project.

(2) ELIGIBLE ELECTRIC POWER TRANSMISSION LINE.—The term "eligible electric power transmission line" means an electric power transmission line that is capable of transmitting not less than—

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(A) 1,000 megawatts; or

(B) in the case of a project that consists of upgrading an existing transmission line or constructing a new transmission line in an existing transmission, transportation, or telecommunications infrastructure corridor, 500 megawatts.

(3) ELIGIBLE ENTITY.—The term "eligible entity" means an entity seeking to carry out an eligible project.

(4) ELIGIBLE PROJECT.—The term "eligible project" means a project (including any related facility)—

(A) to construct a new or replace an existing eligible electric power transmission line;

(B) to increase the transmission capacity of an existing eligible electric power transmission line; or

(C) to connect an isolated microgrid to an existing transmission, transportation, or telecommunications infrastructure corridor located in Alaska, Hawaii, or a territory of the United States.

(5) FUND.—The term "Fund" means the Transmission Facilitation Fund established by subsection (d)(1).

(6) PROGRAM.—The term "program" means the Transmission Facilitation Program established by subsection (b).

(7) RELATED FACILITY.—

(A) IN GENERAL.—The term "related facility" means a facility related to an eligible project described in paragraph (4).

(B) EXCLUSIONS.—The term "related facility" does not include—

(i) facilities used primarily to generate electric energy; or

(ii) facilities used in the local distribution of electric energy.

(b) ESTABLISHMENT.—There is established a program, to be known as the "Transmission Facilitation Program", under which the Secretary shall facilitate the construction of electric power transmission lines and related facilities in accordance with subsection (e).

(c) APPLICATIONS.—

(1) IN GENERAL.—To be eligible for 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) PROCEDURES.—The Secretary shall establish procedures for the solicitation and review of applications from eligible entities.

(d) FUNDING.—

(1) TRANSMISSION FACILITATION FUND.—There is established in the Treasury a fund, to be known as the "Transmission Facilitation Fund", consisting of—

(A) all amounts received by the Secretary, including receipts, collections, and recoveries, from any source relating to expenses incurred by the Secretary in carrying out the program, including—

(i) costs recovered pursuant to paragraph (4);

(ii) amounts received as repayment of a loan issued to an eligible entity under subsection (e)(1)(B); and

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(iii) amounts contributed by eligible entities for the purpose of carrying out an eligible project with respect to which the Secretary is participating with the eligible entity under subsection (e)(1)(C);

(B) all amounts borrowed from the Secretary of the Treasury by the Secretary for the program under paragraph (2); and

(C) any amounts appropriated to the Secretary for the program.

(2) BORROWING AUTHORITY.—The Secretary of the Treasury may, without further appropriation and without fiscal year limitation, loan to the Secretary on such terms as may be fixed by the Secretary and the Secretary of the Treasury, such sums as, in the judgment of the Secretary, are from time to time required for the purpose of carrying out the program, not to exceed, in the aggregate (including deferred interest), $2,500,000,000 in outstanding repayable balances at any 1 time.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program, including for any administrative expenses of carrying out the program that are not recovered under paragraph (4), $10,000,000 for each of fiscal years 2022 through 2026.

(4) COST RECOVERY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the cost of any facilitation activities carried out by the Secretary under subsection (e)(1) shall be collected—

(i) from eligible entities receiving the benefit of the applicable facilitation activity, on a schedule to be determined by the Secretary; or

(ii) with respect to a contracted transmission capacity under subsection (e)(1)(A) through rates charged for the use of the contracted transmission capacity.

(B) FORGIVENESS OF BALANCES.—

(i) TERMINATION OR END OF USEFUL LIFE.—If, at the end of the useful life of an eligible project or the termination of a capacity contract under subsection (f)(5), there is a remaining balance owed to the Treasury under this section, the balance shall be forgiven.

(ii) UNCONSTRUCTED PROJECTS.—Funds expended to study projects that are considered pursuant to this section but that are not constructed shall be forgiven.

(C) RECOVERY OF COSTS OF ELIGIBLE PROJECTS.—The Secretary may collect the costs of any activities carried out by the Secretary with respect to an eligible project in which the Secretary participates with an eligible entity under subsection (e)(1)(C) through rates charged to customers benefitting from the new transmission capability provided by the eligible project.

(e) FACILITATION OF ELIGIBLE PROJECTS.—

(1) IN GENERAL.—To facilitate eligible projects, the Secretary may—

(A) subject to subsections (f) and (i), enter into a capacity contract with respect to an eligible project prior to the date on which the eligible project is completed;

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(B) subject to subsections (g) and (i), issue a loan to an eligible entity for the costs of carrying out an eligible project; or

(C) subject to subsections (h) and (i), participate with an eligible entity in designing, developing, constructing, operating, maintaining, or owning an eligible project.

(2) REQUIREMENT.—The provision and receipt of assistance for an eligible project under paragraph (1) shall be subject to such terms and conditions as the Secretary determines to be appropriate—

(A) to ensure the success of the program; and

(B) to protect the interests of the United States.

(f) CAPACITY CONTRACTS.—

(1) PURPOSE.—In entering into capacity contracts under subsection (e)(1)(A), the Secretary shall seek to enter into capacity contracts that will encourage other entities to enter into contracts for the transmission capacity of the eligible project.

(2) PAYMENT.—The amount paid by the Secretary to an eligible entity under a capacity contract for the right to the use of the transmission capacity of an eligible project shall be—

(A) the fair market value for the use of the transmission capacity, as determined by the Secretary, taking into account, as the Secretary determines to be necessary, the comparable value for the use of the transmission capacity of other electric power transmission lines; and

(B) on a schedule and in such divided amounts, which may be a single amount, that the Secretary determines are likely to facilitate construction of the eligible project, taking into account standard industry practice and factors specific to each applicant, including, as applicable—

(i) potential review by a State regulatory entity of the revenue requirement of an electric utility; and

(ii) the financial model of an independent transmission developer.

(3) LIMITATIONS.—A capacity contract shall—

(A) be for a term of not more than 40 years; and

(B) be for not more than 50 percent of the total proposed transmission capacity of the applicable eligible project.

(4) TRANSMISSION MARKETING.—

(A) IN GENERAL.—If the Secretary has not terminated a capacity contract under paragraph (5) before the applicable eligible project enters into service, the Secretary may enter into 1 or more contracts with a third party to market the transmission capacity of the eligible project to which the Secretary holds rights under the capacity contract.

(B) RETURN.—Subject to subparagraph (D), the Secretary shall seek to ensure that any contract entered into under subparagraph (A) maximizes the financial return to the Federal Government.

(C) COMPETITIVE SOLICITATION.—The Secretary shall only select third parties for contracts under this paragraph through a competitive solicitation.

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(D) REQUIREMENT.—The marketing of capacity pursuant to this subsection, including any marketing by a third party under subparagraph (A), shall be undertaken consistent with the requirements of the Federal Power Act (16 U.S.C. 791a et seq.).

(5) TERMINATION.—

(A) IN GENERAL.—The Secretary shall seek to terminate a capacity contract as soon as practicable after determining that sufficient transmission capacity of the eligible project has been secured by other entities to ensure the long-term financial viability of the eligible project, including through 1 or more transfers under subparagraph (B).

(B) TRANSFER.—On payment to the Secretary by a third party for transmission capacity to which the Secretary has rights under a capacity contract, the Secretary may transfer the rights to that transmission capacity to that third party.

(C) RELINQUISHMENT.—On payment to the Secretary by the applicable eligible entity for transmission capacity to which the Secretary has rights under a capacity contract, the Secretary may relinquish the rights to that transmission capacity to the eligible entity.

(D) REQUIREMENT.—A payment under subparagraph (B) or (C) shall be in an amount sufficient for the Secretary to recover any remaining costs incurred by the Secretary with respect to the quantity of transmission capacity affected by the transfer under subparagraph (B) or the relinquishment under subparagraph (C), as applicable.

(6) OTHER FEDERAL CAPACITY POSITIONS.—The existence of a capacity contract does not preclude a Federal entity, including a Federal power marketing administration, from otherwise securing transmission capacity at any time from an eligible project, to the extent that the Federal entity is authorized to secure that transmission capacity.

(7) FORM OF FINANCIAL ASSISTANCE.—Entering into a capacity contract under subsection (e)(1)(A) shall be considered a form of financial assistance described in section 1508.1(q)(1)(vii) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(8) TRANSMISSION PLANNING REGION CONSULTATION.—Prior to entering into a capacity contract under this subsection, the Secretary shall consult with the relevant transmission planning region regarding the transmission planning region's identification of needs, and the Secretary shall minimize, to the extent possible, duplication or conflict with the transmission planning region's needs determination and selection of projects that meet such needs.

(g) INTEREST RATE ON LOANS.—The rate of interest to be charged in connection with any loan made by the Secretary to an eligible entity under subsection (e)(1)(B) shall be fixed by the Secretary, taking into consideration market yields on outstanding marketable obligations of the United States of comparable maturities as of the date of the loan.

(h) PUBLIC-PRIVATE PARTNERSHIPS.—The Secretary may participate with an eligible entity with respect to an eligible project under subsection (e)(1)(C) if the Secretary determines that the eligible project—

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(1)(A) is located in an area designated as a national interest electric transmission corridor pursuant to section 216(a) of the Federal Power Act 16 U.S.C. 824p(a); or

(B) is necessary to accommodate an actual or projected increase in demand for electric transmission capacity across more than 1 State or transmission planning region;

(2) is consistent with efficient and reliable operation of the transmission grid;

(3) will be operated in conformance with prudent utility practices;

(4) will be operated in conformance with the rules of—

(A) a Transmission Organization (as defined in section 3 of the Federal Power Act (16 U.S.C. 796)), if applicable; or

(B) a regional reliability organization; and

(5) is not duplicative of the functions of existing transmission facilities that are the subject of ongoing siting and related permitting proceedings.

(i) CERTIFICATION.—Prior to taking action to facilitate an eligible project under subparagraph (A), (B), or (C) of subsection (e)(1), the Secretary shall certify that—

(1) the eligible project is in the public interest;

(2) the eligible project is unlikely to be constructed in as timely a manner or with as much transmission capacity in the absence of facilitation under this section, including with respect to an eligible project for which a Federal investment tax credit may be allowed; and

(3) it is reasonable to expect that the proceeds from the eligible project will be adequate, as applicable—

(A) to recover the cost of a capacity contract entered into under subsection (e)(1)(A);

(B) to repay a loan provided under subsection (e)(1)(B); or

(C) to repay any amounts borrowed from the Secretary of the Treasury under subsection (d)(2).

(j) OTHER AUTHORITIES, LIMITATIONS, AND EFFECTS.—

(1) PARTICIPATION.—The Secretary may permit other entities to participate in the financing, construction, and ownership of eligible projects facilitated under this section.

(2) OPERATIONS AND MAINTENANCE.—Facilitation by the Secretary of an eligible project under this section does not create any obligation on the part of the Secretary to operate or maintain the eligible project.

(3) FEDERAL FACILITIES.—For purposes of cost recovery under subsection (d)(4) and repayment of a loan issued under subsection (e)(1)(B), each eligible project facilitated by the Secretary under this section shall be treated as separate and distinct from—

(A) each other eligible project; and

(B) all other Federal power and transmission facilities.

(4) EFFECT ON ANCILLARY SERVICES AUTHORITY AND OBLIGATIONS.—Nothing in this section confers on the Secretary or any Federal power marketing administration any additional authority or obligation to provide ancillary services to users of transmission facilities constructed or upgraded under this section.

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(5) EFFECT ON WESTERN AREA POWER ADMINISTRATION PROJECTS.—Nothing in this section affects—

(A) any pending project application before the Western Area Power Administration under section 301 of the Hoover Power Plant Act of 1984 (42 U.S.C. 16421a); or

(B) any agreement entered into by the Western Power Administration under that section.

(6) THIRD-PARTY FINANCE.—Nothing in this section precludes an eligible project facilitated under this section from being eligible as a project under section 1222 of the Energy Policy Act of 2005 (42 U.S.C. 16421).

(7) LIMITATION ON LOANS.—An eligible project may not be the subject of both—

(A) a loan under subsection (e)(1)(B); and

(B) a Federal loan under section 301 of the Hoover Power Plant Act of 1984 (42 U.S.C. 16421a).

(8) CONSIDERATIONS.—In evaluating eligible projects for possible facilitation under this section, the Secretary shall prioritize projects that, to the maximum extent practicable—

(A) use technology that enhances the capacity, efficiency, resiliency, or reliability of an electric power transmission system, including—

(i) reconductoring of an existing electric power transmission line with advanced conductors; and

(ii) hardware or software that enables dynamic line ratings, advanced power flow control, or grid topology optimization;

(B) will improve the resiliency and reliability of an electric power transmission system;

(C) facilitate interregional transfer capacity that supports strong and equitable economic growth; and

(D) contribute to national or subnational goals to lower electricity sector greenhouse gas emissions.

SEC. 40107. DEPLOYMENT OF TECHNOLOGIES TO ENHANCE GRID FLEXIBILITY.

(a) IN GENERAL.—Section 1306 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17386) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "the date of enactment of this Act" and inserting "the date of enactment of the Infrastructure Investment and Jobs Act";

(B) by redesignating paragraph (9) as paragraph (14); and

(C) by inserting after paragraph (8) the following:

"(9) In the case of data analytics that enable software to engage in Smart Grid functions, the documented purchase costs of the data analytics.

"(10) In the case of buildings, the documented expenses for devices and software, including for installation, that allow buildings to engage in demand flexibility or Smart Grid functions.

"(11) In the case of utility communications, operational fiber and wireless broadband communications networks to enable data flow between distribution system components.

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"(12) In the case of advanced transmission technologies such as dynamic line rating, flow control devices, advanced conductors, network topology optimization, or other hardware, software, and associated protocols applied to existing transmission facilities that increase the operational transfer capacity of a transmission network, the documented expenditures to purchase and install those advanced transmission technologies.

"(13) In the case of extreme weather or natural disasters, the ability to redirect or shut off power to minimize blackouts and avoid further damage."; and

(2) in subsection (d)—

(A) by redesignating paragraph (9) as paragraph (16); and

(B) by inserting after paragraph (8) the following:

"(9) The ability to use data analytics and software-as-service to provide flexibility by improving the visibility of the electrical system to grid operators that can help quickly rebalance the electrical system with autonomous controls.

"(10) The ability to facilitate the aggregation or integration of distributed energy resources to serve as assets for the grid.

"(11) The ability to provide energy storage to meet fluctuating electricity demand, provide voltage support, and integrate intermittent generation sources, including vehicle-to-grid technologies.

"(12) The ability of hardware, software, and associated protocols applied to existing transmission facilities to increase the operational transfer capacity of a transmission network.

"(13) The ability to anticipate and mitigate impacts of extreme weather or natural disasters on grid resiliency.

"(14) The ability to facilitate the integration of renewable energy resources, electric vehicle charging infrastructure, and vehicle-to-grid technologies.

"(15) The ability to reliably meet increased demand from electric vehicles and the electrification of appliances and other sectors.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the Smart Grid Investment Matching Grant Program established under section 1306(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17386(a)) $3,000,000,000 for fiscal year 2022, to remain available through September 30, 2026.

SEC. 40108. STATE ENERGY SECURITY PLANS.

(a) IN GENERAL.—Part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) is amended—

(1) in section 361—

(A) by striking the section designation and heading and all that follows through "The Congress" and inserting the following:

"SEC. 361. FINDINGS; PURPOSE; DEFINITIONS.

"(a) FINDINGS.—Congress";

(B) in subsection (b), by striking "(b) It is" and inserting the following:

"(b) PURPOSE.—It is"; and

(C) by adding at the end the following:

"(c) DEFINITIONS.—In this part:";

(2) in section 366—

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(A) in paragraph (3)(B)(i), by striking "approved under section 367, and" ; and inserting "; and";

(B) in each of paragraphs (1) through (8), by inserting a paragraph heading, the text of which is comprised of the term defined in the paragraph; and

(C) by redesignating paragraphs (6) and (7) as paragraphs (7) and (6), respectively, and moving the paragraphs so as to appear in numerical order;

(3) by moving paragraphs (1) through (8) of section 366 (as so redesignated) so as to appear after subsection (c) of section 361 (as designated by paragraph (1)(C)); and

(4) by amending section 366 to read as follows:

"SEC. 366. STATE ENERGY SECURITY PLANS.

"(a) DEFINITIONS.—In this section:

"(1) BULK-POWER SYSTEM.—The term 'bulk-power system' has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

"(2) STATE ENERGY SECURITY PLAN.—The term 'State energy security plan' means a State energy security plan described in subsection (b).

"(b) FINANCIAL ASSISTANCE FOR STATE ENERGY SECURITY PLANS.—Federal financial assistance made available to a State under this part may be used for the development, implementation, review, and revision of a State energy security plan that—

"(1) assesses the existing circumstances in the State; and

"(2) proposes methods to strengthen the ability of the State, in consultation with owners and operators of energy infrastructure in the State—

"(A) to secure the energy infrastructure of the State against all physical and cybersecurity threats;

"(B)(i) to mitigate the risk of energy supply disruptions to the State; and

"(ii) to enhance the response to, and recovery from, energy disruptions; and

"(C) to ensure that the State has reliable, secure, and resilient energy infrastructure.

"(c) CONTENTS OF PLAN.—A State energy security plan shall—

"(1) address all energy sources and regulated and unregulated energy providers;

"(2) provide a State energy profile, including an assessment of energy production, transmission, distribution, and end-use;

"(3) address potential hazards to each energy sector or system, including—

"(A) physical threats and vulnerabilities; and

"(B) cybersecurity threats and vulnerabilities;

"(4) provide a risk assessment of energy infrastructure and cross-sector interdependencies;

"(5) provide a risk mitigation approach to enhance reliability and end-use resilience; and

"(6)(A) address—

"(i) multi-State and regional coordination, planning, and response; and

"(ii) coordination with Indian Tribes with respect to planning and response; and

"(B) to the extent practicable, encourage mutual assistance in cyber and physical response plans.

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"(d) COORDINATION.—In developing or revising a State energy security plan, the State energy office of the State shall coordinate, to the extent practicable, with—

"(1) the public utility or service commission of the State;

"(2) energy providers from the private and public sectors; and

"(3) other entities responsible for—

"(A) maintaining fuel or electric reliability; and

"(B) securing energy infrastructure.

"(e) FINANCIAL ASSISTANCE.—A State is not eligible to receive Federal financial assistance under this part for any purpose for a fiscal year unless the Governor of the State submits to the Secretary, with respect to that fiscal year—

"(1) a State energy security plan that meets the requirements of subsection (c); or

"(2) after an annual review, carried out by the Governor, of a State energy security plan—

"(A) any necessary revisions to the State energy security plan; or

"(B) a certification that no revisions to the State energy security plan are necessary.

"(f) TECHNICAL ASSISTANCE.—On request of the Governor of a State, the Secretary, in consultation with the Secretary of Homeland Security, may provide information, technical assistance, and other assistance in the development, implementation, or revision of a State energy security plan.

"(g) REQUIREMENT.—Each State receiving Federal financial assistance under this part shall provide reasonable assurance to the Secretary that the State has established policies and procedures designed to assure that the financial assistance will be used—

"(1) to supplement, and not to supplant, State and local funds; and

"(2) to the maximum extent practicable, to increase the amount of State and local funds that otherwise would be available, in the absence of the Federal financial assistance, for the implementation of a State energy security plan.

"(h) PROTECTION OF INFORMATION.—Information provided to, or collected by, the Federal Government pursuant to this section the disclosure of which the Secretary reasonably foresees could be detrimental to the physical security or cybersecurity of any electric utility or the bulk-power system—

"(1) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

"(2) shall not be made available by any Federal agency, State, political subdivision of a State, or Tribal authority pursuant to any Federal, State, political subdivision of a State, or Tribal law, respectively, requiring public disclosure of information or records.

"(i) SUNSET.—The requirements of this section shall expire on October 31, 2025.".

(b) CLERICAL AMENDMENTS.—The table of contents of the Energy Policy and Conservation Act (Public Law 94–163; 89 Stat. 872) is amended—

(1) by striking the item relating to section 361 and inserting the following:

"Sec. 361. Findings; purpose; definitions."; and

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(2) by striking the item relating to section 366 and inserting the following:

"Sec. 366. State energy security plans.".

(c) CONFORMING AMENDMENTS.—

(1) Section 509(i)(3) of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–8(i)(3)) is amended by striking "prescribed for such terms in section 366 of the Energy Policy and Conservation Act" and inserting "given the terms in section 361(c) of the Energy Policy and Conservation Act".

(2) Section 363 of the Energy Policy and Conservation Act (42 U.S.C. 6323) is amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (f) as subsection (e).

(3) Section 451(i)(3) of the Energy Conservation and Production Act (42 U.S.C. 6881(i)(3)) is amended by striking "prescribed for such terms in section 366 of the Federal Energy Policy and Conservation Act" and inserting "given the terms in section 361(c) of the Energy Policy and Conservation Act".

SEC. 40109. STATE ENERGY PROGRAM.

(a) COLLABORATIVE TRANSMISSION SITING.—Section 362(c) of the Energy Policy and Conservation Act (42 U.S.C. 6322(c)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) the mandatory conduct of activities to support transmission and distribution planning, including—

"(A) support for local governments and Indian Tribes;

"(B) feasibility studies for transmission line routes and alternatives;

"(C) preparation of necessary project design and permits; and

"(D) outreach to affected stakeholders.".

(b) STATE ENERGY CONSERVATION PLANS.—Section 362(d) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)) is amended by striking paragraph (3) and inserting the following:

"(3) programs to increase transportation energy efficiency, including programs to help reduce carbon emissions in the transportation sector by 2050 and accelerate the use of alternative transportation fuels for, and the electrification of, State government vehicles, fleet vehicles, taxis and ridesharing services, mass transit, school buses, ferries, and privately owned passenger and medium- and heavy-duty vehicles;".

(c) AUTHORIZATION OF APPROPRIATIONS FOR STATE ENERGY PROGRAM.—Section 365 of the Energy Policy and Conservation Act (42 U.S.C. 6325) is amended by striking subsection (f) and inserting the following:

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this part $500,000,000 for the period of fiscal years 2022 through 2026.

"(2) DISTRIBUTION.—Amounts made available under paragraph (1)—

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"(A) shall be distributed to the States in accordance with the applicable distribution formula in effect on January 1, 2021; and

"(B) shall not be subject to the matching requirement described in the first proviso of the matter under the heading 'ENERGY CONSERVATION' under the heading 'DEPARTMENT OF ENERGY' in title II of the Department of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6323a).".

SEC. 40110. POWER MARKETING ADMINISTRATION TRANSMISSION BORROWING AUTHORITY.

(a) BORROWING AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), for the purposes of providing funds to assist in the financing of the construction, acquisition, and replacement of the Federal Columbia River Power System and to implement the authority of the Administrator of the Bonneville Power Administration (referred to in this section as the "Administrator") under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), an additional $10,000,000,000 in borrowing authority is made available under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.), to remain outstanding at any 1 time.

(2) LIMITATION.—The obligation of additional borrowing authority under paragraph (1) shall not exceed $6,000,000,000 by fiscal year 2028.

(b) FINANCIAL PLAN.—

(1) IN GENERAL.—The Administrator shall issue an updated financial plan by the end of fiscal year 2022.

(2) REQUIREMENT.—As part of the process of issuing an updated financial plan under paragraph (1), the Administrator shall—

(A) consistent with asset management planning and sound business principles, consider projected and planned use and allocation of the borrowing authority of the Administrator across the mission responsibilities of the Bonneville Power Administration; and

(B) before issuing the final updated financial plan—

(i) engage, in a manner determined by the Administrator, with customers with respect to a draft of the updated plan; and

(ii) consider as a relevant factor any recommendations from customers regarding prioritization of asset investments.

(c) STAKEHOLDER ENGAGEMENT.—The Administrator shall—

(1) engage, in a manner determined by the Administrator, with customers and stakeholders with respect to the financial and cost management efforts of the Administrator through periodic program reviews; and

(2) to the maximum extent practicable, implement those policies that would be expected to be consistent with the lowest possible power and transmission rates consistent with sound business principles.

(d) REPAYMENT.—Any additional Treasury borrowing authority received under this section shall be fully repaid to the Treasury

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in a manner consistent with the applicable self-financed Federal budget accounts.

SEC. 40111. STUDY OF CODES AND STANDARDS FOR USE OF ENERGY STORAGE SYSTEMS ACROSS SECTORS.

(a) IN GENERAL.—The Secretary shall conduct a study of types and commercial applications of codes and standards applied to—

(1) stationary energy storage systems;

(2) mobile energy storage systems; and

(3) energy storage systems that move between stationary and mobile applications, such as electric vehicle batteries or batteries repurposed for new applications.

(b) PURPOSES.—The purposes of the study conducted under subsection (a) shall be—

(1) to identify barriers, foster collaboration, and increase conformity across sectors relating to—

(A) use of emerging energy storage technologies; and

(B) use cases, such as vehicle-to-grid integration;

(2) to identify all existing codes and standards that apply to energy storage systems;

(3) to identify codes and standards that require revision or enhancement;

(4) to enhance the safe implementation of energy storage systems; and

(5) to receive formal input from stakeholders regarding—

(A) existing codes and standards; and

(B) new or revised codes and standards.

(c) CONSULTATION.—In conducting the study under subsection (a), the Secretary shall consult with all relevant standards-developing organizations and other entities with expertise regarding energy storage system safety.

(d) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under subsection (a).

SEC. 40112. DEMONSTRATION OF ELECTRIC VEHICLE BATTERY SECOND-LIFE APPLICATIONS FOR GRID SERVICES.

Section 3201(c) of the Energy Act of 2020 (42 U.S.C. 17232(c)) is amended—

(1) in paragraph (1)—

(A) by striking the period at the end and inserting "; and";

(B) by striking "including at" and inserting the following: "including—

"(A) at"; and

(C) by adding at the end the following:

"(B) 1 project to demonstrate second-life applications of electric vehicle batteries as aggregated energy storage installations to provide services to the electric grid, in accordance with paragraph (3).";

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

"(3) DEMONSTRATION OF ELECTRIC VEHICLE BATTERY SECOND-LIFE APPLICATIONS FOR GRID SERVICES.—

"(A) IN GENERAL.—The Secretary shall enter into an agreement to carry out a project to demonstrate second-

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life applications of electric vehicle batteries as aggregated energy storage installations to provide services to the electric grid.

"(B) PURPOSES.—The purposes of the project under subparagraph (A) shall be—

"(i) to demonstrate power safety and the reliability of the applications demonstrated under the program;

"(ii) to demonstrate the ability of electric vehicle batteries—

"(I) to provide ancillary services for grid stability and management; and

"(II) to reduce the peak loads of homes and businesses;

"(iii) to extend the useful life of electric vehicle batteries and the components of electric vehicle batteries prior to the collection, recycling, and reprocessing of the batteries and components; and

"(iv) to increase acceptance of, and participation in, the use of second-life applications of electric vehicle batteries by utilities.

"(C) PRIORITY.—In selecting a project to carry out under subparagraph (A), the Secretary shall give priority to projects in which the demonstration of the applicable second-life applications is paired with 1 or more facilities that could particularly benefit from increased resiliency and lower energy costs, such as a multi-family affordable housing facility, a senior care facility, and a community health center.".

SEC. 40113. COLUMBIA BASIN POWER MANAGEMENT.

(a) DEFINITIONS.—In this section:

(1) ACCOUNT.—The term "Account" means the account established by subsection (b)(1).

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Bonneville Power Administration.

(3) CANADIAN ENTITLEMENT.—The term "Canadian Entitlement" means the downstream power benefits that Canada is entitled to under Article V of the Treaty Relating to Cooperative Development of the Water Resources of the Columbia River Basin, signed at Washington January 17, 1961 (15 UST 1555; TIAS 5638).

(b) TRANSMISSION COORDINATION AND EXPANSION.—

(1) ESTABLISHMENT.—There is established in the Treasury an account for the purposes of making expenditures to increase bilateral transfers of renewable electric generation between the western United States and Canada.

(2) CRITERIA.—

(A) IN GENERAL.—The Administrator may make expenditures from the Account for activities to improve electric power system coordination by constructing electric power transmission facilities within the western United States that directly or indirectly facilitate non-carbon emitting electric power transactions between the western United States and Canada.

(B) APPLICATION.—Subparagraph (A) shall be effective after the later of—

(i) September 16, 2024; and

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(ii) the date on which the Canadian entitlement value calculation is terminated or reduced to the actual electric power value to the United States, as determined by the Administrator.

(3) CONSULTATION.—The Administrator shall consult with relevant electric utilities in Canada and appropriate regional transmission planning organizations in considering the construction of transmission activities under this subsection.

(4) AUTHORIZATION.—There is authorized to be appropriated to the Account a nonreimburseable amount equal to the aggregated amount of the Canadian Entitlement during the 5-year period preceding the date of enactment of this Act.

(c) INCREASED HYDROELECTRIC CAPACITY.—

(1) IN GENERAL.—The Commissioner of Reclamation shall rehabilitate and enhance the John W. Keys III Pump Generating Plant—

(A) to replace obsolete equipment;

(B) to maintain reliability and improve efficiency in system performance and operation;

(C) to create more hydroelectric power capacity in the Pacific Northwest; and

(D) to ensure the availability of water for irrigation in the event that Columbia River water flows from British Columbia into the United States are insufficient after September 16, 2024.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $100,000,000, which shall be nonreimburseable, to carry out this subsection.

(d) POWER COORDINATION STUDY.—

(1) IN GENERAL.—The Administrator shall conduct a study considering the potential hydroelectric power value to the Pacific Northwest of increasing the coordination of the operation of hydroelectric and water storage facilities on rivers located in the United States and Canada.

(2) CRITERIA.—The study conducted under paragraph (1) shall analyze—

(A) projected changes to the Pacific Northwest electricity supply;

(B) potential reductions in greenhouse gas emissions;

(C) any potential need to increase transmission capacity; and

(D) any other factor the Administrator considers to be relevant for increasing bilateral coordination.

(3) COORDINATION.—In conducting the study under paragraph (1), the Administrator shall coordinate, to the extent practicable, with—

(A) the British Columbia or a crown corporation owned by British Columbia;

(B) the Assistant Secretary;

(C) the Commissioner of Reclamation; and

(D) any public utility districts that operate hydroelectric projects on the mainstem of the Columbia River.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000, which shall be nonreimburseable, to carry out this subsection.

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Subtitle B—Cybersecurity

SEC. 40121. ENHANCING GRID SECURITY THROUGH PUBLIC-PRIVATE PARTNERSHIPS.

(a) DEFINITIONS.—In this section:

(1) BULK-POWER SYSTEM; ELECTRIC RELIABILITY ORGANIZATION.—The terms "bulk-power system" and "Electric Reliability Organization" has the meaning given the terms in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(2) ELECTRIC UTILITY; STATE REGULATORY AUTHORITY.—The terms "electric utility" and "State regulatory authority" have the meanings given the terms in section 3 of the Federal Power Act (16 U.S.C. 796).

(b) PROGRAM TO PROMOTE AND ADVANCE PHYSICAL SECURITY AND CYBERSECURITY OF ELECTRIC UTILITIES.—

(1) ESTABLISHMENT.—The Secretary, in coordination with the Secretary of Homeland Security and in consultation with, as the Secretary determines to be appropriate, the heads of other relevant Federal agencies, State regulatory authorities, industry stakeholders, and the Electric Reliability Organization, shall carry out a program—

(A) to develop, and provide for voluntary implementation of, maturity models, self-assessments, and auditing methods for assessing the physical security and cybersecurity of electric utilities;

(B) to assist with threat assessment and cybersecurity training for electric utilities;

(C) to provide technical assistance for electric utilities subject to the program;

(D) to provide training to electric utilities to address and mitigate cybersecurity supply chain management risks;

(E) to advance, in partnership with electric utilities, the cybersecurity of third-party vendors that manufacture components of the electric grid;

(F) to increase opportunities for sharing best practices and data collection within the electric sector; and

(G) to assist, in the case of electric utilities that own defense critical electric infrastructure (as defined in section 215A(a) of the Federal Power Act (16 U.S.C. 824o–1(a))), with full engineering reviews of critical functions and operations at both the utility and defense infrastructure levels—

(i) to identify unprotected avenues for cyber-enabled sabotage that would have catastrophic effects to national security; and

(ii) to recommend and implement engineering protections to ensure continued operations of identified critical functions even in the face of constant cyber attacks and achieved perimeter access by sophisticated adversaries.

(2) SCOPE.—In carrying out the program under paragraph (1), the Secretary shall—

(A) take into consideration—

(i) the different sizes of electric utilities; and

(ii) the regions that electric utilities serve;

(B) prioritize electric utilities with fewer available resources due to size or region; and

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(C) to the maximum extent practicable, use and leverage—

(i) existing Department and Department of Homeland Security programs; and

(ii) existing programs of the Federal agencies determined to be appropriate under paragraph (1).

(c) REPORT ON CYBERSECURITY OF DISTRIBUTION SYSTEMS.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Secretary of Homeland Security and in consultation with, as the Secretary determines to be appropriate, the heads of other Federal agencies, State regulatory authorities, and industry stakeholders, shall submit to Congress a report that assesses—

(1) priorities, policies, procedures, and actions for enhancing the physical security and cybersecurity of electricity distribution systems, including behind-the-meter generation, storage, and load management devices, to address threats to, and vulnerabilities of, electricity distribution systems; and

(2) the implementation of the priorities, policies, procedures, and actions assessed under paragraph (1), including—

(A) an estimate of potential costs and benefits of the implementation; and

(B) an assessment of any public-private cost-sharing opportunities.

(d) PROTECTION OF INFORMATION.—Information provided to, or collected by, the Federal Government pursuant to this section the disclosure of which the Secretary reasonably foresees could be detrimental to the physical security or cybersecurity of any electric utility or the bulk-power system—

(1) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

(2) shall not be made available by any Federal agency, State, political subdivision of a State, or Tribal authority pursuant to any Federal, State, political subdivision of a State, or Tribal law, respectively, requiring public disclosure of information or records.

SEC. 40122. ENERGY CYBER SENSE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) BULK-POWER SYSTEM.—The term "bulk-power system" has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(2) PROGRAM.—The term "program" means the voluntary Energy Cyber Sense program established under subsection (b).

(b) ESTABLISHMENT.—The Secretary, in coordination with the Secretary of Homeland Security and in consultation with the heads of other relevant Federal agencies, shall establish a voluntary Energy Cyber Sense program to test the cybersecurity of products and technologies intended for use in the energy sector, including in the bulk-power system.

(c) PROGRAM REQUIREMENTS.—In carrying out subsection (b), the Secretary, in coordination with the Secretary of Homeland Security and in consultation with the heads of other relevant Federal agencies, shall—

(1) establish a testing process under the program to test the cybersecurity of products and technologies intended for

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use in the energy sector, including products relating to industrial control systems and operational technologies, such as supervisory control and data acquisition systems;

(2) for products and technologies tested under the program, establish and maintain cybersecurity vulnerability reporting processes and a related database that are integrated with Federal vulnerability coordination processes;

(3) provide technical assistance to electric utilities, product manufacturers, and other energy sector stakeholders to develop solutions to mitigate identified cybersecurity vulnerabilities in products and technologies tested under the program;

(4) biennially review products and technologies tested under the program for cybersecurity vulnerabilities and provide analysis with respect to how those products and technologies respond to and mitigate cyber threats;

(5) develop guidance that is informed by analysis and testing results under the program for electric utilities and other components of the energy sector for the procurement of products and technologies;

(6) provide reasonable notice to, and solicit comments from, the public prior to establishing or revising the testing process under the program;

(7) oversee the testing of products and technologies under the program; and

(8) consider incentives to encourage the use of analysis and results of testing under the program in the design of products and technologies for use in the energy sector.

(d) PROTECTION OF INFORMATION.—Information provided to, or collected by, the Federal Government pursuant to this section the disclosure of which the Secretary reasonably foresees could be detrimental to the physical security or cybersecurity of any component of the energy sector, including any electric utility or the bulk-power system—

(1) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

(2) shall not be made available by any Federal agency, State, political subdivision of a State, or Tribal authority pursuant to any Federal, State, political subdivision of a State, or Tribal law, respectively, requiring public disclosure of information or records.

(e) FEDERAL GOVERNMENT LIABILITY.—Nothing in this section authorizes the commencement of an action against the United States with respect to the testing of a product or technology under the program.

SEC. 40123. INCENTIVES FOR ADVANCED CYBERSECURITY TECHNOLOGY INVESTMENT.

Part II of the Federal Power Act is amended by inserting after section 219 (16 U.S.C. 824s) the following:

"SEC. 219A. INCENTIVES FOR CYBERSECURITY INVESTMENTS.

"(a) DEFINITIONS.—In this section:

"(1) ADVANCED CYBERSECURITY TECHNOLOGY.—The term 'advanced cybersecurity technology' means any technology, operational capability, or service, including computer hardware, software, or a related asset, that enhances the security posture of public utilities through improvements in the ability to protect against, detect, respond to, or recover from a cybersecurity

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threat (as defined in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501)).

"(2) ADVANCED CYBERSECURITY TECHNOLOGY INFORMATION.—The term 'advanced cybersecurity technology information' means information relating to advanced cybersecurity technology or proposed advanced cybersecurity technology that is generated by or provided to the Commission or another Federal agency.

"(b) STUDY.—Not later than 180 days after the date of enactment of this section, the Commission, in consultation with the Secretary of Energy, the North American Electric Reliability Corporation, the Electricity Subsector Coordinating Council, and the National Association of Regulatory Utility Commissioners, shall conduct a study to identify incentive-based, including performance-based, rate treatments for the transmission and sale of electric energy subject to the jurisdiction of the Commission that could be used to encourage—

"(1) investment by public utilities in advanced cybersecurity technology; and

"(2) participation by public utilities in cybersecurity threat information sharing programs.

"(c) INCENTIVE-BASED RATE TREATMENT.—Not later than 1 year after the completion of the study under subsection (b), the Commission shall establish, by rule, incentive-based, including performance-based, rate treatments for the transmission of electric energy in interstate commerce and the sale of electric energy at wholesale in interstate commerce by public utilities for the purpose of benefitting consumers by encouraging—

"(1) investments by public utilities in advanced cybersecurity technology; and

"(2) participation by public utilities in cybersecurity threat information sharing programs.

"(d) FACTORS FOR CONSIDERATION.—In issuing a rule pursuant to this section, the Commission may provide additional incentives beyond those identified in subsection (c) in any case in which the Commission determines that an investment in advanced cybersecurity technology or information sharing program costs will reduce cybersecurity risks to—

"(1) defense critical electric infrastructure (as defined in section 215A(a)) and other facilities subject to the jurisdiction of the Commission that are critical to public safety, national defense, or homeland security, as determined by the Commission in consultation with—

"(A) the Secretary of Energy;

"(B) the Secretary of Homeland Security; and

"(C) other appropriate Federal agencies; and

"(2) facilities of small or medium-sized public utilities with limited cybersecurity resources, as determined by the Commission.

"(e) RATEPAYER PROTECTION.—

"(1) IN GENERAL.—Any rate approved under a rule issued pursuant to this section, including any revisions to that rule, shall be subject to the requirements of sections 205 and 206 that all rates, charges, terms, and conditions—

"(A) shall be just and reasonable; and

"(B) shall not be unduly discriminatory or preferential.

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"(2) PROHIBITION OF DUPLICATE RECOVERY.—Any rule issued pursuant to this section shall preclude rate treatments that allow unjust and unreasonable double recovery for advanced cybersecurity technology.

"(f) SINGLE-ISSUE RATE FILINGS.—The Commission shall permit public utilities to apply for incentive-based rate treatment under a rule issued under this section on a single-issue basis by submitting to the Commission a tariff schedule under section 205 that permits recovery of costs and incentives over the depreciable life of the applicable assets, without regard to changes in receipts or other costs of the public utility.

"(g) PROTECTION OF INFORMATION.—Advanced cybersecurity technology information that is provided to, generated by, or collected by the Federal Government under subsection (b), (c), or (f) shall be considered to be critical electric infrastructure information under section 215A.".

SEC. 40124. RURAL AND MUNICIPAL UTILITY ADVANCED CYBERSECURITY GRANT AND TECHNICAL ASSISTANCE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED CYBERSECURITY TECHNOLOGY.—The term "advanced cybersecurity technology" means any technology, operational capability, or service, including computer hardware, software, or a related asset, that enhances the security posture of electric utilities through improvements in the ability to protect against, detect, respond to, or recover from a cybersecurity threat (as defined in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501)).

(2) BULK-POWER SYSTEM.—The term "bulk-power system" has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(3) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a rural electric cooperative;

(B) a utility owned by a political subdivision of a State, such as a municipally owned electric utility;

(C) a utility owned by any agency, authority, corporation, or instrumentality of 1 or more political subdivisions of a State;

(D) a not-for-profit entity that is in a partnership with not fewer than 6 entities described in subparagraph (A), (B), or (C); and

(E) an investor-owned electric utility that sells less than 4,000,000 megawatt hours of electricity per year.

(4) PROGRAM.—The term "Program" means the Rural and Municipal Utility Advanced Cybersecurity Grant and Technical Assistance Program established under subsection (b).

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary, in coordination with the Secretary of Homeland Security and in consultation with the Federal Energy Regulatory Commission, the North American Electric Reliability Corporation, and the Electricity Subsector Coordinating Council, shall establish a program, to be known as the "Rural and Municipal Utility Advanced Cybersecurity Grant and Technical Assistance Program", to provide grants and technical assistance to, and enter into cooperative agreements with, eligible entities to protect against, detect, respond to, and recover from cybersecurity threats.

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(c) OBJECTIVES.—The objectives of the Program shall be—

(1) to deploy advanced cybersecurity technologies for electric utility systems; and

(2) to increase the participation of eligible entities in cybersecurity threat information sharing programs.

(d) AWARDS.—

(1) IN GENERAL.—The Secretary—

(A) shall award grants and provide technical assistance under the Program to eligible entities on a competitive basis;

(B) shall develop criteria and a formula for awarding grants and providing technical assistance under the Program;

(C) may enter into cooperative agreements with eligible entities that can facilitate the objectives described in subsection (c); and

(D) shall establish a process to ensure that all eligible entities are informed about and can become aware of opportunities to receive grants or technical assistance under the Program.

(2) PRIORITY FOR GRANTS AND TECHNICAL ASSISTANCE.—In awarding grants and providing technical assistance under the Program, the Secretary shall give priority to an eligible entity that, as determined by the Secretary—

(A) has limited cybersecurity resources;

(B) owns assets critical to the reliability of the bulk-power system; or

(C) owns defense critical electric infrastructure (as defined in section 215A(a) of the Federal Power Act (16 U.S.C. 824o–1(a))).

(e) PROTECTION OF INFORMATION.—Information provided to, or collected by, the Federal Government pursuant to this section the disclosure of which the Secretary reasonably foresees could be detrimental to the physical security or cybersecurity of any electric utility or the bulk-power system—

(1) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

(2) shall not be made available by any Federal agency, State, political subdivision of a State, or Tribal authority pursuant to any Federal, State, political subdivision of a State, or Tribal law, respectively, requiring public disclosure of information or records.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $250,000,000 for the period of fiscal years 2022 through 2026.

SEC. 40125. ENHANCED GRID SECURITY.

(a) DEFINITIONS.—In this section:

(1) ELECTRIC UTILITY.—The term "electric utility" has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(2) E-ISAC.—The term "E-ISAC" means the Electricity Information Sharing and Analysis Center.

(b) CYBERSECURITY FOR THE ENERGY SECTOR RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Homeland Security and in consultation with, as

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determined appropriate, other Federal agencies, the energy sector, the States, Indian Tribes, Tribal organizations, territories or freely associated states, and other stakeholders, shall develop and carry out a program—

(A) to develop advanced cybersecurity applications and technologies for the energy sector—

(i) to identify and mitigate vulnerabilities, including—

(I) dependencies on other critical infrastructure;

(II) impacts from weather and fuel supply;

(III) increased dependence on inverter-based technologies; and

(IV) vulnerabilities from unpatched hardware and software systems; and

(ii) to advance the security of field devices and third-party control systems, including—

(I) systems for generation, transmission, distribution, end use, and market functions;

(II) specific electric grid elements including advanced metering, demand response, distribution, generation, and electricity storage;

(III) forensic analysis of infected systems;

(IV) secure communications; and

(V) application of in-line edge security solutions;

(B) to leverage electric grid architecture as a means to assess risks to the energy sector, including by implementing an all-hazards approach to communications infrastructure, control systems architecture, and power systems architecture;

(C) to perform pilot demonstration projects with the energy sector to gain experience with new technologies;

(D) to develop workforce development curricula for energy sector-related cybersecurity; and

(E) to develop improved supply chain concepts for secure design of emerging digital components and power electronics.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $250,000,000 for the period of fiscal years 2022 through 2026.

(c) ENERGY SECTOR OPERATIONAL SUPPORT FOR CYBERRESILIENCE PROGRAM.—

(1) IN GENERAL.—The Secretary may develop and carry out a program—

(A) to enhance and periodically test—

(i) the emergency response capabilities of the Department; and

(ii) the coordination of the Department with other agencies, the National Laboratories, and private industry;

(B) to expand cooperation of the Department with the intelligence community for energy sector-related threat collection and analysis;

(C) to enhance the tools of the Department and E-ISAC for monitoring the status of the energy sector;

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(D) to expand industry participation in E-ISAC; and

(E) to provide technical assistance to small electric utilities for purposes of assessing and improving cybermaturity levels and addressing gaps identified in the assessment.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $50,000,000 for the period of fiscal years 2022 through 2026.

(d) MODELING AND ASSESSING ENERGY INFRASTRUCTURE RISK.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Homeland Security, shall develop and carry out an advanced energy security program to secure energy networks, including—

(A) electric networks;

(B) natural gas networks; and

(C) oil exploration, transmission, and delivery networks.

(2) SECURITY AND RESILIENCY OBJECTIVE.—The objective of the program developed under paragraph (1) is to increase the functional preservation of electric grid operations or natural gas and oil operations in the face of natural and human-made threats and hazards, including electric magnetic pulse and geomagnetic disturbances.

(3) ELIGIBLE ACTIVITIES.—In carrying out the program developed under paragraph (1), the Secretary may—

(A) develop capabilities to identify vulnerabilities and critical components that pose major risks to grid security if destroyed or impaired;

(B) provide modeling at the national level to predict impacts from natural or human-made events;

(C) add physical security to the cybersecurity maturity model;

(D) conduct exercises and assessments to identify and mitigate vulnerabilities to the electric grid, including providing mitigation recommendations;

(E) conduct research on hardening solutions for critical components of the electric grid;

(F) conduct research on mitigation and recovery solutions for critical components of the electric grid; and

(G) provide technical assistance to States and other entities for standards and risk analysis.

(4) SAVINGS PROVISION.—Nothing in this section authorizes new regulatory requirements.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $50,000,000 for the period of fiscal years 2022 through 2026.

SEC. 40126. CYBERSECURITY PLAN.

(a) IN GENERAL.—The Secretary may require, as the Secretary determines appropriate, a recipient of any award or other funding under this division—

(1) to submit to the Secretary, prior to the issuance of the award or other funding, a cybersecurity plan that demonstrates the cybersecurity maturity of the recipient in the

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context of the project for which that award or other funding was provided; and

(2) establish a plan for maintaining and improving cybersecurity throughout the life of the proposed solution of the project.

(b) CONTENTS OF CYBERSECURITY PLAN.—A cybersecurity plan described in subsection (a) shall, at a minimum, describe how the recipient described in that subsection—

(1) plans to maintain cybersecurity between networks, systems, devices, applications, or components—

(A) within the proposed solution of the project; and

(B) at the necessary external interfaces at the proposed solution boundaries;

(2) will perform ongoing evaluation of cybersecurity risks to address issues as the issues arise throughout the life of the proposed solution;

(3) will report known or suspected network or system compromises of the project to the Secretary; and

(4) will leverage applicable cybersecurity programs of the Department, including cyber vulnerability testing and security engineering evaluations.

(c) ADDITIONAL GUIDANCE.—Each recipient described in subsection (a) should—

(1) maximize the use of open guidance and standards, including, wherever possible—

(A) the Cybersecurity Capability Maturity Model of the Department (or a successor model); and

(B) the Framework for Improving Critical Infrastructure Cybersecurity of the National Institute of Standards and Technology; and

(2) document —

(A) any deviation from open standards; and

(B) the utilization of proprietary standards where the recipient determines that such deviation necessary.

(d) COORDINATION.—The Office of Cybersecurity, Energy Security, and Emergency Response of the Department shall review each cybersecurity plan submitted under subsection (a) to ensure integration with Department research, development, and demonstration programs.

(e) PROTECTION OF INFORMATION.—Information provided to, or collected by, the Federal Government pursuant to this section the disclosure of which the Secretary reasonably foresees could be detrimental to the physical security or cybersecurity of any electric utility or the bulk-power system—

(1) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

(2) shall not be made available by any Federal agency, State, political subdivision of a State, or Tribal authority pursuant to any Federal, State, political subdivision of a State, or Tribal law, respectively, requiring public disclosure of information or records.

SEC. 40127. SAVINGS PROVISION.

Nothing in this subtitle affects the authority, existing on the day before the date of enactment of this Act, of any other Federal department or agency, including the authority provided to the Secretary of Homeland Security and the Director of the Cybersecurity

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and Infrastructure Security Agency in title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.).

TITLE II—SUPPLY CHAINS FOR CLEAN ENERGY TECHNOLOGIES

SEC. 40201. EARTH MAPPING RESOURCES INITIATIVE.

(a) DEFINITION OF CRITICAL MINERAL.—In this section, the term "critical mineral" has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(b) ESTABLISHMENT.—There is established within the United States Geological Survey an initiative, to be known as the "Earth Mapping Resources Initiative" (referred to in this section as the "Initiative").

(c) PURPOSE.—The purpose of the Initiative shall be to accelerate efforts to carry out the fundamental resources and mapping mission of the United States Geological Survey by—

(1) providing integrated topographic, geologic, geochemical, and geophysical mapping;

(2) accelerating the integration and consolidation of geospatial and resource data; and

(3) providing interpretation of subsurface and above-ground mineral resources data.

(d) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—In carrying out the Initiative, the Director of the United States Geological Survey may enter into cooperative agreements with State geological surveys.

(2) EFFECT.—Nothing in paragraph (1) precludes the Director of the United States Geological Survey from using existing contracting authorities in carrying out the Initiative.

(e) COMPREHENSIVE MAPPING MODERNIZATION.—

(1) IN GENERAL.—Not later than 10 years after the date of enactment of this Act, the Initiative shall complete an initial comprehensive national modern surface and subsurface mapping and data integration effort.

(2) APPROACH.—In carrying out paragraph (1) with regard to minerals, mineralization, and mineral deposits, the Initiative shall focus on the full range of minerals, using a whole ore body approach rather than a single commodity approach, to emphasize all of the recoverable critical minerals in a given surface or subsurface deposit.

(3) PRIORITY.—In carrying out paragraph (1) with regard to minerals, mineralization, and mineral deposits, the Initiative shall prioritize mapping and assessing critical minerals.

(4) INCLUSIONS.—In carrying out paragraph (1), the Initiative shall also—

(A) map and collect data for areas containing mine waste to increase understanding of above-ground critical mineral resources in previously disturbed areas; and

(B) provide for analysis of samples, including samples within the National Geological and Geophysical Data Preservation Program established under section 351(b) of the Energy Policy Act of 2005 (42 U.S.C. 15908(b)) for the occurrence of critical minerals.

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(f) AVAILABILITY.—The Initiative shall make the geospatial data and metadata gathered by the Initiative under subsection (e)(1) electronically publicly accessible on an ongoing basis.

(g) INTEGRATION OF DATA SOURCES.—The Initiative shall integrate data sources, including data from—

(1) the National Cooperative Geologic Mapping Program established by section 4(a)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(a)(1));

(2) the National Geological and Geophysical Data Preservation Program established under section 351(b) of the Energy Policy Act of 2005 (42 U.S.C. 15908(b));

(3) the USMIN Mineral Deposit Database of the United States Geological Survey;

(4) the 3D Elevation Program established under section 5(a) of the National Landslide Preparedness Act (43 U.S.C. 3104(a)); and

(5) other relevant sources, including sources providing geothermal resources data.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $320,000,000 for the period of fiscal years 2022 through 2026, to remain available until expended.

SEC. 40202. NATIONAL COOPERATIVE GEOLOGIC MAPPING PROGRAM.

(a) IN GENERAL.—Section 4(d) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(d)) is amended by adding at the end the following:

"(4) ABANDONED MINE LAND AND MINE WASTE COMPONENT.—

"(A) IN GENERAL.—The geologic mapping program shall include an abandoned mine land and mine waste geologic mapping component, the objective of which shall be to establish the geologic framework of abandoned mine land and other land containing mine waste.

"(B) MAPPING PRIORITIES.—For the component described in subparagraph (A), the priority shall be mapping abandoned mine land and other land containing mine waste where multiple critical mineral (as defined in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a))) and metal commodities are anticipated to be present, rather than single mineral resources.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 9(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31h(a)) is amended by striking "2023" and inserting "2031".

SEC. 40203. NATIONAL GEOLOGICAL AND GEOPHYSICAL DATA PRESERVATION PROGRAM.

Section 351(b) of the Energy Policy Act of 2005 (42 U.S.C. 15908(b)) is amended—

(1) in paragraph (2), by striking "and" after the semicolon;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) to provide for preservation of samples to track geochemical signatures from critical mineral (as defined in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a))) ore bodies for use in provenance tracking frameworks.".

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SEC. 40204. USGS ENERGY AND MINERALS RESEARCH FACILITY.

(a) ESTABLISHMENT.—The Director of the United States Geological Survey (referred to in this section as the "Director"), shall fund, through a cooperative agreement with an academic partner, the design, construction, and tenant build-out of a facility to support energy and minerals research and appurtenant associated structures.

(b) OWNERSHIP.—The United States Geological Survey shall retain ownership of the facility and associated structures described in subsection (a).

(c) AGREEMENTS.—The Director may enter into agreements with, and to collect and expend funds or in-kind contributions from, academic, Federal, State, or other tenants over the life of the facility described in subsection (a) for the purposes of—

(1) facility planning;
(2) design;
(3) maintenance;
(4) operation; or
(5) facility improvements.

(d) LEASES.—The Director may enter into a lease or other agreement with the academic partner with which the Director has entered into a cooperative agreement under subsection (a), at no cost to the Federal Government, to obtain land on which to construct the facility described in that subsection for a term of not less than 99 years.

(e) REPORTS.—The Director shall submit to Congress annual reports on—

(1) the facility described in subsection (a); and
(2) the authorities used under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this section $167,000,000 for fiscal year 2022, to remain available until expended.

SEC. 40205. RARE EARTH ELEMENTS DEMONSTRATION FACILITY.

Section 7001 of the Energy Act of 2020 (42 U.S.C. 13344) is amended—

(1) in subsection (b), by inserting "and annually thereafter while the facility established under subsection (c) remains in operation," after "enactment of this Act,";
(2) by redesignating subsection (c) as subsection (d); and
(3) by inserting after subsection (b) the following:

"(c) RARE EARTH DEMONSTRATION FACILITY.—

"(1) ESTABLISHMENT.—In coordination with the research program under subsection (a)(1)(A), the Secretary shall fund, through an agreement with an academic partner, the design, construction, and build-out of a facility to demonstrate the commercial feasibility of a full-scale integrated rare earth element extraction and separation facility and refinery.

"(2) FACILITY ACTIVITIES.—The facility established under paragraph (1) shall—

"(A) provide environmental benefits through use of feedstock derived from acid mine drainage, mine waste, or other deleterious material;

"(B) separate mixed rare earth oxides into pure oxides of each rare earth element;

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"(C) refine rare earth oxides into rare earth metals; and

"(D) provide for separation of rare earth oxides and refining into rare earth metals at a single site.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $140,000,000 for fiscal year 2022, to remain available until expended.".

SEC. 40206. CRITICAL MINERALS SUPPLY CHAINS AND RELIABILITY.

(a) DEFINITION OF CRITICAL MINERAL.—In this section, the term "critical mineral" has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

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

(1) critical minerals are fundamental to the economy, competitiveness, and security of the United States;

(2) many critical minerals are only economic to recover when combined with the production of a host mineral;

(3) to the maximum extent practicable, the critical mineral needs of the United States should be satisfied by minerals responsibly produced and recycled in the United States; and

(4) the Federal permitting process has been identified as an impediment to mineral production and the mineral security of the United States.

(c) FEDERAL PERMITTING AND REVIEW PERFORMANCE IMPROVEMENTS.—To improve the quality and timeliness of Federal permitting and review processes with respect to critical mineral production on Federal land, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the "Secretaries"), to the maximum extent practicable, shall complete the Federal permitting and review processes with maximum efficiency and effectiveness, while supporting vital economic growth, by—

(1) establishing and adhering to timelines and schedules for the consideration of, and final decisions regarding, applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land;

(2) establishing clear, quantifiable, and temporal permitting performance goals and tracking progress against those goals;

(3) engaging in early collaboration among agencies, project sponsors, and affected stakeholders—

(A) to incorporate and address the interests of those parties; and

(B) to minimize delays;

(4) ensuring transparency and accountability by using cost-effective information technology to collect and disseminate information regarding individual projects and agency performance;

(5) engaging in early and active consultation with State, local, and Tribal governments—

(A) to avoid conflicts or duplication of effort;

(B) to resolve concerns; and

(C) to allow for concurrent, rather than sequential, reviews;

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(6) providing demonstrable improvements in the performance of Federal permitting and review processes, including lower costs and more timely decisions;

(7) expanding and institutionalizing Federal permitting and review process improvements that have proven effective;

(8) developing mechanisms to better communicate priorities and resolve disputes among agencies at the national, regional, State, and local levels; and

(9) developing other practices, such as preapplication procedures.

(d) REVIEW AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretaries shall submit to Congress a report that—

(1) identifies additional measures, including regulatory and legislative proposals, if appropriate, that would increase the timeliness of permitting activities for the exploration and development of domestic critical minerals;

(2) identifies options, including cost recovery paid by permit applicants, for ensuring adequate staffing and training of Federal entities and personnel responsible for the consideration of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land;

(3) quantifies the period of time typically required to complete each step associated with the development and processing of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land, including by—

(A) calculating the range, the mean, the median, the variance, and other statistical measures or representations of the period of time; and

(B) taking into account other aspects that affect the period of time that are outside the control of the Executive branch, such as judicial review, applicant decisions, or State and local government involvement; and

(4) describes actions carried out pursuant to subsection (c).

(e) PERFORMANCE METRIC.—Not later than 90 days after the date of submission of the report under subsection (d), and after providing public notice and an opportunity to comment, the Secretaries, using as a baseline the period of time quantified under paragraph (3) of that subsection, shall develop and publish a performance metric for evaluating the progress made by the Executive branch to expedite the permitting of activities that will increase exploration for, and development of, domestic critical minerals, while maintaining environmental standards.

(f) ANNUAL REPORTS.—Not later than the date on which the President submits the first budget of the President under section 1105 of title 31, United States Code, after publication of the performance metric required under subsection (e), and annually thereafter, the Secretaries shall submit to Congress a report that—

(1) summarizes the implementation of recommendations, measures, and options identified in paragraphs (1) and (2) of subsection (d);

(2) using the performance metric developed under subsection (e), describes progress made by the Executive branch, as compared to the baseline developed pursuant to subsection

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(d)(3), in expediting the permitting of activities that will increase exploration for, and development of, domestic critical minerals; and

(3) compares the United States to other countries in terms of permitting efficiency and any other criteria relevant to the globally competitive critical minerals industry.

(g) INDIVIDUAL PROJECTS.—Each year, using data contained in the reports submitted under subsection (f), the Director of the Office of Management and Budget shall prioritize inclusion of individual critical mineral projects on the website operated by the Office of Management and Budget in accordance with section 1122 of title 31, United States Code.

SEC. 40207. BATTERY PROCESSING AND MANUFACTURING.

(a) DEFINITIONS.—In this section:

(1) ADVANCED BATTERY.—The term "advanced battery" means a battery that consists of a battery cell that can be integrated into a module, pack, or system to be used in energy storage applications, including electric vehicles and the electric grid.

(2) ADVANCED BATTERY COMPONENT.—

(A) IN GENERAL.—The term "advanced battery component" means a component of an advanced battery.

(B) INCLUSIONS.—The term "advanced battery component" includes materials, enhancements, enclosures, anodes, cathodes, electrolytes, cells, and other associated technologies that comprise an advanced battery.

(3) BATTERY MATERIAL.—The term "battery material" means the raw and processed form of a mineral, metal, chemical, or other material used in an advanced battery component.

(4) ELIGIBLE ENTITY.—The term "eligible entity" means an entity described in any of paragraphs (1) through (5) of section 989(b) of the Energy Policy Act of 2005 (42 U.S.C. 16353(b)).

(5) FOREIGN ENTITY OF CONCERN.—The term "foreign entity of concern" means a foreign entity that is—

(A) designated as a foreign terrorist organization by the Secretary of State under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a));

(B) included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (commonly known as the "SDN list");

(C) owned by, controlled by, or subject to the jurisdiction or direction of a government of a foreign country that is a covered nation (as defined in section 2533c(d) of title 10, United States Code);

(D) alleged by the Attorney General to have been involved in activities for which a conviction was obtained under—

(i) chapter 37 of title 18, United States Code (commonly known as the "Espionage Act");

(ii) section 951 or 1030 of title 18, United States Code;

(iii) chapter 90 of title 18, United States Code (commonly known as the "Economic Espionage Act of 1996");

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(iv) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(v) section 224, 225, 226, 227, or 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275, 2276, 2277, and 2284);

(vi) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.); or

(vii) the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or

(E) determined by the Secretary, in consultation with the Secretary of Defense and the Director of National Intelligence, to be engaged in unauthorized conduct that is detrimental to the national security or foreign policy of the United States.

(6) MANUFACTURING.—The term "manufacturing", with respect to an advanced battery and an advanced battery component, means the industrial and chemical steps taken to produce that advanced battery or advanced battery component, respectively.

(7) PROCESSING.—The term "processing", with respect to battery material, means the refining of materials, including the treating, baking, and coating processes used to convert raw products into constituent materials employed directly in advanced battery manufacturing.

(8) RECYCLING.—The term "recycling" means the recovery of materials from advanced batteries to be reused in similar applications, including the extracting, processing, and recoating of battery materials and advanced battery components.

(b) BATTERY MATERIAL PROCESSING GRANTS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish within the Office of Fossil Energy a program, to be known as the "Battery Material Processing Grant Program" (referred to in this subsection as the "program"), under which the Secretary shall award grants in accordance with this subsection.

(2) PURPOSES.—The purposes of the program are—

(A) to ensure that the United States has a viable battery materials processing industry to supply the North American battery supply chain;

(B) to expand the capabilities of the United States in advanced battery manufacturing;

(C) to enhance national security by reducing the reliance of the United States on foreign competitors for critical materials and technologies; and

(D) to enhance the domestic processing capacity of minerals necessary for battery materials and advanced batteries.

(3) GRANTS.—

(A) IN GENERAL.—Under the program, the Secretary shall award grants to eligible entities—

(i) to carry out 1 or more demonstration projects in the United States for the processing of battery materials;

(ii) to construct 1 or more new commercial-scale battery material processing facilities in the United States; and

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(iii) to retool, retrofit, or expand 1 or more existing battery material processing facilities located in the United States and determined qualified by the Secretary.

(B) AMOUNT LIMITATION.—The amount of a grant awarded under the program shall be not less than—

(i) $50,000,000 for an eligible entity carrying out 1 or more projects described in subparagraph (A)(i);

(ii) $100,000,000 for an eligible entity carrying out 1 or more projects described in subparagraph (A)(ii); and

(iii) $50,000,000 for an eligible entity carrying out 1 or more projects described in subparagraph (A)(iii).

(C) PRIORITY; CONSIDERATION.—In awarding grants to eligible entities under the program, the Secretary shall—

(i) give priority to an eligible entity that—

(I) is located and operates in the United States;

(II) is owned by a United States entity;

(III) deploys North American-owned intellectual property and content;

(IV) represents consortia or industry partnerships; and

(V) will not use battery material supplied by or originating from a foreign entity of concern; and

(ii) take into consideration whether a project—

(I) provides workforce opportunities in low- and moderate-income communities;

(II) encourages partnership with universities and laboratories to spur innovation and drive down costs;

(III) partners with Indian Tribes; and

(IV) takes into account—

(aa) greenhouse gas emissions reductions and energy efficient battery material processing opportunities throughout the manufacturing process; and

(bb) supply chain logistics.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program $3,000,000,000 for the period of fiscal years 2022 through 2026, to remain available until expended.

(c) BATTERY MANUFACTURING AND RECYCLING GRANTS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish within the Office of Energy Efficiency and Renewable Energy a battery manufacturing and recycling grant program (referred to in this subsection as the "program").

(2) PURPOSE.—The purpose of the program is to ensure that the United States has a viable domestic manufacturing and recycling capability to support and sustain a North American battery supply chain.

(3) GRANTS.—

(A) IN GENERAL.—Under the program, the Secretary shall award grants to eligible entities—

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(i) to carry out 1 or more demonstration projects for advanced battery component manufacturing, advanced battery manufacturing, and recycling;

(ii) to construct 1 or more new commercial-scale advanced battery component manufacturing, advanced battery manufacturing, or recycling facilities in the United States; and

(iii) to retool, retrofit, or expand 1 or more existing facilities located in the United States and determined qualified by the Secretary for advanced battery component manufacturing, advanced battery manufacturing, and recycling.

(B) AMOUNT LIMITATION.—The amount of a grant awarded under the program shall be not less than—

(i) $50,000,000 for an eligible entity carrying out 1 or more projects described in subparagraph (A)(i);

(ii) $100,000,000 for an eligible entity carrying out 1 or more projects described in subparagraph (A)(ii); and

(iii) $50,000,000 for an eligible entity carrying out 1 or more projects described in subparagraph (A)(iii).

(C) PRIORITY; CONSIDERATION.—In awarding grants to eligible entities under the program, the Secretary shall—

(i) give priority to an eligible entity that—

(I) is located and operates in the United States;

(II) is owned by a United States entity;

(III) deploys North American-owned intellectual property and content;

(IV) represents consortia or industry partnerships; and

(V)(aa) if the eligible entity will use the grant for advanced battery component manufacturing, will not use battery material supplied by or originating from a foreign entity of concern; or

(bb) if the eligible entity will use the grant for battery recycling, will not export recovered critical materials to a foreign entity of concern; and

(ii) take into consideration whether a project—

(I) provides workforce opportunities in low- and moderate-income or rural communities;

(II) provides workforce opportunities in communities that have lost jobs due to the displacements of fossil energy jobs;

(III) encourages partnership with universities and laboratories to spur innovation and drive down costs;

(IV) partners with Indian Tribes;

(V) takes into account—

(aa) greenhouse gas emissions reductions and energy efficient battery material processing opportunities throughout the manufacturing process; and

(bb) supply chain logistics; and

(VI) utilizes feedstock produced in the United States.

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(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program $3,000,000,000 for the period of fiscal years 2022 through 2026, to remain available until expended.

(d) REPORTING REQUIREMENTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the grant programs established under subsections (b) and (c), including, with respect to each grant program, a description of—

(1) the number of grant applications received;

(2) the number of grants awarded and the amount of each award;

(3) the purpose and status of each project carried out using a grant; and

(4) any other information the Secretary determines necessary.

(e) LITHIUM-ION BATTERY RECYCLING PRIZE COMPETITION.—

(1) IN GENERAL.—The Secretary shall continue to carry out the Lithium-Ion Battery Recycling Prize Competition of the Department established pursuant to section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) (referred to in this subsection as the "competition").

(2) AUTHORIZATION OF APPROPRIATIONS FOR PILOT PROJECTS.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out Phase III of the competition, $10,000,000 for fiscal year 2022, to remain available until expended.

(B) USE OF FUNDS.—The Secretary may use amounts made available under subparagraph (A)—

(i) to increase the number of winners of Phase III of the competition;

(ii) to increase the amount awarded to each winner of Phase III of the competition; and

(iii) to carry out any other activity that is consistent with the goals of Phase III of the competition, as determined by the Secretary.

(f) BATTERY AND CRITICAL MINERAL RECYCLING.—

(1) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(B) BATTERY.—The term "battery" means a device that—

(i) consists of 1 or more electrochemical cells that are electrically connected; and

(ii) is designed to store and deliver electric energy.

(C) BATTERY PRODUCER.—The term "battery producer" means, with respect to a covered battery or covered battery-containing product that is sold, offered for sale, or distributed for sale in the United States, including through retail, wholesale, business-to-business, and online sale, the following applicable entity:

(i) A person who—

(I) manufactures the covered battery or covered battery-containing product; and

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(II) sells or offers for sale the covered battery or covered battery-containing product under the brand of that person.

(ii) If there is no person described in clause (i) with respect to the covered battery or covered battery-containing product, the owner or licensee of the brand under which the covered battery or covered battery-containing product is sold, offered for sale, or distributed, regardless of whether the trademark of the brand is registered.

(iii) If there is no person described in clause (i) or (ii) with respect to the covered battery or covered battery-containing product, a person that imports the covered battery or covered battery-containing product into the United States for sale or distribution.

(D) COVERED BATTERY.—The term "covered battery" means a new or unused primary battery or rechargeable battery.

(E) COVERED BATTERY-CONTAINING PRODUCT.—The term "covered battery-containing product" means a new or unused product that contains or is packaged with a primary battery or rechargeable battery.

(F) CRITICAL MINERAL.—The term "critical mineral" has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(G) PRIMARY BATTERY.—The term "primary battery" means a nonrechargeable battery that weighs not more than 4.4 pounds, including an alkaline, carbon-zinc, and lithium metal battery.

(H) RECHARGEABLE BATTERY.—

(i) IN GENERAL.—The term "rechargeable battery" means a battery that—

(I) contains 1 or more voltaic or galvanic cells that are electrically connected to produce electric energy;

(II) is designed to be recharged;

(III) weighs not more than 11 pounds; and

(IV) has a watt-hour rating of not more than 300 watt-hours.

(ii) EXCLUSIONS.—The term "rechargeable battery" does not include a battery that—

(I) contains electrolyte as a free liquid; or

(II) employs lead-acid technology, unless that battery is sealed and does not contain electrolyte as a free liquid.

(I) RECYCLING.—The term "recycling" means the series of activities—

(i) during which recyclable materials are processed into specification-grade commodities, and consumed as raw-material feedstock, in lieu of virgin materials, in the manufacturing of new products;

(ii) that may include collection, processing, and brokering; and

(iii) that result in subsequent consumption by a materials manufacturer, including for the manufacturing of new products.

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(2) BATTERY RECYCLING RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS.—

(A) IN GENERAL.—The Secretary, in coordination with the Administrator, shall award multiyear grants to eligible entities for research, development, and demonstration projects to create innovative and practical approaches to increase the reuse and recycling of batteries, including by addressing—

(i) recycling activities;

(ii) the development of methods to promote the design and production of batteries that take into full account and facilitate the dismantling, reuse, recovery, and recycling of battery components and materials;

(iii) strategies to increase consumer acceptance of, and participation in, the recycling of batteries;

(iv) the extraction or recovery of critical minerals from batteries that are recycled;

(v) the integration of increased quantities of recycled critical minerals in batteries and other products to develop markets for recycled battery materials and critical minerals;

(vi) safe disposal of waste materials and components recovered during the recycling process;

(vii) the protection of the health and safety of all persons involved in, or in proximity to, recycling and reprocessing activities, including communities located near recycling and materials reprocessing facilities;

(viii) mitigation of environmental impacts that arise from recycling batteries, including disposal of toxic reagents and byproducts related to recycling processes;

(ix) protection of data privacy associated with collected covered battery-containing products;

(x) the optimization of the value of material derived from recycling batteries; and

(xi) the cost-effectiveness and benefits of the reuse and recycling of batteries and critical minerals.

(B) ELIGIBLE ENTITIES.—The Secretary, in coordination with the Administrator, may award a grant under subparagraph (A) to—

(i) an institution of higher education;

(ii) a National Laboratory;

(iii) a Federal research agency;

(iv) a State research agency;

(v) a nonprofit organization;

(vi) an industrial entity;

(vii) a manufacturing entity;

(viii) a private battery-collection entity;

(ix) an entity operating 1 or more battery recycling activities;

(x) a State or municipal government entity;

(xi) a battery producer;

(xii) a battery retailer; or

(xiii) a consortium of 2 or more entities described in clauses (i) through (xii).

(C) APPLICATIONS.—

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(i) IN GENERAL.—To be eligible to receive a grant under subparagraph (A), an eligible entity described in subparagraph (B) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(ii) CONTENTS.—An application submitted under clause (i) shall describe how the project will promote collaboration among—

(I) battery producers and manufacturers;

(II) battery material and equipment manufacturers;

(III) battery recyclers, collectors, and refiners; and

(IV) retailers.

(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this paragraph $60,000,000 for the period of fiscal years 2022 through 2026.

(3) STATE AND LOCAL PROGRAMS.—

(A) IN GENERAL.—The Secretary, in coordination with the Administrator, shall establish a program under which the Secretary shall award grants, on a competitive basis, to States and units of local government to assist in the establishment or enhancement of State battery collection, recycling, and reprocessing programs.

(B) NON-FEDERAL COST SHARE.—The non-Federal share of the cost of a project carried out using a grant under this paragraph shall be 50 percent of the cost of the project.

(C) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report that describes the number of battery collection points established or enhanced, an estimate of jobs created, and the quantity of material collected as a result of the grants awarded under subparagraph (A).

(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this paragraph $50,000,000 for the period of fiscal years 2022 through 2026.

(4) RETAILERS AS COLLECTION POINTS.—

(A) IN GENERAL.—The Secretary shall award grants, on a competitive basis, to retailers that sell covered batteries or covered battery-containing products to establish and implement a system for the acceptance and collection of covered batteries and covered battery-containing products, as applicable, for reuse, recycling, or proper disposal.

(B) COLLECTION SYSTEM.—A system described in subparagraph (A) shall include take-back of covered batteries—

(i) at no cost to the consumer; and

(ii) on a regular, convenient, and accessible basis.

(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this paragraph $15,000,000 for the period of fiscal years 2022 through 2026.

(5) TASK FORCE ON PRODUCER RESPONSIBILITIES.—

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(A) IN GENERAL.—The Secretary, in coordination with the Administrator, shall convene a task force to develop an extended battery producer responsibility framework that—

(i) addresses battery recycling goals, cost structures for mandatory recycling, reporting requirements, product design, collection models, and transportation of collected materials;

(ii) provides sufficient flexibility to allow battery producers to determine cost-effective strategies for compliance with the framework; and

(iii) outlines regulatory pathways for effective recycling.

(B) TASK FORCE MEMBERS.—Members of the task force convened under subparagraph (A) shall include—

(i) battery producers, manufacturers, retailers, recyclers, and collectors or processors;

(ii) States and municipalities; and

(iii) other relevant stakeholders, such as environmental, energy, or consumer organizations, as determined by the Secretary.

(C) REPORT.—Not later than 1 year after the date on which the Secretary, in coordination with Administrator, convenes the task force under subparagraph (A), the Secretary shall submit to Congress a report that—

(i) describes the extended producer responsibility framework developed by the task force;

(ii) includes the recommendations of the task force on how best to implement a mandatory pay-in or other enforcement mechanism to ensure that battery producers and sellers are contributing to the recycling of batteries; and

(iii) suggests regulatory pathways for effective recycling.

(6) EFFECT ON MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT ACT.—Nothing in this subsection, or any regulation, guideline, framework, or policy adopted or promulgated pursuant to this subsection, shall modify or otherwise affect the provisions of the Mercury-Containing and Rechargeable Battery Management Act (42 U.S.C. 14301 et seq.).

SEC. 40208. ELECTRIC DRIVE VEHICLE BATTERY RECYCLING AND SECOND-LIFE APPLICATIONS PROGRAM.

Section 641 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231) is amended—

(1) by striking subsection (k) and inserting the following:

"(k) ELECTRIC DRIVE VEHICLE BATTERY SECOND-LIFE APPLICATIONS AND RECYCLING.—

"(1) DEFINITIONS.—In this subsection:

"(A) BATTERY RECYCLING AND SECOND-LIFE APPLICATIONS PROGRAM.—The term 'battery recycling and second-life applications program' means the electric drive vehicle battery recycling and second-life applications program established under paragraph (3).

"(B) CRITICAL MATERIAL.—The term 'critical material' has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

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"(C) ECONOMICALLY DISTRESSED AREA.—The term 'economically distressed area' means an area described in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)).

"(D) ELECTRIC DRIVE VEHICLE BATTERY.—The term 'electric *drive* vehicle battery' means any battery that is a motive power source for an electric drive vehicle.

"(E) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity described in any of paragraphs (1) through (5) of section 989(b) of the Energy Policy Act of 2005 (42 U.S.C. 16353(b)).

"(2) PROGRAM.—The Secretary shall carry out a program of research, development, and demonstration of—

"(A) second-life applications for electric drive vehicle batteries that have been used to power electric drive vehicles; and

"(B) technologies and processes for final recycling and disposal of the devices described in subparagraph (A).

"(3) ELECTRIC DRIVE VEHICLE BATTERY RECYCLING AND SECOND-LIFE APPLICATIONS.—

"(A) IN GENERAL.—In carrying out the program under paragraph (2), the Secretary shall establish an electric drive vehicle battery recycling and second-life applications program under which the Secretary shall—

"(i) award grants under subparagraph (D); and

"(ii) carry out other activities in accordance with this paragraph.

"(B) PURPOSES.—The purposes of the battery recycling and second-life applications program are the following:

"(i) To improve the recycling rates and second-use adoption rates of electric drive vehicle batteries.

"(ii) To optimize the design and adaptability of electric drive vehicle batteries to make electric drive vehicle batteries more easily recyclable.

"(iii) To establish alternative supply chains for critical materials that are found in electric drive vehicle batteries.

"(iv) To reduce the cost of manufacturing, installation, purchase, operation, and maintenance of electric drive vehicle batteries.

"(v) To improve the environmental impact of electric drive vehicle battery recycling processes.

"(C) TARGETS.—In carrying out the battery recycling and second-life applications program, the Secretary shall address near-term (up to 2 years), mid-term (up to 5 years), and long-term (up to 10 years) challenges to the recycling of electric drive vehicle batteries.

"(D) GRANTS.—

"(i) IN GENERAL.—In carrying out the battery recycling and second-life applications program, the Secretary shall award multiyear grants on a competitive, merit-reviewed basis to eligible entities—

"(I) to conduct research, development, testing, and evaluation of solutions to increase the rate and productivity of electric drive vehicle battery recycling; and

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"(II) for research, development, and demonstration projects to create innovative and practical approaches to increase the recycling and second-use of electric drive vehicle batteries, including by addressing—

"(aa) technology to increase the efficiency of electric drive vehicle battery recycling and maximize the recovery of critical materials for use in new products;

"(bb) expanded uses for critical materials recovered from electric drive vehicle batteries;

"(cc) product design and construction to facilitate the disassembly and recycling of electric drive vehicle batteries;

"(dd) product design and construction and other tools and techniques to extend the lifecycle of electric drive vehicle batteries, including methods to promote the safe second-use of electric drive vehicle batteries;

"(ee) strategies to increase consumer acceptance of, and participation in, the recycling of electric drive vehicle batteries;

"(ff) improvements and changes to electric drive vehicle battery chemistries that include ways to decrease processing costs for battery recycling without sacrificing front-end performance;

"(gg) second-use of electric drive vehicle batteries, including in applications outside of the automotive industry; and

"(hh) the commercialization and scale-up of electric drive vehicle battery recycling technologies.

"(ii) PRIORITY.—In awarding grants under clause (i), the Secretary shall give priority to projects that—

"(I) are located in geographically diverse regions of the United States;

"(II) include business commercialization plans that have the potential for the recycling of electric drive vehicle batteries at high volumes;

"(III) support the development of advanced manufacturing technologies that have the potential to improve the competitiveness of the United States in the international electric drive vehicle battery manufacturing sector;

"(IV) provide the greatest potential to reduce costs for consumers and promote accessibility and community implementation of demonstrated technologies;

"(V) increase disclosure and transparency of information to consumers;

"(VI) support the development or demonstration of projects in economically distressed areas; and

"(VII) support other relevant priorities, as determined to be appropriate by the Secretary.

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"(iii) SOLICITATION.—Not later than 90 days after the date of enactment of the Infrastructure Investment and Jobs Act, and annually thereafter, the Secretary shall conduct a national solicitation for applications for grants described in clause (i).

"(iv) DISSEMINATION OF RESULTS.—The Secretary shall publish the results of the projects carried out through grants awarded under clause (i) through—

"(I) best practices relating to those grants, for use in the electric drive vehicle battery manufacturing, design, installation, refurbishing, or recycling industries;

"(II) coordination with information dissemination programs relating to general recycling of electronic devices; and

"(III) educational materials for the public, produced in conjunction with State and local governments or nonprofit organizations, on the problems and solutions relating to the recycling and second-life applications of electric drive vehicle batteries.

"(E) COORDINATION WITH OTHER PROGRAMS OF THE DEPARTMENT.—In carrying out the battery recycling and second-life applications program, the Secretary shall coordinate and leverage the resources of complementary efforts of the Department.

"(F) STUDY AND REPORT.—

"(i) STUDY.—The Secretary shall conduct a study on the viable market opportunities available for the recycling, second-use, and manufacturing of electric drive vehicle batteries in the United States.

"(ii) REPORT.—Not later than 1 year after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and any other relevant committee of Congress a report containing the results of the study under clause (i), including a description of—

"(I) the ability of relevant businesses or other entities to competitively manufacture electric drive vehicle batteries and recycle electric drive vehicle batteries in the United States;

"(II) any existing electric drive vehicle battery recycling and second-use practices and plans of electric drive vehicle manufacturing companies in the United States;

"(III) any barriers to electric drive vehicle battery recycling in the United States;

"(IV) opportunities and barriers in electric drive vehicle battery supply chains in the United States and internationally, including with allies and trading partners;

"(V) opportunities for job creation in the electric drive vehicle battery recycling and manufacturing fields and the necessary skills employees must acquire for growth of those fields in the United States;

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"(VI) policy recommendations for enhancing electric drive vehicle battery manufacturing and recycling in the United States;

"(VII) any recommendations for lowering logistics costs and creating better coordination and efficiency with respect to the removal, collection, transportation, storage, and disassembly of electric drive vehicle batteries;

"(VIII) any recommendations for areas of coordination with other Federal agencies to improve electric drive vehicle battery recycling rates in the United States;

"(IX) an aggressive 2-year target and plan, the implementation of which shall begin during the 90-day period beginning on the date on which the report is submitted, to enhance the competitiveness of electric drive vehicle battery manufacturing and recycling in the United States; and

"(X) needs for future research, development, and demonstration projects in electric drive vehicle battery manufacturing, recycling, and related areas, as determined by the Secretary.

"(G) EVALUATION.—Not later than 3 years after the date on which the report under subparagraph (F)(ii) is submitted, and every 4 years thereafter, the Secretary shall conduct, and make available to the public and the relevant committees of Congress, an independent review of the progress of the grants awarded under subparagraph (D) in meeting the recommendations and targets included in the report."; and

(2) in subsection (p), by striking paragraph (6) and inserting the following:

"(6) the electric drive vehicle battery recycling and second-life applications program under subsection (k) $200,000,000 for the period of fiscal years 2022 through 2026.".

SEC. 40209. ADVANCED ENERGY MANUFACTURING AND RECYCLING GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED ENERGY PROPERTY.—The term "advanced energy property" means—

(A) property designed to be used to produce energy from the sun, water, wind, geothermal or hydrothermal (as those terms are defined in section 612 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17191)) resources, enhanced geothermal systems (as defined in that section), or other renewable resources;

(B) fuel cells, microturbines, or energy storage systems and components;

(C) electric grid modernization equipment or components;

(D) property designed to capture, remove, use, or sequester carbon oxide emissions;

(E) equipment designed to refine, electrolyze, or blend any fuel, chemical, or product that is—

(i) renewable; or

(ii) low-carbon and low-emission;

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(F) property designed to produce energy conservation technologies (including for residential, commercial, and industrial applications);

(G)(i) light-, medium-, or heavy-duty electric or fuel cell vehicles, electric or fuel cell locomotives, electric or fuel cell maritime vessels, or electric or fuel cell planes;

(ii) technologies, components, and materials of those vehicles, locomotives, maritime vessels, or planes; and

(iii) charging or refueling infrastructure associated with those vehicles, locomotives, maritime vessels, or planes;

(H)(i) hybrid vehicles with a gross vehicle weight rating of not less than 14,000 pounds; and

(ii) technologies, components, and materials for those vehicles; and

(I) other advanced energy property designed to reduce greenhouse gas emissions, as may be determined by the Secretary.

(2) COVERED CENSUS TRACT.—The term "covered census tract" means a census tract—

(A) in which, after December 31, 1999, a coal mine had closed;

(B) in which, after December 31, 2009, a coal-fired electricity generating unit had been retired; or

(C) that is immediately adjacent to a census tract described in subparagraph (A) or (B).

(3) ELIGIBLE ENTITY.—The term "eligible entity" means a manufacturing firm—

(A) the gross annual sales of which are less than $100,000,000;

(B) that has fewer than 500 employees at the plant site of the manufacturing firm; and

(C) the annual energy bills of which total more than $100,000 but less than $2,500,000.

(4) MINORITY-OWNED.—The term "minority-owned", with respect to an eligible entity, means an eligible entity not less than 51 percent of which is owned by 1 or more individuals who are—

(A) citizens of the United States; and

(B) Asian American, Native Hawaiian, Pacific Islander, African American, Hispanic, Puerto Rican, Native American, or Alaska Native.

(5) PROGRAM.—The term "Program" means the grant program established under subsection (b).

(6) QUALIFYING ADVANCED ENERGY PROJECT.—The term "qualifying advanced energy project" means a project that—

(A)(i) re-equips, expands, or establishes a manufacturing or recycling facility for the production or recycling, as applicable, of advanced energy property; or

(ii) re-equips an industrial or manufacturing facility with equipment designed to reduce the greenhouse gas emissions of that facility substantially below the greenhouse gas emissions under current best practices, as determined by the Secretary, through the installation of—

(I) low- or zero-carbon process heat systems;

(II) carbon capture, transport, utilization, and storage systems;

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(III) technology relating to energy efficiency and reduction in waste from industrial processes; or

(IV) any other industrial technology that significantly reduces greenhouse gas emissions, as determined by the Secretary;

(B) has a reasonable expectation of commercial viability, as determined by the Secretary; and

(C) is located in a covered census tract.

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to award grants to eligible entities to carry out qualifying advanced energy projects.

(c) APPLICATIONS.—

(1) IN GENERAL.—Each eligible entity seeking a grant under the Program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the proposed qualifying advanced energy project to be carried out using the grant.

(2) SELECTION CRITERIA.—

(A) PROJECTS.—In selecting eligible entities to receive grants under the Program, the Secretary shall, with respect to the qualifying advanced energy projects proposed by the eligible entities, give higher priority to projects that—

(i) will provide higher net impact in avoiding or reducing anthropogenic emissions of greenhouse gases;

(ii) will result in a higher level of domestic job creation (both direct and indirect) during the lifetime of the project;

(iii) will result in a higher level of job creation in the vicinity of the project, particularly with respect to—

(I) low-income communities (as described in section 45D(e) of the Internal Revenue Code of 1986); and

(II) dislocated workers who were previously employed in manufacturing, coal power plants, or coal mining;

(iv) have higher potential for technological innovation and commercial deployment;

(v) have a lower levelized cost of—

(I) generated or stored energy; or

(II) measured reduction in energy consumption or greenhouse gas emission (based on costs of the full supply chain); and

(vi) have a shorter project time.

(B) ELIGIBLE ENTITIES.—In selecting eligible entities to receive grants under the Program, the Secretary shall give priority to eligible entities that are minority-owned.

(d) PROJECT COMPLETION AND LOCATION; RETURN OF UNOBLIGATED FUNDS.—

(1) COMPLETION; RETURN OF UNOBLIGATED FUNDS.—An eligible entity that receives a grant under the Program shall be required—

(A) to complete the qualifying advanced energy project funded by the grant not later than 3 years after the date of receipt of the grant funds; and

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(B) to return to the Secretary any grant funds that remain unobligated at the end of that 3-year period.

(2) LOCATION.—If the Secretary determines that an eligible entity awarded a grant under the Program has carried out the applicable qualifying advanced energy project at a location that is materially different from the location specified in the application for the grant, the eligible entity shall be required to return the grant funds to the Secretary.

(e) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall provide technical assistance on a selective basis to eligible entities that are seeking a grant under the Program to enhance the impact of the qualifying advanced energy project to be carried out using the grant with respect to the selection criteria described in subsection (c)(2)(A).

(2) APPLICATIONS.—An eligible entity desiring technical assistance under paragraph (1) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) FACTORS FOR CONSIDERATION.—In selecting eligible entities for technical assistance under paragraph (1), the Secretary shall give higher priority to eligible entities that propose a qualifying advanced energy project that has greater potential for enhancement of the impact of the project with respect to the selection criteria described in subsection (c)(2)(A).

(f) PUBLICATION OF GRANTS.—The Secretary shall make publicly available the identity of each eligible entity awarded a grant under the Program and the amount of the grant.

(g) REPORT.—Not later than 4 years after the date of enactment this Act, the Secretary shall—

(1) review the grants awarded under the Program; and

(2) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing those grants.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the Program $750,000,000 for the period of fiscal years 2022 through 2026.

SEC. 40210. CRITICAL MINERALS MINING AND RECYCLING RESEARCH.

(a) DEFINITIONS.—In this section:

(1) CRITICAL MINERAL.—The term "critical mineral" has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(2) CRITICAL MINERALS AND METALS.—The term "critical minerals and metals" includes any host mineral of a critical mineral.

(3) DIRECTOR.—The term "Director" means the Director of the Foundation.

(4) END-TO-END.—The term "end-to-end", with respect to the integration of mining or life cycle of minerals, means the integrated approach of, or the lifecycle determined by, examining the research and developmental process from the mining of the raw minerals to its processing into useful materials, its integration into components and devices, the utilization of such devices in the end-use application to satisfy certain

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performance metrics, and the recycling or disposal of such devices.

(5) FOREIGN ENTITY OF CONCERN.—The term "foreign entity of concern" means a foreign entity that is—

(A) designated as a foreign terrorist organization by the Secretary of State under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a));

(B) included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (commonly known as the SDN list);

(C) owned by, controlled by, or subject to the jurisdiction or direction of a government of a foreign country that is a covered nation (as defined in section 2533c(d) of title 10, United States Code);

(D) alleged by the Attorney General to have been involved in activities for which a conviction was obtained under—

(i) chapter 37 of title 18, United States Code (commonly known as the "Espionage Act");

(ii) section 951 or 1030 of title 18, United States Code;

(iii) chapter 90 of title 18, United States Code (commonly known as the "Economic Espionage Act of 1996)";

(iv) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(v) section 224, 225, 226, 227, or 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275, 2276, 2277, and 2284);

(vi) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.); or

(vii) the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or

(E) determined by the Secretary of Commerce, in consultation with the Secretary of Defense and the Director of National Intelligence, to be engaged in unauthorized conduct that is detrimental to the national security or foreign policy of the United States.

(6) FOUNDATION.—The term "Foundation" means the National Science Foundation.

(7) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(8) NATIONAL LABORATORY.—The term "National Laboratory" has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(9) RECYCLING.—The term "recycling" means the process of collecting and processing spent materials and devices and turning the materials and devices into raw materials or components that can be reused either partially or completely.

(10) SECONDARY RECOVERY.—The term "secondary recovery" means the recovery of critical minerals and metals from discarded end-use products or from waste products produced during the metal refining and manufacturing process, including from mine waste piles, acid mine drainage sludge,

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or byproducts produced through legacy mining and metallurgy activities.

(b) CRITICAL MINERALS MINING AND RECYCLING RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—In order to support supply chain resiliency, the Secretary, in coordination with the Director, shall issue awards, on a competitive basis, to eligible entities described in paragraph (2) to support basic research that will accelerate innovation to advance critical minerals mining, recycling, and reclamation strategies and technologies for the purposes of—

(A) making better use of domestic resources; and

(B) eliminating national reliance on minerals and mineral materials that are subject to supply disruptions.

(2) ELIGIBLE ENTITIES.—Entities eligible to receive an award under paragraph (1) are the following:

(A) Institutions of higher education.

(B) National Laboratories.

(C) Nonprofit organizations.

(D) Consortia of entities described in subparagraphs (A) through (C), including consortia that collaborate with private industry.

(3) USE OF FUNDS.—Activities funded by an award under this section may include—

(A) advancing mining research and development activities to develop new mapping and mining technologies and techniques, including advanced critical mineral extraction and production—

(i) to improve existing, or to develop new, supply chains of critical minerals; and

(ii) to yield more efficient, economical, and environmentally benign mining practices;

(B) advancing critical mineral processing research activities to improve separation, alloying, manufacturing, or recycling techniques and technologies that can decrease the energy intensity, waste, potential environmental impact, and costs of those activities;

(C) advancing research and development of critical minerals mining and recycling technologies that take into account the potential end-uses and disposal of critical minerals, in order to improve end-to-end integration of mining and technological applications;

(D) conducting long-term earth observation of reclaimed mine sites, including the study of the evolution of microbial diversity at those sites;

(E) examining the application of artificial intelligence for geological exploration of critical minerals, including what size and diversity of data sets would be required;

(F) examining the application of machine learning for detection and sorting of critical minerals, including what size and diversity of data sets would be required;

(G) conducting detailed isotope studies of critical minerals and the development of more refined geologic models; or

(H) providing training and research opportunities to undergraduate and graduate students to prepare the next generation of mining engineers and researchers.

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(c) CRITICAL MINERALS INTERAGENCY SUBCOMMITTEE.—

(1) IN GENERAL.—In order to support supply chain resiliency, the Critical Minerals Subcommittee of the National Science and Technology Council (referred to in this subsection as the "Subcommittee") shall coordinate Federal science and technology efforts to ensure secure and reliable supplies of critical minerals to the United States.

(2) PURPOSES.—The purposes of the Subcommittee shall be—

(A) to advise and assist the National Science and Technology Council, including the Committee on Homeland and National Security of the National Science and Technology Council, on United States policies, procedures, and plans relating to critical minerals, including—

(i) Federal research, development, and deployment efforts to optimize methods for extractions, concentration, separation, and purification of conventional, secondary, and unconventional sources of critical minerals, including research that prioritizes end-to-end integration of mining and recycling techniques and the end-use target for critical minerals;

(ii) efficient use and reuse of critical minerals, including recycling technologies for critical minerals and the reclamation of critical minerals from components, such as spent batteries;

(iii) addressing the technology transitions between research or lab-scale mining and recycling and commercialization of these technologies;

(iv) the critical minerals workforce of the United States; and

(v) United States private industry investments in innovation and technology transfer from federally funded science and technology;

(B) to identify emerging opportunities, stimulate international cooperation, and foster the development of secure and reliable supply chains of critical minerals, including activities relating to the reuse of critical minerals via recycling;

(C) to ensure the transparency of information and data related to critical minerals; and

(D) to provide recommendations on coordination and collaboration among the research, development, and deployment programs and activities of Federal agencies to promote a secure and reliable supply of critical minerals necessary to maintain national security, economic well-being, and industrial production.

(3) RESPONSIBILITIES.—In carrying out paragraphs (1) and (2), the Subcommittee may, taking into account the findings and recommendations of relevant advisory committees—

(A) provide recommendations on how Federal agencies may improve the topographic, geologic, and geophysical mapping of the United States and improve the discoverability, accessibility, and usability of the resulting and existing data, to the extent permitted by law and subject to appropriate limitation for purposes of privacy and security;

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(B) assess the progress toward developing critical minerals recycling and reprocessing technologies;

(C) assess the end-to-end lifecycle of critical minerals, including for mining, usage, recycling, and end-use material and technology requirements;

(D) examine, and provide recommendations for, options for accessing and developing critical minerals through investment and trade with allies and partners of the United States;

(E) evaluate and provide recommendations to incentivize the development and use of advances in science and technology in the private industry;

(F) assess the need for, and make recommendations to address, the challenges the United States critical minerals supply chain workforce faces, including—

(i) aging and retiring personnel and faculty;

(ii) public perceptions about the nature of mining and mineral processing; and

(iii) foreign competition for United States talent;

(G) develop, and update as necessary, a strategic plan to guide Federal programs and activities to enhance—

(i) scientific and technical capabilities across critical mineral supply chains, including a roadmap that identifies key research and development needs and coordinates ongoing activities for source diversification, more efficient use, recycling, and substitution for critical minerals; and

(ii) cross-cutting mining science, data science techniques, materials science, manufacturing science and engineering, computational modeling, and environmental health and safety research and development; and

(H) report to the appropriate committees of Congress on activities and findings under this subsection.

(4) MANDATORY RESPONSIBILITIES.—In carrying out paragraphs (1) and (2), the Subcommittee shall, taking into account the findings and recommendations of relevant advisory committees, identify and evaluate Federal policies and regulations that restrict the mining of critical minerals.

(d) GRANT PROGRAM FOR PROCESSING OF CRITICAL MINERALS AND DEVELOPMENT OF CRITICAL MINERALS AND METALS.—

(1) ESTABLISHMENT.—The Secretary, in consultation with the Director, the Secretary of the Interior, and the Secretary of Commerce, shall establish a grant program to finance pilot projects for—

(A) the processing or recycling of critical minerals in the United States; or

(B) the development of critical minerals and metals in the United States

(2) LIMITATION ON GRANT AWARDS.—A grant awarded under paragraph (1) may not exceed $10,000,000.

(3) ECONOMIC VIABILITY.—In awarding grants under paragraph (1), the Secretary shall give priority to projects that the Secretary determines are likely to be economically viable over the long term.

(4) SECONDARY RECOVERY.—In awarding grants under paragraph (1), the Secretary shall seek to award not less than

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30 percent of the total amount of grants awarded during the fiscal year for projects relating to secondary recovery of critical minerals and metals.

(5) DOMESTIC PRIORITY.—In awarding grants for the development of critical minerals and metals under paragraph (1)(B), the Secretary shall prioritize pilot projects that will process the critical minerals and metals domestically.

(6) PROHIBITION ON PROCESSING BY FOREIGN ENTITY OF CONCERN.—In awarding grants under paragraph (1), the Secretary shall ensure that pilot projects do not export for processing any critical minerals and metals to a foreign entity of concern.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the grant program established under paragraph (1) $100,000,000 for each of fiscal years 2021 through 2024.

SEC. 40211. 21ST CENTURY ENERGY WORKFORCE ADVISORY BOARD.

(a) ESTABLISHMENT.—The Secretary shall establish a board, to be known as the "21st Century Energy Workforce Advisory Board", to develop a strategy for the Department that, with respect to the role of the Department in the support and development of a skilled energy workforce—

(1) meets the current and future industry and labor needs of the energy sector;

(2) provides opportunities for students to become qualified for placement in traditional energy sector and emerging energy sector jobs;

(3) identifies areas in which the Department can effectively utilize the technical expertise of the Department to support the workforce activities of other Federal agencies;

(4) strengthens and engages the workforce training programs of the Department and the National Laboratories in carrying out the Equity in Energy Initiative of the Department and other Department workforce priorities;

(5) develops plans to support and retrain displaced and unemployed energy sector workers; and

(6) prioritizes education and job training for underrepresented groups, including racial and ethnic minorities, Indian Tribes, women, veterans, and socioeconomically disadvantaged individuals.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall be composed of not fewer than 10 and not more than 15 members, with the initial members of the Board to be appointed by the Secretary not later than 1 year after the date of enactment of this Act.

(2) REQUIREMENT.—The Board shall include not fewer than 1 representative of a labor organization with significant energy experience who has been nominated by a national labor federation.

(3) QUALIFICATIONS.—Each individual appointed to the Board under paragraph (1) shall have expertise in—

(A) the field of economics or workforce development;

(B) relevant traditional energy industries or emerging energy industries, including energy efficiency;

(C) secondary or postsecondary education;

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(D) energy workforce development or apprenticeship programs of States or units of local government;

(E) relevant organized labor organizations; or

(F) bringing underrepresented groups, including racial and ethnic minorities, women, veterans, and socioeconomically disadvantaged individuals, into the workforce.

(c) ADVISORY BOARD REVIEW AND RECOMMENDATIONS.—

(1) DETERMINATION BY BOARD.—In developing the strategy required under subsection (a), the Board shall—

(A) determine whether there are opportunities to more effectively and efficiently use the capabilities of the Department in the development of a skilled energy workforce;

(B) identify ways in which the Department could work with other relevant Federal agencies, States, units of local government, institutions of higher education, labor organizations, Indian Tribes and tribal organizations, and industry in the development of a skilled energy workforce, subject to applicable law;

(C) identify ways in which the Department and National Laboratories can—

(i) increase outreach to minority-serving institutions; and

(ii) make resources available to increase the number of skilled minorities and women trained to go into the energy and energy-related manufacturing sectors;

(iii) increase outreach to displaced and unemployed energy sector workers; and

(iv) make resources available to provide training to displaced and unemployed energy sector workers to reenter the energy workforce; and

(D)(i) identify the energy sectors in greatest need of workforce training; and

(ii) in consultation with the Secretary of Labor, develop recommendations for the skills necessary to develop a workforce trained to work in those energy sectors.

(2) REQUIRED ANALYSIS.—In developing the strategy required under subsection (a), the Board shall analyze the effectiveness of—

(A) existing Department-directed support; and

(B) existing energy workforce training programs.

(3) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date on which the Board is established under this section, and biennially thereafter until the date on which the Board is terminated under subsection (f), the Board shall submit to the Secretary a report containing, with respect to the strategy required under subsection (a)—

(i) the findings of the Board; and

(ii) the proposed energy workforce strategy of the Board.

(B) RESPONSE OF THE SECRETARY.—Not later than 90 days after the date on which a report is submitted to the Secretary under subparagraph (A), the Secretary shall—

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(i) submit to the Board a response to the report that—

(I) describes whether the Secretary approves or disapproves of each recommendation of the Board under subparagraph (A); and

(II) if the Secretary approves of a recommendation, provides an implementation plan for the recommendation; and

(ii) submit to Congress—

(I) the report of the Board under subparagraph (A); and

(II) the response of the Secretary under clause (i).

(C) PUBLIC AVAILABILITY OF REPORT.—

(i) IN GENERAL.—The Board shall make each report under subparagraph (A) available to the public on the earlier of—

(I) the date on which the Board receives the response of the Secretary under subparagraph (B)(i); and

(II) the date that is 90 days after the date on which the Board submitted the report to the Secretary.

(ii) REQUIREMENT.—If the Board has received a response to a report from the Secretary under subparagraph (B)(i), the Board shall make that response publicly available with the applicable report.

(d) REPORT BY THE SECRETARY.—Not later than 180 days before the date of expiration of a term of the Board under subsection (f), the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Energy and Commerce and Appropriations of the House of Representatives a report that—

(1) describes the effectiveness and accomplishments of the Board during the applicable term;

(2) contains a determination of the Secretary as to whether the Board should be renewed; and

(3) if the Secretary determines that the Board should be renewed, any recommendations as to whether and how the scope and functions of the Board should be modified.

(e) OUTREACH TO MINORITY-SERVING INSTITUTIONS, VETERANS, AND DISPLACED AND UNEMPLOYED ENERGY WORKERS.—In developing the strategy under subsection (a), the Board shall—

(1) give special consideration to increasing outreach to minority-serving institutions, veterans, and displaced and unemployed energy workers;

(2) make resources available to—

(A) minority-serving institutions, with the objective of increasing the number of skilled minorities and women trained to go into the energy and manufacturing sectors;

(B) institutions that serve veterans, with the objective of increasing the number veterans in the energy industry by ensuring that veterans have the credentials and training necessary to secure careers in the energy industry; and

(C) institutions that serve displaced and unemployed energy workers to increase the number of individuals trained for jobs in the energy industry;

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(3) encourage the energy industry to improve the opportunities for students of minority-serving institutions, veterans, and displaced and unemployed energy workers to participate in internships, preapprenticeships, apprenticeships, and cooperative work-study programs in the energy industry; and

(4) work with the National Laboratories to increase the participation of underrepresented groups, veterans, and displaced and unemployed energy workers in internships, fellowships, training programs, and employment at the National Laboratories.

(f) TERM.—

(1) IN GENERAL.—Subject to paragraph (2), the Board shall terminate on September 30, 2026.

(2) EXTENSIONS.—The Secretary may renew the Board for 1 or more 5-year periods by submitting, not later than the date described in subsection (d), a report described in that subsection that contains a determination by the Secretary that the Board should be renewed.

TITLE III—FUELS AND TECHNOLOGY INFRASTRUCTURE INVESTMENTS

Subtitle A—Carbon Capture, Utilization, Storage, and Transportation Infrastructure

SEC. 40301. FINDINGS.

Congress finds that—

(1) the industrial sector is integral to the economy of the United States—

(A) providing millions of jobs and essential products; and

(B) demonstrating global leadership in manufacturing and innovation;

(2) carbon capture and storage technologies are necessary for reducing hard-to-abate emissions from the industrial sector, which emits nearly 25 percent of carbon dioxide emissions in the United States;

(3) carbon removal and storage technologies, including direct air capture, must be deployed at large-scale in the coming decades to remove carbon dioxide directly from the atmosphere;

(4) large-scale deployment of carbon capture, removal, utilization, transport, and storage—

(A) is critical for achieving mid-century climate goals; and

(B) will drive regional economic development, technological innovation, and high-wage employment;

(5) carbon capture, removal, and utilization technologies require a backbone system of shared carbon dioxide transport and storage infrastructure to enable large-scale deployment, realize economies of scale, and create an interconnected carbon management market;

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(6) carbon dioxide transport infrastructure and permanent geological storage are proven and safe technologies with existing Federal and State regulatory frameworks;

(7) carbon dioxide transport and storage infrastructure share similar barriers to deployment previously faced by other types of critical national infrastructure, such as high capital costs and chicken-and-egg challenges, that require Federal and State support, in combination with private investment, to be overcome; and

(8) each State should take into consideration, with respect to new carbon dioxide transportation infrastructure—

(A) qualifying the infrastructure as pollution control devices under applicable laws (including regulations) of the State; and

(B) establishing a waiver of ad valorem and property taxes for the infrastructure for a period of not less than 10 years.

SEC. 40302. CARBON UTILIZATION PROGRAM.

Section 969A of the Energy Policy Act of 2005 (42 U.S.C. 16298a) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

"(3) to develop or obtain, in coordination with other applicable Federal agencies and standard-setting organizations, standards and certifications, as appropriate, to facilitate the commercialization of the products and technologies described in paragraph (2);";

(2) in subsection (b)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following:

"(2) GRANT PROGRAM.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall establish a program to provide grants to eligible entities to use in accordance with subparagraph (D).

"(B) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this paragraph, an entity shall be—

"(i) a State;

"(ii) a unit of local government; or

"(iii) a public utility or agency.

"(C) APPLICATIONS.—Eligible entities desiring a grant under this paragraph shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be appropriate.

"(D) USE OF FUNDS.—An eligible entity shall use a grant received under this paragraph to procure and use commercial or industrial products that—

"(i) use or are derived from anthropogenic carbon oxides; and

"(ii) demonstrate significant net reductions in lifecycle greenhouse gas emissions compared to incumbent technologies, processes, and products."; and

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(C) in paragraph (3) (as so redesignated), by striking "paragraph (1)" and inserting "this subsection"; and

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

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

"(1) $41,000,000 for fiscal year 2022;

"(2) $65,250,000 for fiscal year 2023;

"(3) $66,562,500 for fiscal year 2024;

"(4) $67,940,625 for fiscal year 2025; and

"(5) $69,387,656 for fiscal year 2026.".

SEC. 40303. CARBON CAPTURE TECHNOLOGY PROGRAM.

Section 962 of the Energy Policy Act of 2005 (42 U.S.C. 16292) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (C), by striking "and" at the end;

(B) in subparagraph (D), by striking "program." and inserting "program for carbon capture technologies; and"; and

(C) by adding at the end the following:

"(E) a front-end engineering and design program for carbon dioxide transport infrastructure necessary to enable deployment of carbon capture, utilization, and storage technologies."; and

(2) in subsection (d)(1)—

(A) in subparagraph (C), by striking "and" at the end;

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(E) for activities under the front-end engineering and design program described in subsection (b)(2)(E), $100,000,000 for the period of fiscal years 2022 through 2026.".

SEC. 40304. CARBON DIOXIDE TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.

(a) IN GENERAL.—Title IX of the Energy Policy Act of 2005 (42 U.S.C. 16181 et seq.) is amended by adding at the end the following:

"Subtitle J—Carbon Dioxide Transportation Infrastructure Finance and Innovation

"SEC. 999A. DEFINITIONS.

"In this subtitle:

"(1) CIFIA PROGRAM.—The term 'CIFIA program' means the carbon dioxide transportation infrastructure finance and innovation program established under section 999B(a).

"(2) COMMON CARRIER.—The term 'common carrier' means a transportation infrastructure operator or owner that—

"(A) publishes a publicly available tariff containing the just and reasonable rates, terms, and conditions of nondiscriminatory service; and

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"(B) holds itself out to provide transportation services to the public for a fee.

"(3) CONTINGENT COMMITMENT.—The term 'contingent commitment' means a commitment to obligate funds from future available budget authority that is—

"(A) contingent on those funds being made available in law at a future date; and

"(B) not an obligation of the Federal Government.

"(4) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs' means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including—

"(A) the cost of—

"(i) development-phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

"(ii) construction, reconstruction, rehabilitation, replacement, and acquisition of real property (including land relating to the project and improvements to land), environmental mitigation, construction contingencies, and acquisition and installation of equipment (including labor); and

"(iii) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction; and

"(B) transaction costs associated with financing the project, including—

"(i) the cost of legal counsel and technical consultants; and

"(ii) any subsidy amount paid in accordance with section 999B(c)(3)(B)(ii) or section 999C(b)(6)(B)(ii).

"(5) FEDERAL CREDIT INSTRUMENT.—The term 'Federal credit instrument' means a secured loan or loan guarantee authorized to be provided under the CIFIA program with respect to a project.

"(6) LENDER.—The term 'lender' means a qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or a successor regulation), commonly known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), that is not a Federal qualified institutional buyer.

"(7) LETTER OF INTEREST.—The term 'letter of interest' means a letter submitted by a potential applicant prior to an application for credit assistance in a format prescribed by the Secretary on the website of the CIFIA program that—

"(A) describes the project and the location, purpose, and cost of the project;

"(B) outlines the proposed financial plan, including the requested credit and grant assistance and the proposed obligor;

"(C) provides a status of environmental review; and

"(D) provides information regarding satisfaction of other eligibility requirements of the CIFIA program.

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"(8) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary to pay all or part of the principal of, and interest on, a loan made to an obligor, or debt obligation issued by an obligor, in each case funded by a lender.

"(9) MASTER CREDIT AGREEMENT.—The term 'master credit agreement' means a conditional agreement that—

"(A) is for the purpose of extending credit assistance for—

"(i) a project of high priority under section 999B(c)(3)(A); or

"(ii) a project covered under section 999B(c)(3)(B);

"(B) does not provide for a current obligation of Federal funds; and

"(C) would—

"(i) make a contingent commitment of a Federal credit instrument or grant at a future date, subject to—

"(I) the availability of future funds being made available to carry out the CIFIA program; and

"(II) the satisfaction of all conditions for the provision of credit assistance under the CIFIA program, including section 999C(b);

"(ii) establish the maximum amounts and general terms and conditions of the Federal credit instruments or grants;

"(iii) identify the 1 or more revenue sources that will secure the repayment of the Federal credit instruments;

"(iv) provide for the obligation of funds for the Federal credit instruments or grants after all requirements have been met for the projects subject to the agreement, including—

"(I) compliance with all applicable requirements specified under the CIFIA program, including sections 999B(d) and 999C(b)(1); and

"(II) the availability of funds to carry out the CIFIA program; and

"(v) require that contingent commitments shall result in a financial close and obligation of credit or grant assistance by not later than 4 years after the date of entry into the agreement or release of the commitment, as applicable, unless otherwise extended by the Secretary.

"(10) OBLIGOR.—The term 'obligor' means a corporation, partnership, joint venture, trust, non-Federal governmental entity, agency, or instrumentality, or other entity that is liable for payment of the principal of, or interest on, a Federal credit instrument.

"(11) PRODUCED IN THE UNITED STATES.—The term 'produced in the United States', with respect to iron and steel, means that all manufacturing processes for the iron and steel, including the application of any coating, occurs within the United States.

"(12) PROJECT.—The term 'project' means a project for common carrier carbon dioxide transportation infrastructure or associated equipment, including pipeline, shipping, rail, or

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other transportation infrastructure and associated equipment, that will transport or handle carbon dioxide captured from anthropogenic sources or ambient air, as the Secretary determines to be appropriate.

"(13) PROJECT OBLIGATION.—The term 'project obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project, other than a Federal credit instrument.

"(14) SECURED LOAN.—The term 'secured loan' means a direct loan to an obligor or a debt obligation issued by an obligor and purchased by the Secretary, in each case funded by the Secretary in connection with the financing of a project under section 999C.

"(15) SUBSIDY AMOUNT.—The term 'subsidy amount' means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument—

"(A) calculated on a net present value basis; and

"(B) excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

"(16) SUBSTANTIAL COMPLETION.—The term 'substantial completion', with respect to a project, means the date—

"(A) on which the project commences transportation of carbon dioxide; or

"(B) of a comparable event to the event described in subparagraph (A), as determined by the Secretary and specified in the project credit agreement.

"SEC. 999B. DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out a carbon dioxide transportation infrastructure finance and innovation program, under which the Secretary shall provide for eligible projects in accordance with this subtitle—

"(1) a Federal credit instrument under section 999C;

"(2) a grant under section 999D; or

"(3) both a Federal credit instrument and a grant.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—A project shall be eligible to receive a Federal credit instrument or a grant under the CIFIA program if—

"(A) the entity proposing to carry out the project submits a letter of interest prior to submission of an application under paragraph (3) for the project; and

"(B) the project meets the criteria described in this subsection.

"(2) CREDITWORTHINESS.—

"(A) IN GENERAL.—Each project and obligor that receives a Federal credit instrument or a grant under the CIFIA program shall be creditworthy, such that there exists a reasonable prospect of repayment of the principal and interest on the Federal credit instrument, as determined by the Secretary under subparagraph (B).

"(B) REASONABLE PROSPECT OF REPAYMENT.—The Secretary shall base a determination of whether there is a

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reasonable prospect of repayment under subparagraph (A) on a comprehensive evaluation of whether the obligor has a reasonable prospect of repaying the Federal credit instrument for the eligible project, including evaluation of—

"(i) the strength of the contractual terms of an eligible project (if available for the applicable market segment);

"(ii) the forecast of noncontractual cash flows supported by market projections from reputable sources, as determined by the Secretary, and cash sweeps or other structural enhancements;

"(iii) the projected financial strength of the obligor—

"(I) at the time of loan close; and

"(II) throughout the loan term, including after the project is completed;

"(iv) the financial strength of the investors and strategic partners of the obligor, if applicable; and

"(v) other financial metrics and analyses that are relied on by the private lending community and nationally recognized credit rating agencies, as determined appropriate by the Secretary.

"(3) APPLICATIONS.—To be eligible for assistance under the CIFIA program, an obligor shall submit to the Secretary a project application at such time, in such manner, and containing such information as the Secretary determines to be appropriate.

"(4) ELIGIBLE PROJECT COSTS.—A project under the CIFIA program shall have eligible project costs that are reasonably anticipated to equal or exceed $100,000,000.

"(5) REVENUE SOURCES.—The applicable Federal credit instrument shall be repayable, in whole or in part, from—

"(A) user fees;

"(B) payments owing to the obligor under a public-private partnership; or

"(C) other revenue sources that also secure or fund the project obligations.

"(6) OBLIGOR WILL BE IDENTIFIED LATER.—A State, local government, agency, or instrumentality of a State or local government, or a public authority, may submit to the Secretary an application under paragraph (3), under which a private party to a public-private partnership will be—

"(A) the obligor; and

"(B) identified at a later date through completion of a procurement and selection of the private party.

"(7) BENEFICIAL EFFECTS.—The Secretary shall determine that financial assistance for each project under the CIFIA program will—

"(A) attract public or private investment for the project; or

"(B) enable the project to proceed at an earlier date than the project would otherwise be able to proceed or reduce the lifecycle costs (including debt service costs) of the project.

"(8) PROJECT READINESS.—To be eligible for assistance under the CIFIA program, the applicant shall demonstrate a reasonable expectation that the contracting process for

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construction of the project can commence by not later than 90 days after the date on which a Federal credit instrument or grant is obligated for the project under the CIFIA program.

"(c) SELECTION AMONG ELIGIBLE PROJECTS.—

"(1) ESTABLISHMENT OF APPLICATION PROCESS.—The Secretary shall establish an application process under which projects that are eligible to receive assistance under subsection (b) may—

"(A) receive credit assistance on terms acceptable to the Secretary, if adequate funds are available (including any funds provided on behalf of an eligible project under paragraph (3)(B)(ii)) to cover the subsidy amount associated with the Federal credit instrument; and

"(B) receive grants under section 999D if—

"(i) adequate funds are available to cover the amount of the grant; and

"(ii) the Secretary determines that the project is eligible under subsection (b).

"(2) PRIORITY.—In selecting projects to receive credit assistance under subsection (b), the Secretary shall give priority to projects that—

"(A) are large-capacity, common carrier infrastructure;

"(B) have demonstrated demand for use of the infrastructure by associated projects that capture carbon dioxide from anthropogenic sources or ambient air;

"(C) enable geographical diversity in associated projects that capture carbon dioxide from anthropogenic sources or ambient air, with the goal of enabling projects in all major carbon dioxide-emitting regions of the United States; and

"(D) are sited within, or adjacent to, existing pipeline or other linear infrastructure corridors, in a manner that minimizes environmental disturbance and other siting concerns.

"(3) MASTER CREDIT AGREEMENTS.—

"(A) PRIORITY PROJECTS.—The Secretary may enter into a master credit agreement for a project that the Secretary determines—

"(i) will likely be eligible for credit assistance under subsection (b), on obtaining—

"(I) additional commitments from associated carbon capture projects to use the project; or

"(II) all necessary permits and approvals; and

"(ii) is a project of high priority, as determined in accordance with the criteria described in paragraph (2).

"(B) ADEQUATE FUNDING NOT AVAILABLE.—If the Secretary fully obligates funding to eligible projects for a fiscal year and adequate funding is not available to fund a Federal credit instrument, a project sponsor (including a unit of State or local government) of an eligible project may elect—

"(i)(I) to enter into a master credit agreement in lieu of the Federal credit instrument; and

"(II) to wait to execute a Federal credit instrument until the fiscal year for which additional funds are available to receive credit assistance; or

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"(ii) if the lack of adequate funding is solely with respect to amounts available for the subsidy amount, to pay the subsidy amount to fund the Federal credit instrument.

"(d) FEDERAL REQUIREMENTS.—

"(1) IN GENERAL.—Nothing in this subtitle supersedes the applicability of any other requirement under Federal law (including regulations).

"(2) NEPA.—Federal credit assistance may only be provided under this subtitle for a project that has received an environmental categorical exclusion, a finding of no significant impact, or a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(e) USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no Federal credit instrument or grant provided under the CIFIA program shall be made available for a project unless all iron, steel, and manufactured goods used in the project are produced in the United States.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply in any case or category of cases with respect to which the Secretary determines that—

"(A) the application would be inconsistent with the public interest;

"(B) iron, steel, or a relevant manufactured good is not produced in the United States in sufficient and reasonably available quantity, or of a satisfactory quality; or

"(C) the inclusion of iron, steel, or a manufactured good produced in the United States will increase the cost of the overall project by more than 25 percent.

"(3) WAIVERS.—If the Secretary receives a request for a waiver under this subsection, the Secretary shall—

"(A) make available to the public a copy of the request, together with any information available to the Secretary concerning the request—

"(i) on an informal basis; and

"(ii) by electronic means, including on the official public website of the Department;

"(B) allow for informal public comment relating to the request for not fewer than 15 days before making a determination with respect to the request; and

"(C) approve or disapprove the request by not later than the date that is 120 days after the date of receipt of the request.

"(4) APPLICABILITY.—This subsection shall be applied in accordance with any applicable obligations of the United States under international agreements.

"(f) APPLICATION PROCESSING PROCEDURES.—

"(1) NOTICE OF COMPLETE APPLICATION.—Not later than 30 days after the date of receipt of an application under this section, the Secretary shall provide to the applicant a written notice describing whether—

"(A) the application is complete; or

"(B) additional information or materials are needed to complete the application.

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"(2) APPROVAL OR DENIAL OF APPLICATION.—Not later than 60 days after the date of issuance of a written notice under paragraph (1), the Secretary shall provide to the applicant a written notice informing the applicant whether the Secretary has approved or disapproved the application.

"(g) DEVELOPMENT-PHASE ACTIVITIES.—Any Federal credit instrument provided under the CIFIA program may be used to finance up to 100 percent of the cost of development-phase activities, as described in section 999A(4)(A).

"SEC. 999C. SECURED LOANS.

"(a) AGREEMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which—

"(A) shall be used—

"(i) to finance eligible project costs of any project selected under section 999B;

"(ii) to refinance interim construction financing of eligible project costs of any project selected under section 999B; or

"(iii) to refinance long-term project obligations or Federal credit instruments, if the refinancing provides additional funding capacity for the completion, enhancement, or expansion of any project that—

"(I) is selected under section 999B; or

"(II) otherwise meets the requirements of that section; and

"(B) may be used in accordance with subsection (b)(7) to pay any fees collected by the Secretary under subparagraph (B) of that subsection.

"(2) RISK ASSESSMENT.—Before entering into an agreement under this subsection, the Secretary, in consultation with the Director of the Office of Management and Budget, shall determine an appropriate credit subsidy amount for each secured loan, taking into account all relevant factors, including the creditworthiness factors under section 999B(b)(2).

"(b) TERMS AND LIMITATIONS.—

"(1) IN GENERAL.—A secured loan under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines to be appropriate.

"(2) MAXIMUM AMOUNT.—The amount of a secured loan under this section shall not exceed an amount equal to 80 percent of the reasonably anticipated eligible project costs.

"(3) PAYMENT.—A secured loan under this section shall be payable, in whole or in part, from—

"(A) user fees;

"(B) payments owing to the obligor under a public-private partnership; or

"(C) other revenue sources that also secure or fund the project obligations.

"(4) INTEREST RATE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the interest rate on a secured loan under this section shall be not less than the interest rate reflected in the

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yield on United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

"(B) LIMITED BUYDOWNS.—

"(i) IN GENERAL.—Subject to clause (iii), the Secretary may lower the interest rate of a secured loan under this section to not lower than the interest rate described in clause (ii), if the interest rate has increased during the period—

"(I) beginning on, as applicable—

"(aa) the date on which an application acceptable to the Secretary is submitted for the applicable project; or

"(bb) the date on which the Secretary entered into a master credit agreement for the applicable project; and

"(II) ending on the date on which the Secretary executes the Federal credit instrument for the applicable project that is the subject of the secured loan.

"(ii) DESCRIPTION OF INTEREST RATE.—The interest rate referred to in clause (i) is the interest rate reflected in the yield on United States Treasury securities of a similar maturity to the maturity of the secured loan in effect, as applicable to the project that is the subject of the secured loan, on—

"(I) the date described in clause (i)(I)(aa); or

"(II) the date described in clause (i)(I)(bb).

"(iii) LIMITATION.—The interest rate of a secured loan may not be lowered pursuant to clause (i) by more than 1½ percentage points (150 basis points).

"(5) MATURITY DATE.—The final maturity date of the secured loan shall be the earlier of—

"(A) the date that is 35 years after the date of substantial completion of the project; and

"(B) if the useful life of the capital asset being financed is of a lesser period, the date that is the end of the useful life of the asset.

"(6) NONSUBORDINATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the secured loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

"(B) PREEXISTING INDENTURE.—

"(i) IN GENERAL.—The Secretary shall waive the requirement under subparagraph (A) for a public agency borrower that is financing ongoing capital programs and has outstanding senior bonds under a preexisting indenture, if—

"(I) the secured loan is rated in the A category or higher; and

"(II) the secured loan is secured and payable from pledged revenues not affected by project performance, such as a tax-backed revenue pledge or a system-backed pledge of project revenues.

"(ii) LIMITATION.—If the Secretary waives the nonsubordination requirement under this subparagraph—

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"(I) the maximum credit subsidy amount to be paid by the Federal Government shall be not more than 10 percent of the principal amount of the secured loan; and

"(II) the obligor shall be responsible for paying the remainder of the subsidy amount, if any.

"(7) FEES.—

"(A) IN GENERAL.—The Secretary may collect a fee on or after the date of the financial close of a Federal credit instrument under this section in an amount equal to not more than $3,000,000 to cover all or a portion of the costs to the Federal Government of providing the Federal credit instrument.

"(B) AMENDMENT TO ADD COST OF FEES TO SECURED LOAN.—If the Secretary collects a fee from an obligor under subparagraph (A) to cover all or a portion of the costs to the Federal Government of providing a secured loan, the obligor and the Secretary may amend the terms of the secured loan to add to the principal of the secured loan an amount equal to the amount of the fee collected by the Secretary.

"(8) MAXIMUM FEDERAL INVOLVEMENT.—The total Federal assistance provided for a project under the CIFIA program, including any grant provided under section 999D, shall not exceed an amount equal to 80 percent of the eligible project costs.

"(c) REPAYMENT.—

"(1) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on—

"(A) the projected cash flow from project revenues and other repayment sources; and

"(B) the useful life of the project.

"(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

"(3) DEFERRED PAYMENTS.—

"(A) IN GENERAL.—If, at any time after the date of substantial completion of a project, the project is unable to generate sufficient revenues in excess of reasonable and necessary operating expenses to pay the scheduled loan repayments of principal and interest on the secured loan, the Secretary may, subject to subparagraph (C), allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

"(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

"(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

"(ii) be scheduled to be amortized over the remaining term of the loan.

"(C) CRITERIA.—

"(i) IN GENERAL.—Any payment deferral under subparagraph (A) shall be contingent on the project meeting criteria established by the Secretary.

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"(ii) REPAYMENT STANDARDS.—The criteria established pursuant to clause (i) shall include standards for the reasonable prospect of repayment.

"(4) PREPAYMENT.—

"(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the secured loan, without penalty.

"(B) USE OF PROCEEDS OF REFINANCING.—A secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

"(d) SALE OF SECURED LOANS.—

"(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after substantial completion of a project and after notifying the obligor, the Secretary may sell to another entity or reoffer into the capital markets a secured loan for the project if the Secretary determines that the sale or reoffering can be made on favorable terms.

"(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary may not change any original term or condition of the secured loan without the written consent of the obligor.

"(e) LOAN GUARANTEES.—

"(1) IN GENERAL.—The Secretary may provide a loan guarantee to a lender in lieu of making a secured loan under this section if the Secretary determines that the budgetary cost of the loan guarantee is substantially the same as, or less than, that of a secured loan.

"(2) TERMS.—The terms of a loan guarantee under paragraph (1) shall be consistent with the terms required under this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary.

"SEC. 999D. FUTURE GROWTH GRANTS.

"(a) ESTABLISHMENT.—The Secretary may provide grants to pay a portion of the cost differential, with respect to any projected future increase in demand for carbon dioxide transportation by an infrastructure project described in subsection (b), between—

"(1) the cost of constructing the infrastructure asset with the capacity to transport an increased flow rate of carbon dioxide, as made practicable under the project; and

"(2) the cost of constructing the infrastructure asset with the capacity to transport carbon dioxide at the flow rate initially required, based on commitments for the use of the asset.

"(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

"(1) be eligible to receive credit assistance under the CIFIA program;

"(2) carry out, or propose to carry out, a project for large-capacity, common carrier infrastructure with a probable future increase in demand for carbon dioxide transportation; and

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"(3) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be appropriate.

"(c) USE OF FUNDS.—A grant provided under this section may be used only to pay the costs of any additional flow rate capacity of a carbon dioxide transportation infrastructure asset that the project sponsor demonstrates to the satisfaction of the Secretary can reasonably be expected to be used during the 20-year period beginning on the date of substantial completion of the project described in subsection (b)(2).

"(d) MAXIMUM AMOUNT.—The amount of a grant provided under this section may not exceed an amount equal to 80 percent of the cost of the additional capacity described in subsection (a).

"SEC. 999E. PROGRAM ADMINISTRATION.

"(a) REQUIREMENT.—The Secretary shall establish a uniform system to service the Federal credit instruments provided under the CIFIA program.

"(b) FEES.—If funding sufficient to cover the costs of services of expert firms retained pursuant to subsection (d) and all or a portion of the costs to the Federal Government of servicing the Federal credit instruments is not provided in an appropriations Act for a fiscal year, the Secretary, during that fiscal year, may collect fees on or after the date of the financial close of a Federal credit instrument provided under the CIFIA program at a level that is sufficient to cover those costs.

"(c) SERVICER.—

"(1) IN GENERAL.—The Secretary may appoint a financial entity to assist the Secretary in servicing the Federal credit instruments.

"(2) DUTIES.—A servicer appointed under paragraph (1) shall act as the agent for the Secretary.

"(3) FEE.—A servicer appointed under paragraph (1) shall receive a servicing fee, subject to approval by the Secretary.

"(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

"(e) EXPEDITED PROCESSING.—The Secretary shall implement procedures and measures to economize the time and cost involved in obtaining approval and the issuance of credit assistance under the CIFIA program.

"SEC. 999F. STATE AND LOCAL PERMITS.

"The provision of credit assistance under the CIFIA program with respect to a project shall not—

"(1) relieve any recipient of the assistance of any project obligation to obtain any required State or local permit or approval with respect to the project;

"(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or

"(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.

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"SEC. 999G. REGULATIONS.

"The Secretary may promulgate such regulations as the Secretary determines to be appropriate to carry out the CIFIA program.

"SEC. 999H. AUTHORIZATION OF APPROPRIATIONS; CONTRACT AUTHORITY.

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this subtitle—

"(A) $600,000,000 for each of fiscal years 2022 and 2023; and

"(B) $300,000,000 for each of fiscal years 2024 through 2026.

"(2) SPENDING AND BORROWING AUTHORITY.—Spending and borrowing authority for a fiscal year to enter into Federal credit instruments shall be promptly apportioned to the Secretary on a fiscal-year basis.

"(3) REESTIMATES.—If the subsidy amount of a Federal credit instrument is reestimated, the cost increase or decrease of the reestimate shall be borne by, or benefit, the general fund of the Treasury, consistent with section 504(f) of the Congressional Budget Act of 1974 (2 U.S.C. 661c(f)).

"(4) ADMINISTRATIVE COSTS.—Of the amounts made available to carry out the CIFIA program, the Secretary may use not more than $9,000,000 (as indexed for United States dollar inflation from the date of enactment of the Infrastructure Investment and Jobs Act (as measured by the Consumer Price Index)) each fiscal year for the administration of the CIFIA program.

"(b) CONTRACT AUTHORITY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, execution of a term sheet by the Secretary of a Federal credit instrument that uses amounts made available under the CIFIA program shall impose on the United States a contractual obligation to fund the Federal credit investment.

"(2) AVAILABILITY.—Amounts made available to carry out the CIFIA program for a fiscal year shall be available for obligation on October 1 of the fiscal year.".

(b) TECHNICAL AMENDMENTS.—The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 600) is amended—

(1) in the item relating to section 917, by striking "Efficiency";

(2) by striking the items relating to subtitle J of title IX (relating to ultra-deepwater and unconventional natural gas and other petroleum resources) and inserting the following:

"Subtitle J—Carbon Dioxide Transportation Infrastructure Finance and Innovation

"Sec. 999A. Definitions.
"Sec. 999B. Determination of eligibility and project selection.
"Sec. 999C. Secured loans.
"Sec. 999D. Future growth grants.
"Sec. 999E. Program administration.
"Sec. 999F. State and local permits.
"Sec. 999G. Regulations.
"Sec. 999H. Authorization of appropriations; contract authority."; and

(3) by striking the item relating to section 969B and inserting the following:

"Sec. 969B. High efficiency turbines.".

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SEC. 40305. CARBON STORAGE VALIDATION AND TESTING.

Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

(1) in subsection (a)(1)(B), by striking "over a 10-year period";

(2) in subsection (b)—

(A) in paragraph (1), by striking "and demonstration" and inserting "demonstration, and commercialization"; and

(B) in paragraph (2)—

(i) in subparagraph (G), by striking "and" at the end;

(ii) in subparagraph (H), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(I) evaluating the quantity, location, and timing of geologic carbon storage deployment that may be needed, and developing strategies and resources to enable the deployment.";

(3) by redesignating subsections (e) through (g) as subsections (f) through (h), respectively;

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

"(e) LARGE-SCALE CARBON STORAGE COMMERCIALIZATION PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a commercialization program under which the Secretary shall provide funding for the development of new or expanded commercial large-scale carbon sequestration projects and associated carbon dioxide transport infrastructure, including funding for the feasibility, site characterization, permitting, and construction stages of project development.

"(2) APPLICATIONS; SELECTION.—

"(A) IN GENERAL.—To be eligible to enter into an agreement with the Secretary for funding under paragraph (1), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be appropriate.

"(B) APPLICATION PROCESS.—The Secretary shall establish an application process that, to the maximum extent practicable—

"(i) is open to projects at any stage of development described in paragraph (1); and

"(ii) facilitates expeditious development of projects described in that paragraph.

"(C) PROJECT SELECTION.—In selecting projects for funding under paragraph (1), the Secretary shall give priority to—

"(i) projects with substantial carbon dioxide storage capacity; or

"(ii) projects that will store carbon dioxide from multiple carbon capture facilities.";

(5) in subsection (f) (as so redesignated), in paragraph (1), by inserting "with respect to the research, development, demonstration program components described in subsections (b) through (d)" before "give preference"; and

(6) by striking subsection (h) (as so redesignated) and inserting the following:

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"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $2,500,000,000 for the period of fiscal years 2022 through 2026.".

SEC. 40306. SECURE GEOLOGIC STORAGE PERMITTING.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) CLASS VI WELL.—The term "Class VI well" means a well described in section 144.6(f) of title 40, Code of Federal Regulations (or successor regulations).

(b) AUTHORIZATION OF APPROPRIATIONS FOR GEOLOGIC SEQUESTRATION PERMITTING.—There is authorized to be appropriated to the Administrator for the permitting of Class VI wells by the Administrator for the injection of carbon dioxide for the purpose of geologic sequestration in accordance with the requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and the final rule of the Administrator entitled "Federal Requirements Under the Underground Injection Control (UIC) Program for Carbon Dioxide (CO2) Geologic Sequestration (GS) Wells" (75 Fed. Reg. 77230 (December 10, 2010)), $5,000,000 for each of fiscal years 2022 through 2026.

(c) STATE PERMITTING PROGRAM GRANTS.—

(1) ESTABLISHMENT.—The Administrator shall award grants to States that, pursuant to section 1422 of the Safe Drinking Water Act (42 U.S.C. 300h–1), receive the approval of the Administrator for a State underground injection control program for permitting Class VI wells for the injection of carbon dioxide.

(2) USE OF FUNDS.—A State that receives a grant under paragraph (1) shall use the amounts received under the grant to defray the expenses of the State related to the establishment and operation of a State underground injection control program described in paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection $50,000,000 for the period of fiscal years 2022 through 2026.

SEC. 40307. GEOLOGIC CARBON SEQUESTRATION ON THE OUTER CONTINENTAL SHELF.

(a) DEFINITIONS.—Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended—

(1) in the matter preceding subsection (a), by striking "When used in this Act—" and inserting "In this Act:";

(2) in each subsection, by inserting a subsection heading, the text of which is comprised of the term defined in the subsection;

(3) by striking the semicolon at the end of each subsection (other than subsection (q)) and "; and" at the end of subsection (p) and inserting a period; and

(4) by adding at the end the following:

"(r) CARBON DIOXIDE STREAM.—

"(1) IN GENERAL.—The term 'carbon dioxide stream' means carbon dioxide that—

"(A) has been captured; and

"(B) consists overwhelmingly of—

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"(i) carbon dioxide plus incidental associated substances derived from the source material or capture process; and

"(ii) any substances added to the stream for the purpose of enabling or improving the injection process.

"(2) EXCLUSIONS.—The term 'carbon dioxide stream' does not include additional waste or other matter added to the carbon dioxide stream for the purpose of disposal.

"(s) CARBON SEQUESTRATION.—The term 'carbon sequestration' means the act of storing carbon dioxide that has been removed from the atmosphere or captured through physical, chemical, or biological processes that can prevent the carbon dioxide from reaching the atmosphere.".

(b) LEASES, EASEMENTS, OR RIGHTS-OF-WAY FOR ENERGY AND RELATED PURPOSES.—Section 8(p)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)) is amended—

(1) in subparagraph (C), by striking "or" after the semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(E) provide for, support, or are directly related to the injection of a carbon dioxide stream into sub-seabed geologic formations for the purpose of long-term carbon sequestration.".

(c) CLARIFICATION.—A carbon dioxide stream injected for the purpose of carbon sequestration under subparagraph (E) of section 8(p)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)) shall not be considered to be material (as defined in section 3 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1402)) for purposes of that Act (33 U.S.C. 1401 et seq.).

(d) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall promulgate regulations to carry out the amendments made by this section.

SEC. 40308. CARBON REMOVAL.

(a) IN GENERAL.—Section 969D of the Energy Policy Act of 2005 (42 U.S.C. 16298d) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following:

"(j) REGIONAL DIRECT AIR CAPTURE HUBS.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE PROJECT.—The term 'eligible project' means a direct air capture project or a component project of a regional direct air capture hub.

"(B) REGIONAL DIRECT AIR CAPTURE HUB.—The term 'regional direct air capture hub' means a network of direct air capture projects, potential carbon dioxide utilization off-takers, connective carbon dioxide transport infrastructure, subsurface resources, and sequestration infrastructure located within a region.

"(2) ESTABLISHMENT OF PROGRAM.—

"(A) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall provide funding for eligible projects that contribute to the development of 4

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regional direct air capture hubs described in subparagraph (B).

"(B) REGIONAL DIRECT AIR CAPTURE HUBS.—Each of the 4 regional direct air capture hubs developed under the program under subparagraph (A) shall be a regional direct air capture hub that—

"(i) facilitates the deployment of direct air capture projects;

"(ii) has the capacity to capture and sequester, utilize, or sequester and utilize at least 1,000,000 metric tons of carbon dioxide from the atmosphere annually from a single unit or multiple interconnected units;

"(iii) demonstrates the capture, processing, delivery, and sequestration or end-use of captured carbon; and

"(iv) could be developed into a regional or inter-regional carbon network to facilitate sequestration or carbon utilization.

"(3) SELECTION OF PROJECTS.—

"(A) SOLICITATION OF PROPOSALS.—

"(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall solicit applications for funding for eligible projects.

"(ii) ADDITIONAL SOLICITATIONS.—The Secretary shall solicit applications for funding for eligible projects on a recurring basis after the first round of applications is received under clause (i) until all amounts appropriated to carry out this subsection are expended.

"(B) SELECTION OF PROJECTS FOR THE DEVELOPMENT OF REGIONAL DIRECT AIR CAPTURE HUBS.—Not later than 3 years after the date of the deadline for the submission of proposals under subparagraph (A)(i), the Secretary shall select eligible projects described in paragraph (2)(A).

"(C) CRITERIA.—The Secretary shall select eligible projects under subparagraph (B) using the following criteria:

"(i) CARBON INTENSITY OF LOCAL INDUSTRY.—To the maximum extent practicable, each eligible project shall be located in a region with—

"(I) existing carbon-intensive fuel production or industrial capacity; or

"(II) carbon-intensive fuel production or industrial capacity that has retired or closed in the preceding 10 years.

"(ii) GEOGRAPHIC DIVERSITY.—To the maximum extent practicable, eligible projects shall contribute to the development of regional direct air capture hubs located in different regions of the United States.

"(iii) CARBON POTENTIAL.—To the maximum extent practicable, eligible projects shall contribute to the development of regional direct air capture hubs located in regions with high potential for carbon sequestration or utilization.

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"(iv) HUBS IN FOSSIL-PRODUCING REGIONS.—To the maximum extent practicable, eligible projects shall contribute to the development of at least 2 regional direct air capture hubs located in economically distressed communities in the regions of the United States with high levels of coal, oil, or natural gas resources.

"(v) SCALABILITY.—The Secretary shall give priority to eligible projects that, as compared to other eligible projects, will contribute to the development of regional direct air capture hubs with larger initial capacity, greater potential for expansion, and lower levelized cost per ton of carbon dioxide removed from the atmosphere.

"(vi) EMPLOYMENT.—The Secretary shall give priority to eligible projects that are likely to create opportunities for skilled training and long-term employment to the greatest number of residents of the region.

"(vii) ADDITIONAL CRITERIA.—The Secretary may take into consideration other criteria that, in the judgment of the Secretary, are necessary or appropriate to carry out this subsection.

"(D) COORDINATION.—To the maximum extent practicable, in carrying out the program under this subsection, the Secretary shall take into account and coordinate with activities of the carbon capture technology program established under section 962(b)(1), the carbon storage validation and testing program established under section 963(b)(1), and the CIFIA program established under section 999B(a) such that funding from each of the programs is leveraged to contribute toward the development of integrated regional and interregional carbon capture, removal, transport, sequestration, and utilization networks.

"(E) FUNDING OF ELIGIBLE PROJECTS.—The Secretary may make grants to, or enter into cooperative agreements or contracts with, each eligible project selected under subparagraph (B) to accelerate commercialization of, and demonstrate the removal, processing, transport, sequestration, and utilization of, carbon dioxide captured from the atmosphere.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $3,500,000,000 for the period of fiscal years 2022 through 2026, to remain available until expended.".

Subtitle B—Hydrogen Research and Development

SEC. 40311. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) hydrogen plays a critical part in the comprehensive energy portfolio of the United States;

(2) the use of the hydrogen resources of the United States—

(A) promotes energy security and resilience; and

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(B) provides economic value and environmental benefits for diverse applications across multiple sectors of the economy; and

(3) hydrogen can be produced from a variety of domestically available clean energy sources, including—

(A) renewable energy resources, including biomass;

(B) fossil fuels with carbon capture, utilization, and storage; and

(C) nuclear power.

(b) PURPOSE.—The purpose of this subtitle is to accelerate research, development, demonstration, and deployment of hydrogen from clean energy sources by—

(1) providing a statutory definition for the term "clean hydrogen";

(2) establishing a clean hydrogen strategy and roadmap for the United States;

(3) establishing a clearing house for clean hydrogen program information at the National Energy Technology Laboratory;

(4) developing a robust clean hydrogen supply chain and workforce by prioritizing clean hydrogen demonstration projects in major shale gas regions;

(5) establishing regional clean hydrogen hubs; and

(6) authorizing appropriations to carry out the Department of Energy Hydrogen Program Plan, dated November 2020, developed pursuant to title VIII of the Energy Policy Act of 2005 (42 U.S.C. 16151 et seq.).

SEC. 40312. DEFINITIONS.

Section 803 of the Energy Policy Act of 2005 (42 U.S.C. 16152) is amended—

(1) in paragraph (5), by striking the paragraph designation and heading and all that follows through "when" in the matter preceding subparagraph (A) and inserting the following:

"(5) PORTABLE; STORAGE.—The terms 'portable' and 'storage', when";

(2) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively; and

(3) by inserting before paragraph (2) (as so redesignated) the following:

"(1) CLEAN HYDROGEN; HYDROGEN.—The terms 'clean hydrogen' and 'hydrogen' mean hydrogen produced in compliance with the greenhouse gas emissions standard established under section 822(a), including production from any fuel source.".

SEC. 40313. CLEAN HYDROGEN RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Section 805 of the Energy Policy Act of 2005 (42 U.S. 16154) is amended—

(1) in the section heading, by striking "**PROGRAMS**" and inserting "**CLEAN HYDROGEN RESEARCH AND DEVELOPMENT PROGRAM**";

(2) in subsection (a)—

(A) by striking "research and development program" and inserting "crosscutting research and development program (referred to in this section as the 'program')"; and

(B) by inserting "processing," after "production,";

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

"(b) GOALS.—The goals of the program shall be—

"(1) to advance research and development to demonstrate and commercialize the use of clean hydrogen in the transportation, utility, industrial, commercial, and residential sectors; and

"(2) to demonstrate a standard of clean hydrogen production in the transportation, utility, industrial, commercial, and residential sectors by 2040.";

(4) in subsection (c)(3), by striking "renewable fuels and biofuels" and inserting "fossil fuels with carbon capture, utilization, and sequestration, renewable fuels, biofuels, and nuclear energy";

(5) by striking subsection (e) and inserting the following:

"(e) ACTIVITIES.—In carrying out the program, the Secretary, in partnership with the private sector, shall conduct activities to advance and support—

"(1) the establishment of a series of technology cost goals oriented toward achieving the standard of clean hydrogen production developed under section 822(a);

"(2) the production of clean hydrogen from diverse energy sources, including—

"(A) fossil fuels with carbon capture, utilization, and sequestration;

"(B) hydrogen-carrier fuels (including ethanol and methanol);

"(C) renewable energy resources, including biomass;

"(D) nuclear energy; and

"(E) any other methods the Secretary determines to be appropriate;

"(3) the use of clean hydrogen for commercial, industrial, and residential electric power generation;

"(4) the use of clean hydrogen in industrial applications, including steelmaking, cement, chemical feedstocks, and process heat;

"(5) the use of clean hydrogen for use as a fuel source for both residential and commercial comfort heating and hot water requirements;

"(6) the safe and efficient delivery of hydrogen or hydrogen-carrier fuels, including—

"(A) transmission by pipelines, including retrofitting the existing natural gas transportation infrastructure system to enable a transition to transport and deliver increasing levels of clean hydrogen, clean hydrogen blends, or clean hydrogen carriers;

"(B) tanks and other distribution methods; and

"(C) convenient and economic refueling of vehicles, locomotives, maritime vessels, or planes—

"(i) at central refueling stations; or

"(ii) through distributed onsite generation;

"(7) advanced vehicle, locomotive, maritime vessel, or plane technologies, including—

"(A) engine and emission control systems;

"(B) energy storage, electric propulsion, and hybrid systems;

"(C) automotive, locomotive, maritime vessel, or plane materials; and

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"(D) other advanced vehicle, locomotive, maritime vessel, or plane technologies;

"(8) storage of hydrogen or hydrogen-carrier fuels, including the development of materials for safe and economic storage in gaseous, liquid, or solid form;

"(9) the development of safe, durable, affordable, and efficient fuel cells, including fuel-flexible fuel cell power systems, improved manufacturing processes, high-temperature membranes, cost-effective fuel processing for natural gas, fuel cell stack and system reliability, low-temperature operation, and cold start capability;

"(10) the ability of domestic clean hydrogen equipment manufacturers to manufacture commercially available competitive technologies in the United States;

"(11) the use of clean hydrogen in the transportation sector, including in light-, medium-, and heavy-duty vehicles, rail transport, aviation, and maritime applications; and

"(12) in coordination with relevant agencies, the development of appropriate, uniform codes and standards for the safe and consistent deployment and commercialization of clean hydrogen production, processing, delivery, and end-use technologies."; and

(6) by adding at the end the following:

"(j) TARGETS.—Not later than 180 days after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall establish targets for the program to address near-term (up to 2 years), mid-term (up to 7 years), and long-term (up to 15 years) challenges to the advancement of clean hydrogen systems and technologies.".

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 599) is amended by striking the item relating to section 805 and inserting the following:

"Sec. 805. Clean hydrogen research and development program.".

SEC. 40314. ADDITIONAL CLEAN HYDROGEN PROGRAMS.

Title VIII of the Energy Policy Act of 2005 (42 U.S.C. 16151 et seq.) is amended—

(1) by redesignating sections 813 through 816 as sections 818 through 821, respectively; and

(2) by inserting after section 812 the following:

"SEC. 813. REGIONAL CLEAN HYDROGEN HUBS.

"(a) DEFINITION OF REGIONAL CLEAN HYDROGEN HUB.—In this section, the term 'regional clean hydrogen hub' means a network of clean hydrogen producers, potential clean hydrogen consumers, and connective infrastructure located in close proximity.

"(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to support the development of at least 4 regional clean hydrogen hubs that—

"(1) demonstrably aid the achievement of the clean hydrogen production standard developed under section 822(a);

"(2) demonstrate the production, processing, delivery, storage, and end-use of clean hydrogen; and

"(3) can be developed into a national clean hydrogen network to facilitate a clean hydrogen economy.

"(c) SELECTION OF REGIONAL CLEAN HYDROGEN HUBS.—

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"(1) SOLICITATION OF PROPOSALS.—Not later than 180 days after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall solicit proposals for regional clean hydrogen hubs.

"(2) SELECTION OF HUBS.—Not later than 1 year after the deadline for the submission of proposals under paragraph (1), the Secretary shall select at least 4 regional clean hydrogen hubs to be developed under subsection (b).

"(3) CRITERIA.—The Secretary shall select regional clean hydrogen hubs under paragraph (2) using the following criteria:

"(A) FEEDSTOCK DIVERSITY.—To the maximum extent practicable—

"(i) at least 1 regional clean hydrogen hub shall demonstrate the production of clean hydrogen from fossil fuels;

"(ii) at least 1 regional clean hydrogen hub shall demonstrate the production of clean hydrogen from renewable energy; and

"(iii) at least 1 regional clean hydrogen hub shall demonstrate the production of clean hydrogen from nuclear energy.

"(B) END-USE DIVERSITY.—To the maximum extent practicable—

"(i) at least 1 regional clean hydrogen hub shall demonstrate the end-use of clean hydrogen in the electric power generation sector;

"(ii) at least 1 regional clean hydrogen hub shall demonstrate the end-use of clean hydrogen in the industrial sector;

"(iii) at least 1 regional clean hydrogen hub shall demonstrate the end-use of clean hydrogen in the residential and commercial heating sector; and

"(iv) at least 1 regional clean hydrogen hub shall demonstrate the end-use of clean hydrogen in the transportation sector.

"(C) GEOGRAPHIC DIVERSITY.—To the maximum extent practicable, each regional clean hydrogen hub—

"(i) shall be located in a different region of the United States; and

"(ii) shall use energy resources that are abundant in that region.

"(D) HUBS IN NATURAL GAS-PRODUCING REGIONS.—To the maximum extent practicable, at least 2 regional clean hydrogen hubs shall be located in the regions of the United States with the greatest natural gas resources.

"(E) EMPLOYMENT.—The Secretary shall give priority to regional clean hydrogen hubs that are likely to create opportunities for skilled training and long-term employment to the greatest number of residents of the region.

"(F) ADDITIONAL CRITERIA.—The Secretary may take into consideration other criteria that, in the judgment of the Secretary, are necessary or appropriate to carry out this title

"(4) FUNDING OF REGIONAL CLEAN HYDROGEN HUBS.—The Secretary may make grants to each regional clean hydrogen

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hub selected under paragraph (2) to accelerate commercialization of, and demonstrate the production, processing, delivery, storage, and end-use of, clean hydrogen.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $8,000,000,000 for the period of fiscal years 2022 through 2026.

"SEC. 814. NATIONAL CLEAN HYDROGEN STRATEGY AND ROADMAP.

"(a) DEVELOPMENT.—

"(1) IN GENERAL.—In carrying out the programs established under sections 805 and 813, the Secretary, in consultation with the heads of relevant offices of the Department, shall develop a technologically and economically feasible national strategy and roadmap to facilitate widescale production, processing, delivery, storage, and use of clean hydrogen.

"(2) INCLUSIONS.—The national clean hydrogen strategy and roadmap developed under paragraph (1) shall focus on—

"(A) establishing a standard of hydrogen production that achieves the standard developed under section 822(a), including interim goals towards meeting that standard;

"(B)(i) clean hydrogen production and use from natural gas, coal, renewable energy sources, nuclear energy, and biomass; and

"(ii) identifying potential barriers, pathways, and opportunities, including Federal policy needs, to transition to a clean hydrogen economy;

"(C) identifying—

"(i) economic opportunities for the production, processing, transport, storage, and use of clean hydrogen that exist in the major shale natural gas-producing regions of the United States;

"(ii) economic opportunities for the production, processing, transport, storage, and use of clean hydrogen that exist for merchant nuclear power plants operating in deregulated markets; and

"(iii) environmental risks associated with potential deployment of clean hydrogen technologies in those regions, and ways to mitigate those risks;

"(D) approaches, including substrategies, that reflect geographic diversity across the country, to advance clean hydrogen based on resources, industry sectors, environmental benefits, and economic impacts in regional economies;

"(E) identifying opportunities to use, and barriers to using, existing infrastructure, including all components of the natural gas infrastructure system, the carbon dioxide pipeline infrastructure system, end-use local distribution networks, end-use power generators, LNG terminals, industrial users of natural gas, and residential and commercial consumers of natural gas, for clean hydrogen deployment;

"(F) identifying the needs for and barriers and pathways to developing clean hydrogen hubs (including, where appropriate, clean hydrogen hubs coupled with carbon capture, utilization, and storage hubs) that—

"(i) are regionally dispersed across the United States and can leverage natural gas to the maximum extent practicable;

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"(ii) can demonstrate the efficient production, processing, delivery, and use of clean hydrogen;

"(iii) include transportation corridors and modes of transportation, including transportation of clean hydrogen by pipeline and rail and through ports; and

"(iv) where appropriate, could serve as joint clean hydrogen and carbon capture, utilization, and storage hubs;

"(G) prioritizing activities that improve the ability of the Department to develop tools to model, analyze, and optimize single-input, multiple-output integrated hybrid energy systems and multiple-input, multiple-output integrated hybrid energy systems that maximize efficiency in providing hydrogen, high-value heat, electricity, and chemical synthesis services;

"(H) identifying the appropriate points of interaction between and among Federal agencies involved in the production, processing, delivery, storage, and use of clean hydrogen and clarifying the responsibilities of those Federal agencies, and potential regulatory obstacles and recommendations for modifications, in order to support the deployment of clean hydrogen; and

"(I) identifying geographic zones or regions in which clean hydrogen technologies could efficiently and economically be introduced in order to transition existing infrastructure to rely on clean hydrogen, in support of decarbonizing all relevant sectors of the economy.

"(b) REPORTS TO CONGRESS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall submit to Congress the clean hydrogen strategy and roadmap developed under subsection (a).

"(2) UPDATES.—The Secretary shall submit to Congress updates to the clean hydrogen strategy and roadmap under paragraph (1) not less frequently than once every 3 years after the date on which the Secretary initially submits the report and roadmap.

"SEC. 815. CLEAN HYDROGEN MANUFACTURING AND RECYCLING.

"(a) CLEAN HYDROGEN MANUFACTURING INITIATIVE.—

"(1) IN GENERAL.—In carrying out the programs established under sections 805 and 813, the Secretary shall award multiyear grants to, and enter into contracts, cooperative agreements, or any other agreements authorized under this Act or other Federal law with, eligible entities (as determined by the Secretary) for research, development, and demonstration projects to advance new clean hydrogen production, processing, delivery, storage, and use equipment manufacturing technologies and techniques.

"(2) PRIORITY.—In awarding grants or entering into contracts, cooperative agreements, or other agreements under paragraph (1), the Secretary, to the maximum extent practicable, shall give priority to clean hydrogen equipment manufacturing projects that—

"(A) increase efficiency and cost-effectiveness in—

"(i) the manufacturing process; and

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"(ii) the use of resources, including existing energy infrastructure;

"(B) support domestic supply chains for materials and components;

"(C) identify and incorporate nonhazardous alternative materials for components and devices;

"(D) operate in partnership with tribal energy development organizations, Indian Tribes, Tribal organizations, Native Hawaiian community-based organizations, or territories or freely associated States; or

"(E) are located in economically distressed areas of the major natural gas-producing regions of the United States.

"(3) EVALUATION.—Not later than 3 years after the date of enactment of the Infrastructure Investment and Jobs Act, and not less frequently than once every 4 years thereafter, the Secretary shall conduct, and make available to the public and the relevant committees of Congress, an independent review of the progress of the projects carried out through grants awarded, or contracts, cooperative agreements, or other agreements entered into, under paragraph (1).

"(b) CLEAN HYDROGEN TECHNOLOGY RECYCLING RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—In carrying out the programs established under sections 805 and 813, the Secretary shall award multiyear grants to, and enter into contracts, cooperative agreements, or any other agreements authorized under this Act or other Federal law with, eligible entities for research, development, and demonstration projects to create innovative and practical approaches to increase the reuse and recycling of clean hydrogen technologies, including by—

"(A) increasing the efficiency and cost-effectiveness of the recovery of raw materials from clean hydrogen technology components and systems, including enabling technologies such as electrolyzers and fuel cells;

"(B) minimizing environmental impacts from the recovery and disposal processes;

"(C) addressing any barriers to the research, development, demonstration, and commercialization of technologies and processes for the disassembly and recycling of devices used for clean hydrogen production, processing, delivery, storage, and use;

"(D) developing alternative materials, designs, manufacturing processes, and other aspects of clean hydrogen technologies;

"(E) developing alternative disassembly and resource recovery processes that enable efficient, cost-effective, and environmentally responsible disassembly of, and resource recovery from, clean hydrogen technologies; and

"(F) developing strategies to increase consumer acceptance of, and participation in, the recycling of fuel cells.

"(2) DISSEMINATION OF RESULTS.—The Secretary shall make available to the public and the relevant committees of Congress the results of the projects carried out through grants awarded, or contracts, cooperative agreements, or other agreements entered into, under paragraph (1), including any educational and outreach materials developed by the projects.

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"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $500,000,000 for the period of fiscal years 2022 through 2026.

"SEC. 816. CLEAN HYDROGEN ELECTROLYSIS PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ELECTROLYSIS.—The term 'electrolysis' means a process that uses electricity to split water into hydrogen and oxygen.

"(2) ELECTROLYZER.—The term 'electrolyzer' means a system that produces hydrogen using electrolysis.

"(3) PROGRAM.—The term 'program' means the program established under subsection (b).

"(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall establish a research, development, demonstration, commercialization, and deployment program for purposes of commercialization to improve the efficiency, increase the durability, and reduce the cost of producing clean hydrogen using electrolyzers.

"(c) GOALS.—The goals of the program are—

"(1) to reduce the cost of hydrogen produced using electrolyzers to less than $2 per kilogram of hydrogen by 2026; and

"(2) any other goals the Secretary determines are appropriate.

"(d) DEMONSTRATION PROJECTS.—In carrying out the program, the Secretary shall fund demonstration projects—

"(1) to demonstrate technologies that produce clean hydrogen using electrolyzers; and

"(2) to validate information on the cost, efficiency, durability, and feasibility of commercial deployment of the technologies described in paragraph (1).

"(e) FOCUS.—The program shall focus on research relating to, and the development, demonstration, and deployment of—

"(1) low-temperature electrolyzers, including liquid-alkaline electrolyzers, membrane-based electrolyzers, and other advanced electrolyzers, capable of converting intermittent sources of electric power to clean hydrogen with enhanced efficiency and durability;

"(2) high-temperature electrolyzers that combine electricity and heat to improve the efficiency of clean hydrogen production;

"(3) advanced reversible fuel cells that combine the functionality of an electrolyzer and a fuel cell;

"(4) new highly active, selective, and durable electrolyzer catalysts and electro-catalysts that—

"(A) greatly reduce or eliminate the need for platinum group metals; and

"(B) enable electrolysis of complex mixtures with impurities, including seawater;

"(5) modular electrolyzers for distributed energy systems and the bulk-power system (as defined in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)));

"(6) low-cost membranes or electrolytes and separation materials that are durable in the presence of impurities or seawater;

"(7) improved component design and material integration, including with respect to electrodes, porous transport layers and bipolar plates, and balance-of-system components, to allow

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for scale-up and domestic manufacturing of electrolyzers at a high volume;

"(8) clean hydrogen storage technologies;

"(9) technologies that integrate hydrogen production with—

"(A) clean hydrogen compression and drying technologies;

"(B) clean hydrogen storage; and

"(C) transportation or stationary systems; and

"(10) integrated systems that combine hydrogen production with renewable power or nuclear power generation technologies, including hybrid systems with hydrogen storage.

"(f) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS.—

"(1) GRANTS.—In carrying out the program, the Secretary shall award grants, on a competitive basis, to eligible entities for projects that the Secretary determines would provide the greatest progress toward achieving the goal of the program described in subsection (c).

"(2) CONTRACTS AND COOPERATIVE AGREEMENTS.—In carrying out the program, the Secretary may enter into contracts and cooperative agreements with eligible entities and Federal agencies for projects that the Secretary determines would further the purpose of the program described in subsection (b).

"(3) ELIGIBILITY; APPLICATIONS.—

"(A) IN GENERAL.—The eligibility of an entity to receive a grant under paragraph (1), to enter into a contract or cooperative agreement under paragraph (2), or to receive funding for a demonstration project under subsection (d) shall be determined by the Secretary.

"(B) APPLICATIONS.—An eligible entity desiring to receive a grant under paragraph (1), to enter into a contract or cooperative agreement under paragraph (2), or to receive funding for a demonstration project under subsection (d) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program $1,000,000,000 for the period of fiscal years 2022 through 2026, to remain available until expended.

"SEC. 817. LABORATORY MANAGEMENT.

"(a) IN GENERAL.—The National Energy Technology Laboratory, the Idaho National Laboratory, and the National Renewable Energy Laboratory shall continue to work in a crosscutting manner to carry out the programs established under sections 813 and 815.

"(b) COORDINATION; CLEARINGHOUSE.—In carrying out subsection (a), the National Energy Technology Laboratory shall—

"(1) coordinate with—

"(A) the Idaho National Laboratory, the National Renewable Energy Laboratory, and other National Laboratories in a cross-cutting manner;

"(B) institutions of higher education;

"(C) research institutes;

"(D) industrial researchers; and

"(E) international researchers; and

"(2) act as a clearinghouse to collect information from, and distribute information to, the National Laboratories and

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other entities described in subparagraphs (B) through (E) of paragraph (1).".

SEC. 40315. CLEAN HYDROGEN PRODUCTION QUALIFICATIONS.

(a) IN GENERAL.—The Energy Policy Act of 2005 (42 U.S.C. 16151 et seq.) (as amended by section 40314(1)) is amended by adding at the end the following:

"SEC. 822. CLEAN HYDROGEN PRODUCTION QUALIFICATIONS.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency and after taking into account input from industry and other stakeholders, as determined by the Secretary, shall develop an initial standard for the carbon intensity of clean hydrogen production that shall apply to activities carried out under this title.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—The standard developed under subsection (a) shall—

"(A) support clean hydrogen production from each source described in section 805(e)(2);

"(B) define the term 'clean hydrogen' to mean hydrogen produced with a carbon intensity equal to or less than 2 kilograms of carbon dioxide-equivalent produced at the site of production per kilogram of hydrogen produced; and

"(C) take into consideration technological and economic feasibility.

"(2) ADJUSTMENT.—Not later than the date that is 5 years after the date on which the Secretary develops the standard under subsection (a), the Secretary, in consultation with the Administrator of the Environmental Protection Agency and after taking into account input from industry and other stakeholders, as determined by the Secretary, shall—

"(A) determine whether the definition of clean hydrogen required under paragraph (1)(B) should be adjusted below the standard described in that paragraph; and

"(B) if the Secretary determines the adjustment described in subparagraph (A) is appropriate, carry out the adjustment.

"(c) APPLICATION.—The standard developed under subsection (a) shall apply to clean hydrogen production from renewable, fossil fuel with carbon capture, utilization, and sequestration technologies, nuclear, and other fuel sources using any applicable production technology.".

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 599) is amended by striking the items relating to sections 813 through 816 and inserting the following:

"Sec. 813. Regional clean hydrogen hubs.
"Sec. 814. National clean hydrogen strategy and roadmap.
"Sec. 815. Clean hydrogen manufacturing and recycling.
"Sec. 816. Clean hydrogen electrolysis program.
"Sec. 817. Laboratory management.
"Sec. 818. Technology transfer
"Sec. 819. Miscellaneous provisions.
"Sec. 820. Cost sharing.
"Sec. 821. Savings clause.
"Sec. 822. Clean hydrogen production qualifications.".

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Subtitle C—Nuclear Energy Infrastructure

SEC. 40321. INFRASTRUCTURE PLANNING FOR MICRO AND SMALL MODULAR NUCLEAR REACTORS.

(a) DEFINITIONS.—In this section:

(1) ADVANCED NUCLEAR REACTOR.— The term "advanced nuclear reactor" has the meaning given the term in section 951(b) of the Energy Policy Act of 2005 (42 U.S.C. 16271(b)).

(2) ISOLATED COMMUNITY.—The term "isolated community" has the meaning given the term in section 8011(a) of the Energy Act of 2020 (42 U.S.C. 17392(a)).

(3) MICRO-REACTOR.—The term "micro-reactor" means an advanced nuclear reactor that has an electric power production capacity that is not greater than 50 megawatts.

(4) NATIONAL LABORATORY.—The term "National Laboratory" has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(5) SMALL MODULAR REACTOR.—The term "small modular reactor" means an advanced nuclear reactor—

(A) with a rated capacity of less than 300 electrical megawatts; and

(B) that can be constructed and operated in combination with similar reactors at a single site.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committees on Energy and Commerce and Science, Space, and Technology of the House of Representatives a report that describes how the Department could enhance energy resilience and reduce carbon emissions with the use of micro-reactors and small modular reactors.

(c) ELEMENTS.—The report required by subsection (b) shall address the following:

(1) An evaluation by the Department of current resilience and carbon reduction requirements for energy for facilities of the Department to determine whether changes are needed to address—

(A) the need to provide uninterrupted power to facilities of the Department for at least 3 days during power grid failures;

(B) the need for protection against cyber threats and electromagnetic pulses; and

(C) resilience to extreme natural events, including earthquakes, volcanic activity, tornados, hurricanes, floods, tsunamis, lahars, landslides, seiches, a large quantity of snowfall, and very low or high temperatures.

(2) A strategy of the Department for using nuclear energy to meet resilience and carbon reduction goals of facilities of the Department.

(3) A strategy to partner with private industry to develop and deploy micro-reactors and small modular reactors to remote communities in order to replace diesel generation and other fossil fuels.

(4) An assessment by the Department of the value associated with enhancing the resilience of a facility of the Department by transitioning to power from micro-reactors and small

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modular reactors and to co-located nuclear facilities with the capability to provide dedicated power to the facility of the Department during a grid outage or failure.

(5) The plans of the Department—

(A) for deploying a micro-reactor and a small modular reactor to produce energy for use by a facility of the Department in the United States by 2026;

(B) for deploying a small modular reactor to produce energy for use by a facility of the Department in the United States by 2029; and

(C) to include micro-reactors and small modular reactors in the planning for meeting future facility energy needs.

(d) FINANCIAL AND TECHNICAL ASSISTANCE FOR SITING MICRO-REACTORS, SMALL MODULAR REACTORS, AND ADVANCED NUCLEAR REACTORS.—

(1) IN GENERAL.—The Secretary shall offer financial and technical assistance to entities to conduct feasibility studies for the purpose of identifying suitable locations for the deployment of micro-reactors, small modular reactors, and advanced nuclear reactors in isolated communities.

(2) REQUIREMENT.—Prior to providing financial and technical assistance under paragraph (1), the Secretary shall conduct robust community engagement and outreach for the purpose of identifying levels of interest in isolated communities.

(3) LIMITATION.—The Secretary shall not disburse more than 50 percent of the amounts available for financial assistance under this subsection to the National Laboratories.

SEC. 40322. PROPERTY INTERESTS RELATING TO CERTAIN PROJECTS AND PROTECTION OF INFORMATION RELATING TO CERTAIN AGREEMENTS.

(a) PROPERTY INTERESTS RELATING TO FEDERALLY FUNDED ADVANCED NUCLEAR REACTOR PROJECTS.—

(1) DEFINITIONS.—In this section:

(A) ADVANCED NUCLEAR REACTOR.—The term "advanced nuclear reactor" has the meaning given the term in section 951(b) of the Energy Policy Act of 2005 (42 U.S.C. 16271(b)).

(B) PROPERTY INTEREST.—

(i) IN GENERAL.—Except as provided in clause (ii), the term "property interest" means any interest in real property or personal property (as those terms are defined in section 200.1 of title 2, Code of Federal Regulations (as in effect on the date of enactment of this Act)).

(ii) EXCLUSION.—The term "property interest" does not include any interest in intellectual property developed using funding provided under a project described in paragraph (3).

(2) ASSIGNMENT OF PROPERTY INTERESTS.—The Secretary may assign to any entity, including the United States, fee title or any other property interest acquired by the Secretary under an agreement entered into with respect to a project described in paragraph (3).

(3) PROJECT DESCRIBED.—A project referred to in paragraph (2) is—

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(A) a project for which funding is provided pursuant to the funding opportunity announcement of the Department numbered DE–FOA–0002271, including any project for which funding has been provided pursuant to that announcement as of the date of enactment of this Act;

(B) any other project for which funding is provided using amounts made available for the Advanced Reactor Demonstration Program of the Department under the heading "Nuclear Energy" under the heading "ENERGY PROGRAMS" in title III of division C of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94; 133 Stat. 2670);

(C) any other project for which Federal funding is provided under the Advanced Reactor Demonstration Program of the Department; or

(D) a project—

(i) relating to advanced nuclear reactors; and

(ii) for which Federal funding is provided under a program focused on development and demonstration.

(4) RETROACTIVE VESTING.—The vesting of fee title or any other property interest assigned under paragraph (2) shall be retroactive to the date on which the applicable project first received Federal funding as described in any of subparagraphs (A) through (D) of paragraph (3).

(b) CONSIDERATIONS IN COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—

(1) IN GENERAL.—Section 12(c)(7)(B) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(7)(B)) is amended—

(A) by inserting "(i)" after "(B)";

(B) in clause (i), as so designated, by striking "The director" and inserting "Subject to clause (ii), the director"; and

(C) by adding at the end the following:

"(II) The agency may authorize the director to provide appropriate protections against dissemination described in clause (i) for a total period of not more than 30 years if the agency determines that the nature of the information protected against dissemination, including nuclear technology, could reasonably require an extended period of that protection to reach commercialization.".

(2) APPLICABILITY.—

(A) DEFINITION.—In this subsection, the term "cooperative research and development agreement" has the meaning given the term in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)).

(B) RETROACTIVE EFFECT.—Clause (ii) of section 12(c)(7)(B) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(7)(B)), as added by subsection (a) of this section, shall apply with respect to any cooperative research and development agreement that is in effect as of the day before the date of enactment of this Act.

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(c) DEPARTMENT OF ENERGY CONTRACTS.—Section 646(g)(5) of the Department of Energy Organization Act (42 U.S.C. 7256(g)(5)) is amended—

(1) by striking "(5) The Secretary" and inserting the following:

"(5) PROTECTION FROM DISCLOSURE.—

"(A) IN GENERAL.—The Secretary"; and

(2) in subparagraph (A) (as so designated)—

(A) by striking ", for up to 5 years after the date on which the information is developed,"; and

(B) by striking "agency." and inserting the following: "agency—

"(i) for up to 5 years after the date on which the information is developed; or

"(ii) for up to 30 years after the date on which the information is developed, if the Secretary determines that the nature of the technology under the transaction, including nuclear technology, could reasonably require an extended period of protection from disclosure to reach commercialization.

"(B) EXTENSION DURING TERM.—The Secretary may extend the period of protection from disclosure during the term of any transaction described in subparagraph (A) in accordance with that subparagraph.".

SEC. 40323. CIVIL NUCLEAR CREDIT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CERTIFIED NUCLEAR REACTOR.—The term "certified nuclear reactor" means a nuclear reactor that—

(A) competes in a competitive electricity market; and

(B) is certified under subsection (c)(2)(A)(i) to submit a sealed bid in accordance with subsection (d).

(2) CREDIT.—The term "credit" means a credit allocated to a certified nuclear reactor under subsection (e)(2).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a civil nuclear credit program—

(1) to evaluate nuclear reactors that are projected to cease operations due to economic factors; and

(2) to allocate credits to certified nuclear reactors that are selected under paragraph (1)(B) of subsection (e) to receive credits under paragraph (2) of that subsection.

(c) CERTIFICATION.—

(1) APPLICATION.—

(A) IN GENERAL.—In order to be certified under paragraph (2)(A)(i), the owner or operator of a nuclear reactor that is projected to cease operations due to economic factors shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be appropriate, including—

(i) information on the operating costs necessary to make the determination described in paragraph (2)(A)(ii)(I), including—

(I) the average projected annual operating loss in dollars per megawatt-hour, inclusive of the cost of operational and market risks, expected to be incurred by the nuclear reactor over the 4-year period for which credits would be allocated;

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(II) any private or publicly available data with respect to current or projected bulk power market prices;

(III) out-of-market revenue streams;

(IV) operations and maintenance costs;

(V) capital costs, including fuel; and

(VI) operational and market risks;

(ii) an estimate of the potential incremental air pollutants that would result if the nuclear reactor were to cease operations;

(iii) known information on the source of produced uranium and the location where the uranium is converted, enriched, and fabricated into fuel assemblies for the nuclear reactor for the 4-year period for which credits would be allocated; and

(iv) a detailed plan to sustain operations at the conclusion of the applicable 4-year period for which credits would be allocated—

(I) without receiving additional credits; or

(II) with the receipt of additional credits of a lower amount than the credits allocated during that 4-year credit period.

(B) TIMELINE.—The Secretary shall accept applications described in subparagraph (A)—

(i) until the date that is 120 days after the date of enactment of this Act; and

(ii) not less frequently than every year thereafter.

(C) PAYMENTS FROM STATE PROGRAMS.—

(i) IN GENERAL.—The owner or operator of a nuclear reactor that receives a payment from a State zero-emission credit, a State clean energy contract, or any other State program with respect to that nuclear reactor shall be eligible to submit an application under subparagraph (A) with respect to that nuclear reactor during any application period beginning after the 120-day period beginning on the date of enactment of this Act.

(ii) REQUIREMENT.—An application submitted by an owner or operator described in clause (i) with respect to a nuclear reactor described in that clause shall include all projected payments from State programs in determining the average projected annual operating loss described in subparagraph (A)(i)(I), unless the credits allocated to the nuclear reactor pursuant to that application will be used to reduce those payments.

(2) DETERMINATION TO CERTIFY.—

(A) DETERMINATION.—

(i) IN GENERAL.—Not later than 60 days after the applicable date under subparagraph (B) of paragraph (1), the Secretary shall determine whether to certify, in accordance with clauses (ii) and (iii), each nuclear reactor for which an application is submitted under subparagraph (A) of that paragraph.

(ii) MINIMUM REQUIREMENTS.—To the maximum extent practicable, the Secretary shall only certify a nuclear reactor under clause (i) if—

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(I) after considering the information submitted under paragraph (1)(A)(i), the Secretary determines that the nuclear reactor is projected to cease operations due to economic factors;

(II) after considering the estimate submitted under paragraph (1)(A)(ii), the Secretary determines that pollutants would increase if the nuclear reactor were to cease operations and be replaced with other types of power generation; and

(III) the Nuclear Regulatory Commission has reasonable assurance that the nuclear reactor—

(aa) will continue to be operated in accordance with the current licensing basis (as defined in section 54.3 of title 10, Code of Federal Regulations (or successor regulations) of the nuclear reactor; and

(bb) poses no significant safety hazards.

(iii) PRIORITY.—In determining whether to certify a nuclear reactor under clause (i), the Secretary shall give priority to a nuclear reactor that uses, to the maximum extent available, uranium that is produced, converted, enriched, and fabricated into fuel assemblies in the United States.

(B) NOTICE.—For each application received under paragraph (1)(A), the Secretary shall provide to the applicable owner or operator, as applicable—

(i) a notice of the certification of the applicable nuclear reactor; or

(ii) a notice that describes the reasons why the certification of the applicable nuclear reactor was denied.

(d) BIDDING PROCESS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall establish a deadline by which each certified nuclear reactor shall submit to the Secretary a sealed bid that—

(A) describes the price per megawatt-hour of the credits desired by the certified nuclear reactor, which shall not exceed the average projected annual operating loss described in subsection (c)(1)(A)(i)(I); and

(B) includes a commitment, subject to the receipt of credits, to provide a specific number of megawatt-hours of generation during the 4-year period for which credits would be allocated.

(2) REQUIREMENT.—The deadline established under paragraph (1) shall be not later than 30 days after the first date on which the Secretary has made the determination described in paragraph (2)(A)(i) of subsection (c) with respect to each application submitted under paragraph (1)(A) of that subsection.

(e) ALLOCATION.—

(1) AUCTION.—Notwithstanding section 169 of the Atomic Energy Act of 1954 (42 U.S.C. 2209), the Secretary shall—

(A) in consultation with the heads of applicable Federal agencies, establish a process for evaluating bids submitted under subsection (d)(1) through an auction process; and

(B) select certified nuclear reactors to be allocated credits.

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(2) CREDITS.—Subject to subsection (f)(2), on selection under paragraph (1), a certified nuclear reactor shall be allocated credits for a 4-year period beginning on the date of the selection.

(3) REQUIREMENT.—To the maximum extent practicable, the Secretary shall use the amounts made available for credits under this section to allocate credits to as many certified nuclear reactors as possible.

(f) RENEWAL.—

(1) IN GENERAL.—The owner or operator of a certified nuclear reactor may seek to recertify the nuclear reactor in accordance with this section.

(2) LIMITATION.—Notwithstanding any other provision of this section, the Secretary may not allocate any credits after September 30, 2031.

(g) ADDITIONAL REQUIREMENTS.—

(1) AUDIT.—During the 4-year period beginning on the date on which a certified nuclear reactor first receives a credit, the Secretary shall periodically audit the certified nuclear reactor.

(2) RECAPTURE.—The Secretary shall, by regulation, provide for the recapture of the allocation of any credit to a certified nuclear reactor that, during the period described in paragraph (1)—

(A) terminates operations; or

(B) does not operate at an annual loss in the absence of an allocation of credits to the certified nuclear reactor.

(3) CONFIDENTIALITY.—The Secretary shall establish procedures to ensure that any confidential, private, proprietary, or privileged information that is included in a sealed bid submitted under this section is not publicly disclosed or otherwise improperly used.

(h) REPORT.—Not later than January 1, 2024, the Comptroller General of the United States shall submit to Congress a report with respect to the credits allocated to certified nuclear reactors, which shall include—

(1) an evaluation of the effectiveness of the credits in avoiding air pollutants while ensuring grid reliability;

(2) a quantification of the ratepayer savings achieved under this section; and

(3) any recommendations to renew or expand the credits.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $6,000,000,000 for the period of fiscal years 2022 through 2026.

Subtitle D—Hydropower

SEC. 40331. HYDROELECTRIC PRODUCTION INCENTIVES.

Section 242 of the Energy Policy Act of 2005 (42 U.S.C. 15881) is amended—

(1) in subsection (b)(2), by striking "before the date of the enactment of this section" and inserting "before the date of enactment of the Infrastructure Investment and Jobs Act";

(2) in the undesignated matter following subsection (b)(3), by striking "the date of the enactment of this section" and

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inserting "the date of enactment of the Infrastructure Investment and Jobs Act";

(3) in subsection (e)(1), in the second sentence, by striking "$750,000" and inserting "$1,000,000"; and

(4) by striking subsection (g) and inserting the following:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $125,000,000 for fiscal year 2022, to remain available until expended.".

SEC. 40332. HYDROELECTRIC EFFICIENCY IMPROVEMENT INCENTIVES.

(a) IN GENERAL.—Section 243 of the Energy Policy Act of 2005 (42 U.S.C. 15882) is amended—

(1) in the section heading, by inserting "incentives" after "improvement";

(2) in subsection (b)—

(A) in the first sentence, by striking "10 percent" and inserting "30 percent";

(B) in the second sentence—

(i) by striking "$750,000" and inserting "$5,000,000"; and

(ii) by inserting "in any 1 fiscal year" before the period at the end; and

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

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $75,000,000 for fiscal year 2022 to remain available until expended.".

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 595) is amended by striking the item relating to section 243 and inserting the following:

"243. Hydroelectric efficiency improvement incentives.".

SEC. 40333. MAINTAINING AND ENHANCING HYDROELECTRICITY INCENTIVES.

(a) IN GENERAL.—Subtitle C of title II of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 674) is amended by adding at the end the following:

"SEC. 247. MAINTAINING AND ENHANCING HYDROELECTRICITY INCENTIVES.

"(a) DEFINITION OF QUALIFIED HYDROELECTRIC FACILITY.—In this section, the term 'qualified hydroelectric facility' means a hydroelectric project that—

"(1)(A) is licensed by the Federal Energy Regulatory Commission; or

"(B) is a hydroelectric project constructed, operated, or maintained pursuant to a permit or valid existing right-of-way granted prior to June 10, 1920, or a license granted pursuant to the Federal Power Act (16 U.S.C. 791a et seq.);

"(2) is placed into service before the date of enactment of this section; and

"(3)(A) is in compliance with all applicable Federal, Tribal, and State requirements; or

"(B) would be brought into compliance with the requirements described in subparagraph (A) as a result of the capital improvements carried out using an incentive payment under this section.

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"(b) INCENTIVE PAYMENTS.—The Secretary shall make incentive payments to the owners or operators of qualified hydroelectric facilities for capital improvements directly related to—

"(1) improving grid resiliency, including—

"(A) adapting more quickly to changing grid conditions;

"(B) providing ancillary services (including black start capabilities, voltage support, and spinning reserves);

"(C) integrating other variable sources of electricity generation; and

"(D) managing accumulated reservoir sediments;

"(2) improving dam safety to ensure acceptable performance under all loading conditions (including static, hydrologic, and seismic conditions), including—

"(A) the maintenance or upgrade of spillways or other appurtenant structures;

"(B) dam stability improvements, including erosion repair and enhanced seepage controls; and

"(C) upgrades or replacements of floodgates or natural infrastructure restoration or protection to improve flood risk reduction; or

"(3) environmental improvements, including—

"(A) adding or improving safe and effective fish passage, including new or upgraded turbine technology, fish ladders, fishways, and all other associated technology, equipment, or other fish passage technology to a qualified hydroelectric facility;

"(B) improving the quality of the water retained or released by a qualified hydroelectric facility;

"(C) promoting downstream sediment transport processes and habitat maintenance; and

"(D) improving recreational access to the project vicinity, including roads, trails, boat ingress and egress, flows to improve recreation, and infrastructure that improves river recreation opportunity.

"(c) LIMITATIONS.—

"(1) COSTS.—Incentive payments under this section shall not exceed 30 percent of the costs of the applicable capital improvement.

"(2) MAXIMUM AMOUNT.—Not more than 1 incentive payment may be made under this section with respect to capital improvements at a single qualified hydroelectric facility in any 1 fiscal year, the amount of which shall not exceed $5,000,000.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $553,600,000 for fiscal year 2022, to remain available until expended.".

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 595) is amended by inserting after the item relating to section 246 the following:

"247. Maintaining and enhancing hydroelectricity incentives.".

SEC. 40334. PUMPED STORAGE HYDROPOWER WIND AND SOLAR INTEGRATION AND SYSTEM RELIABILITY INITIATIVE.

Section 3201 of the Energy Policy Act of 2020 (42 U.S.C. 17232) is amended—

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(1) by redesignating subsections (e) through (g) as subsections (f) through (h), respectively; and

(2) by inserting after subsection (d) the following:

"(e) PUMPED STORAGE HYDROPOWER WIND AND SOLAR INTEGRATION AND SYSTEM RELIABILITY INITIATIVE.—

"(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

"(A)(i) an electric utility, including—

"(I) a political subdivision of a State, such as a municipally owned electric utility; or

"(II) an instrumentality of a State composed of municipally owned electric utilities;

"(ii) an electric cooperative; or

"(iii) an investor-owned utility;

"(B) an Indian Tribe or Tribal organization;

"(C) a State energy office;

"(D) an institution of higher education; and

"(E) a consortium of the entities described in subparagraphs (A) through (D).

"(2) DEMONSTRATION PROJECT.—

"(A) IN GENERAL.—Not later than September 30, 2023, the Secretary shall, to the maximum extent practicable, enter into an agreement with an eligible entity to provide financial assistance to the eligible entity to carry out project design, transmission studies, power market assessments, and permitting for a pumped storage hydropower project to facilitate the long-duration storage of intermittent renewable electricity.

"(B) PROJECT REQUIREMENTS.—To be eligible for financial assistance under subparagraph (A), a project shall—

"(i) be designed to provide not less than 1,000 megawatts of storage capacity;

"(ii) be able to provide energy and capacity for use in more than 1 organized electricity market;

"(iii) be able to store electricity generated by intermittent renewable electricity projects located on Tribal land; and

"(iv) have received a preliminary permit from the Federal Energy Regulatory Commission.

"(C) MATCHING REQUIREMENT.—An eligible entity receiving financial assistance under subparagraph (A) shall provide matching funds equal to or greater than the amount of financial assistance provided under that subparagraph.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,000,000 for each of fiscal years 2022 through 2026.".

SEC. 40335. AUTHORITY FOR PUMPED STORAGE HYDROPOWER DEVELOPMENT USING MULTIPLE BUREAU OF RECLAMATION RESERVOIRS.

Section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)) is amended—

(1) in paragraph (1), in the fourth sentence, by striking ", including small conduit hydropower development" and inserting "and reserve to the Secretary the exclusive authority

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to develop small conduit hydropower using Bureau of Reclamation facilities and pumped storage hydropower exclusively using Bureau of Reclamation reservoirs"; and

(2) in paragraph (8), by striking "has been filed with the Federal Energy Regulatory Commission as of the date of the enactment of the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act" and inserting "was filed with the Federal Energy Regulatory Commission before August 9, 2013, and is still pending".

SEC. 40336. LIMITATIONS ON ISSUANCE OF CERTAIN LEASES OF POWER PRIVILEGE.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Federal Energy Regulatory Commission.

(2) DIRECTOR.—The term "Director" means the Director of the Office of Hearings and Appeals.

(3) OFFICE OF HEARINGS AND APPEALS.—The term "Office of Hearings and Appeals" means the Office of Hearings and Appeals of the Department of the Interior.

(4) PARTY.—The term "party", with respect to a study plan agreement, means each of the following parties to the study plan agreement:

(A) The proposed lessee.

(B) The Tribes.

(5) PROJECT.—The term "project" means a proposed pumped storage facility that—

(A) would use multiple Bureau of Reclamation reservoirs; and

(B) as of June 1, 2017, was subject to a preliminary permit issued by the Commission pursuant to section 4(f) of the Federal Power Act (16 U.S.C. 797(f)).

(6) PROPOSED LESSEE.—The term "proposed lessee" means the proposed lessee of a project.

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

(8) STUDY PLAN.—The term "study plan" means the plan described in subsection (d)(1).

(9) STUDY PLAN AGREEMENT.—The term "study plan agreement" means an agreement entered into under subsection (b)(1) and described in subsection (c).

(10) TRIBES.—The term "Tribes" means—

(A) the Confederated Tribes of the Colville Reservation; and

(B) the Spokane Tribe of Indians of the Spokane Reservation.

(b) REQUIREMENT FOR ISSUANCE OF LEASES OF POWER PRIVILEGE.—The Secretary shall not issue a lease of power privilege pursuant to section 9(c)(1) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)(1)) (as amended by section 40335) for a project unless—

(1) the proposed lessee and the Tribes have entered into a study plan agreement; or

(2) the Secretary or the Director, as applicable, makes a final determination for—

(A) a study plan agreement under subsection (c)(2); or

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(B) a study plan under subsection (d).

(c) STUDY PLAN AGREEMENT REQUIREMENTS.—

(1) IN GENERAL.—A study plan agreement shall—

(A) establish the deadlines for the proposed lessee to formally respond in writing to comments and study requests about the project previously submitted to the Commission;

(B) allow for the parties to submit additional comments and study requests if any aspect of the project, as proposed, differs from an aspect of the project, as described in a preapplication document provided to the Commission;

(C) except as expressly agreed to by the parties or as provided in paragraph (2) or subsection (d), require that the proposed lessee conduct each study described in—

(i) a study request about the project previously submitted to the Commission; or

(ii) any additional study request submitted in accordance with the study plan agreement;

(D) require that the proposed lessee study any potential adverse economic effects of the project on the Tribes, including effects on—

(i) annual payments to the Confederated Tribes of the Colville Reservation under section 5(b) of the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law 103–436; 108 Stat. 4579); and

(ii) annual payments to the Spokane Tribe of Indians of the Spokane Reservation authorized after the date of enactment of this Act, the amount of which derives from the annual payments described in clause (i);

(E) establish a protocol for communication and consultation between the parties;

(F) provide mechanisms for resolving disputes between the parties regarding implementation and enforcement of the study plan agreement; and

(G) contain other provisions determined to be appropriate by the parties.

(2) DISPUTES.—

(A) IN GENERAL.—If the parties cannot agree to the terms of a study plan agreement or implementation of those terms, the parties shall submit to the Director, for final determination on the terms or implementation of the study plan agreement, notice of the dispute, consistent with paragraph (1)(F), to the extent the parties have agreed to a study plan agreement.

(B) INCLUSION.—A dispute covered by subparagraph (A) may include the view of a proposed lessee that an additional study request submitted in accordance with paragraph (1)(B) is not reasonably calculated to assist the Secretary in evaluating the potential impacts of the project.

(C) TIMING.—The Director shall issue a determination regarding a dispute under subparagraph (A) not later than 120 days after the date on which the Director receives notice of the dispute under that subparagraph.

(d) STUDY PLAN.—

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(1) IN GENERAL.—The proposed lessee shall submit to the Secretary for approval a study plan that details the proposed methodology for performing each of the studies—

(A) identified in the study plan agreement of the proposed lessee; or

(B) determined by the Director in a final determination regarding a dispute under subsection (c)(2).

(2) INITIAL DETERMINATION.—Not later than 60 days after the date on which the Secretary receives the study plan under paragraph (1), the Secretary shall make an initial determination that—

(A) approves the study plan;

(B) rejects the study plan on the grounds that the study plan—

(i) lacks sufficient detail on a proposed methodology for a study identified in the study plan agreement; or

(ii) is inconsistent with the study plan agreement; or

(C) imposes additional study plan requirements that the Secretary determines are necessary to adequately define the potential effects of the project on—

(i) the exercise of the paramount hunting, fishing, and boating rights of the Tribes reserved pursuant to the Act of June 29, 1940 (54 Stat. 703, chapter 460; 16 U.S.C. 835d et seq.);

(ii) the annual payments described in clauses (i) and (ii) of subsection (c)(1)(D);

(iii) the Columbia Basin project (as defined in section 1 of the Act of May 27, 1937 (50 Stat. 208, chapter 269; 57 Stat. 14, chapter 14; 16 U.S.C. 835));

(iv) historic properties and cultural or spiritually significant resources; and

(v) the environment.

(3) OBJECTIONS.—

(A) IN GENERAL.—Not later than 30 days after the date on which the Secretary makes an initial determination under paragraph (2), the Tribes or the proposed lessee may submit to the Director an objection to the initial determination.

(B) FINAL DETERMINATION.—Not later than 120 days after the date on which the Director receives an objection under subparagraph (A), the Director shall—

(i) hold a hearing on the record regarding the objection; and

(ii) make a final determination that establishes the study plan, including a description of studies the proposed lessee is required to perform.

(4) NO OBJECTIONS.—If no objections are submitted by the deadline described in paragraph (3)(A), the initial determination of the Secretary under paragraph (2) shall be final.

(e) CONDITIONS OF LEASE.—

(1) CONSISTENCY WITH RIGHTS OF TRIBES; PROTECTION, MITIGATION, AND ENHANCEMENT OF FISH AND WILDLIFE.—

(A) IN GENERAL.—Any lease of power privilege issued by the Secretary for a project under subsection (b) shall contain conditions—

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(i) to ensure that the project is consistent with, and will not interfere with, the exercise of the paramount hunting, fishing, and boating rights of the Tribes reserved pursuant to the Act of June 29, 1940 (54 Stat. 703, chapter 460; 16 U.S.C. 835d et seq.); and

(ii) to adequately and equitably protect, mitigate damages to, and enhance fish and wildlife, including related spawning grounds and habitat, affected by the development, operation, and management of the project.

(B) RECOMMENDATIONS OF THE TRIBES.—The conditions required under subparagraph (A) shall be based on joint recommendations of the Tribes.

(C) RESOLVING INCONSISTENCIES.—

(i) IN GENERAL.—If the Secretary determines that any recommendation of the Tribes under subparagraph (B) is not reasonably calculated to ensure the project is consistent with subparagraph (A) or is inconsistent with the requirements of the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.), the Secretary shall attempt to resolve any such inconsistency with the Tribes, giving due weight to the recommendations and expertise of the Tribes.

(ii) PUBLICATION OF FINDINGS.—If, after an attempt to resolve an inconsistency under clause (i), the Secretary does not adopt in whole or in part a recommendation of the Tribes under subparagraph (B), the Secretary shall issue each of the following findings, including a statement of the basis for each of the findings:

(I) A finding that adoption of the recommendation is inconsistent with the requirements of the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.).

(II) A finding that the conditions selected by the Secretary to be contained in the lease of power privilege under subparagraph (A) comply with the requirements of clauses (i) and (ii) of that subparagraph.

(2) ANNUAL CHARGES PAYABLE BY LICENSEE.—

(A) IN GENERAL.—Subject to subparagraph (B), any lease of power privilege issued by the Secretary for a project under subsection (b) shall contain conditions that require the lessee of the project to make direct payments to the Tribes through reasonable annual charges in an amount that recompenses the Tribes for any adverse economic effect of the project identified in a study performed pursuant to the study plan agreement for the project.

(B) AGREEMENT.—

(i) IN GENERAL.—The amount of the annual charges described in subparagraph (A) shall be established through agreement between the proposed lessee and the Tribes.

(ii) CONDITION.—The agreement under clause (i), including any modification of the agreement, shall be deemed to be a condition to the lease of power privilege

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issued by the Secretary for a project under subsection (b).

(C) DISPUTE RESOLUTION.—

(i) IN GENERAL.—If the proposed lessee and the Tribes cannot agree to the terms of an agreement under subparagraph (B)(i), the proposed lessee and the Tribes shall submit notice of the dispute to the Director.

(ii) RESOLUTION.—The Director shall resolve the dispute described in clause (i) not later than 180 days after the date on which the Director receives notice of the dispute under that clause.

(3) ADDITIONAL CONDITIONS.—The Secretary may include in any lease of power privilege issued by the Secretary for a project under subsection (b) other conditions determined appropriate by the Secretary, on the condition that the conditions shall be consistent with the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.).

(4) CONSULTATION.—In establishing conditions under this subsection, the Secretary shall consult with the Tribes.

(f) DEADLINES.—The Secretary or any officer of the Office of Hearing and Appeals before whom a proceeding is pending under this section may extend any deadline or enlarge any timeframe described in this section—

(1) at the discretion of the Secretary or the officer; or

(2) on a showing of good cause by any party.

(g) JUDICIAL REVIEW.—Any final action of the Secretary or the Director made pursuant to this section shall be subject to judicial review in accordance with chapter 7 of title 5, United States Code.

(h) EFFECT ON OTHER PROJECTS.—Nothing in this section establishes any precedent or is binding on any Bureau of Reclamation lease of power privilege, other than for a project.

Subtitle E—Miscellaneous

SEC. 40341. SOLAR ENERGY TECHNOLOGIES ON CURRENT AND FORMER MINE LAND.

Section 3004 of the Energy Act of 2020 (42 U.S.C. 16238) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (6) through (15) as paragraphs (7) through (16), respectively; and

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

"(6) MINE LAND.—The term 'mine land' means—

"(A) land subject to titles IV and V of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.; 30 U.S.C. 1251 et seq.); and

"(B) land that has been claimed or patented subject to sections 2319 through 2344 of the Revised Statutes (commonly known as the 'Mining Law of 1872') (30 U.S.C. 22 et seq.).''; and

(2) in subsection (b)(6)(B)—

(A) in the matter preceding clause (i), by inserting ", in consultation with the Secretary of the Interior and

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the Administrator of the Environmental Protection Agency for purposes of clause (iv)," after "the Secretary";

(B) in clause (iii), by striking "and" after the semicolon;

(C) by redesignating clause (iv) as clause (v); and

(D) by inserting after clause (iii) the following:

"(iv) a description of the technical and economic viability of siting solar energy technologies on current and former mine land, including necessary interconnection and transmission siting and the impact on local job creation; and".

SEC. 40342. CLEAN ENERGY DEMONSTRATION PROGRAM ON CURRENT AND FORMER MINE LAND.

(a) DEFINITIONS.—In this section:

(1) CLEAN ENERGY PROJECT.—The term "clean energy project" means a project that demonstrates 1 or more of the following technologies:

(A) Solar.

(B) Micro-grids.

(C) Geothermal.

(D) Direct air capture.

(E) Fossil-fueled electricity generation with carbon capture, utilization, and sequestration.

(F) Energy storage, including pumped storage hydropower and compressed air storage.

(G) Advanced nuclear technologies.

(2) ECONOMICALLY DISTRESSED AREA.—The term "economically distressed area" means an area described in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)).

(3) MINE LAND.—The term "mine land" means—

(A) land subject to titles IV and V of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.; 30 U.S.C. 1251 et seq.); and

(B) land that has been claimed or patented subject to sections 2319 through 2344 of the Revised Statutes (commonly known as the "Mining Law of 1872") (30 U.S.C. 22 et seq.).

(4) PROGRAM.—The term "program" means the demonstration program established under subsection (b).

(b) ESTABLISHMENT.—The Secretary shall establish a program to demonstrate the technical and economic viability of carrying out clean energy projects on current and former mine land.

(c) SELECTION OF DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall select not more than 5 clean energy projects, to be carried out in geographically diverse regions, at least 2 of which shall be solar projects.

(2) ELIGIBILITY.—To be eligible to be selected for participation in the program under paragraph (1), a clean energy project shall demonstrate, as determined by the Secretary, a technology on a current or former mine land site with a reasonable expectation of commercial viability.

(3) PRIORITY.—In selecting clean energy projects for participation in the program under paragraph (1), the Secretary shall prioritize clean energy projects that will—

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(A) be carried out in a location where the greatest number of jobs can be created from the successful demonstration of the clean energy project;

(B) provide the greatest net impact in avoiding or reducing greenhouse gas emissions;

(C) provide the greatest domestic job creation (both directly and indirectly) during the implementation of the clean energy project;

(D) provide the greatest job creation and economic development in the vicinity of the clean energy project, particularly—

(i) in economically distressed areas; and

(ii) with respect to dislocated workers who were previously employed in manufacturing, coal power plants, or coal mining;

(E) have the greatest potential for technological innovation and commercial deployment;

(F) have the lowest levelized cost of generated or stored energy;

(G) have the lowest rate of greenhouse gas emissions per unit of electricity generated or stored; and

(H) have the shortest project time from permitting to completion.

(4) PROJECT SELECTION.—The Secretary shall solicit proposals for clean energy projects and select clean energy project finalists in consultation with the Secretary of the Interior, the Administrator of the Environmental Protection Agency, and the Secretary of Labor.

(5) COMPATIBILITY WITH EXISTING OPERATIONS.—Prior to selecting a clean energy project for participation in the program under paragraph (1), the Secretary shall consult with, as applicable, mining claimholders or operators or the relevant Office of Surface Mining Reclamation and Enforcement Abandoned Mine Land program office to confirm—

(A) that the proposed project is compatible with any current mining, exploration, or reclamation activities; and

(B) the valid existing rights of any mining claimholders or operators.

(d) CONSULTATION.—The Secretary shall consult with the Director of the Office of Surface Mining Reclamation and Enforcement and the Administrator of the Environmental Protection Agency, acting through the Office of Brownfields and Land Revitalization, to determine whether it is necessary to promulgate regulations or issue guidance in order to prioritize and expedite the siting of clean energy projects on current and former mine land sites.

(e) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to project applicants selected for participation in the program under subsection (c) to assess the needed interconnection, transmission, and other grid components and permitting and siting necessary to interconnect, on current and former mine land where the project will be sited, any generation or storage with the electric grid.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $500,000,000 for the period of fiscal years 2022 through 2026.

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SEC. 40343. LEASES, EASEMENTS, AND RIGHTS-OF-WAY FOR ENERGY AND RELATED PURPOSES ON THE OUTER CONTINENTAL SHELF.

Section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) is amended by inserting "storage," before "or transmission".

TITLE IV—ENABLING ENERGY INFRASTRUCTURE INVESTMENT AND DATA COLLECTION

Subtitle A—Department of Energy Loan Program

SEC. 40401. DEPARTMENT OF ENERGY LOAN PROGRAMS.

(a) TITLE XVII INNOVATIVE ENERGY LOAN GUARANTEE PROGRAM.—

(1) REASONABLE PROSPECT OF REPAYMENT.—Section 1702(d)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16512(d)(1)) is amended—

(A) by striking the paragraph designation and heading and all that follows through "No guarantee" and inserting the following:

"(1) REQUIREMENT.—

"(A) IN GENERAL.—No guarantee"; and

(B) by adding at the end the following:

"(B) REASONABLE PROSPECT OF REPAYMENT.—The Secretary shall base a determination of whether there is reasonable prospect of repayment under subparagraph (A) on a comprehensive evaluation of whether the borrower has a reasonable prospect of repaying the guaranteed obligation for the eligible project, including, as applicable, an evaluation of—

"(i) the strength of the contractual terms of the eligible project (if commercially reasonably available);

"(ii) the forecast of noncontractual cash flows supported by market projections from reputable sources, as determined by the Secretary;

"(iii) cash sweeps and other structure enhancements;

"(iv) the projected financial strength of the borrower—

"(I) at the time of loan close; and

"(II) throughout the loan term after the project is completed;

"(v) the financial strength of the investors and strategic partners of the borrower, if applicable; and

"(vi) other financial metrics and analyses that are relied on by the private lending community and nationally recognized credit rating agencies, as determined appropriate by the Secretary.".

(2) LOAN GUARANTEES FOR PROJECTS THAT INCREASE THE DOMESTICALLY PRODUCED SUPPLY OF CRITICAL MINERALS.—

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(A) IN GENERAL.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by adding at the end the following:

"(13) Projects that increase the domestically produced supply of critical minerals (as defined in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)), including through the production, processing, manufacturing, recycling, or fabrication of mineral alternatives.".

(B) PROHIBITION ON USE OF PREVIOUSLY APPROPRIATED FUNDS.—Amounts appropriated to the Department of Energy before the date of enactment of this Act shall not be made available for the cost of loan guarantees made under paragraph (13) of section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)).

(C) PROHIBITION ON USE OF PREVIOUSLY AVAILABLE COMMITMENT AUTHORITY.—Amounts made available to the Department of Energy for commitments to guarantee loans under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) before the date of enactment of this Act shall not be made available for commitments to guarantee loans for projects described in paragraph (13) of section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)).

(3) CONFLICTS OF INTEREST.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following:

"(r) CONFLICTS OF INTEREST.—For each project selected for a guarantee under this title, the Secretary shall certify that political influence did not impact the selection of the project.".

(b) ADVANCED TECHNOLOGY VEHICLE MANUFACTURING.—

(1) ELIGIBILITY.—Section 136(a)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(a)(1)) is amended—

(A) in subparagraph (C), by striking the period at the end and inserting a semicolon;

(B) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(C) in the matter preceding clause (i) (as so redesignated), by striking "means an ultra" and inserting the following: "means—

"(A) an ultra"; and

(D) by adding at the end the following:

"(B) a medium duty vehicle or a heavy duty vehicle that exceeds 125 percent of the greenhouse gas emissions and fuel efficiency standards established by the final rule of the Environmental Protection Agency entitled 'Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2' (81 Fed. Reg. 73478 (October 25, 2016));

"(C) a train or locomotive;

"(D) a maritime vessel;

"(E) an aircraft; and

"(F) hyperloop technology.".

(2) REASONABLE PROSPECT OF REPAYMENT.—Section 136(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)) is amended—

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(A) by striking paragraph (3) and inserting the following:

"(3) SELECTION OF ELIGIBLE PROJECTS.—

"(A) IN GENERAL.—The Secretary shall select eligible projects to receive loans under this subsection if the Secretary determines that—

"(i) the loan recipient—

"(I) has a reasonable prospect of repaying the principal and interest on the loan;

"(II) will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

"(III) has met such other criteria as may be established and published by the Secretary; and

"(ii) the amount of the loan (when combined with amounts available to the loan recipient from other sources) will be sufficient to carry out the project.

"(B) REASONABLE PROSPECT OF REPAYMENT.—The Secretary shall base a determination of whether there is a reasonable prospect of repayment of the principal and interest on a loan under subparagraph (A)(i)(I) on a comprehensive evaluation of whether the loan recipient has a reasonable prospect of repaying the principal and interest, including, as applicable, an evaluation of—

"(i) the strength of the contractual terms of the eligible project (if commercially reasonably available);

"(ii) the forecast of noncontractual cash flows supported by market projections from reputable sources, as determined by the Secretary;

"(iii) cash sweeps and other structure enhancements;

"(iv) the projected financial strength of the loan recipient—

"(I) at the time of loan close; and

"(II) throughout the loan term after the project is completed;

"(v) the financial strength of the investors and strategic partners of the loan recipient, if applicable; and

"(vi) other financial metrics and analyses that are relied on by the private lending community and nationally recognized credit rating agencies, as determined appropriate by the Secretary."; and

(B) in paragraph (4)—

(i) in subparagraph (C), by striking "and" after the semicolon;

(ii) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(E) shall be subject to the condition that the loan is not subordinate to other financing.".

(3) ADDITIONAL REFORMS.—Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is amended—

(A) in subsection (b) by striking "ultra efficient vehicle manufacturers, and component suppliers" and inserting

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"ultra efficient vehicle manufacturers, advanced technology vehicle manufacturers, and component suppliers";

(B) in subsection (h)—

(i) in the subsection heading, by striking "AUTOMOBILE" and inserting "ADVANCED TECHNOLOGY VEHICLE"; and

(ii) in paragraph (1)(B), by striking "automobiles, or components of automobiles" and inserting "advanced technology vehicles, or components of advanced technology vehicles";

(C) by striking subsection (i);

(D) by redesignating subsection (j) as subsection (i); and

(E) by adding at the end the following:

"(j) COORDINATION.—In carrying out this section, the Secretary shall coordinate with relevant vehicle, bioenergy, and hydrogen and fuel cell demonstration project activities supported by the Department.

"(k) OUTREACH.—In carrying out this section, the Secretary shall—

"(1) provide assistance with the completion of applications for awards or loans under this section; and

"(2) conduct outreach, including through conferences and online programs, to disseminate information on awards and loans under this section to potential applicants.

"(l) PROHIBITION ON USE OF APPROPRIATED FUNDS.—Amounts appropriated to the Secretary before the date of enactment of this subsection shall not be available to the Secretary to provide awards under subsection (b) or loans under subsection (d) for the costs of activities that were not eligible for those awards or loans on the day before that date.

"(m) REPORT.—Not later than 2 years after the date of enactment of this subsection, and every 3 years thereafter, the Secretary shall submit to Congress a report on the status of projects supported by a loan under this section, including—

"(1) a list of projects receiving a loan under this section, including the loan amount and construction status of each project;

"(2) the status of the loan repayment for each project, including future repayment projections;

"(3) data regarding the number of direct and indirect jobs retained, restored, or created by financed projects;

"(4) the number of new projects projected to receive a loan under this section in the next 2 years, including the projected aggregate loan amount over the next 2 years;

"(5) evaluation of ongoing compliance with the assurances and commitments, and of the predictions, made by applicants pursuant to paragraphs (2) and (3) of subsection (d);

"(6) the total number of applications received by the Department each year; and

"(7) any other metrics the Secretary determines appropriate.".

(4) CONFLICTS OF INTEREST.—Section 136(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)) is amended by adding at the end the following:

"(5) CONFLICTS OF INTEREST.—For each eligible project selected to receive a loan under this subsection, the Secretary

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shall certify that political influence did not impact the selection of the eligible project.".

(c) STATE LOAN ELIGIBILITY.—

(1) DEFINITIONS.—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511) is amended by adding at the end the following:

"(6) STATE.—The term 'State' has the meaning given the term in section 202 of the Energy Conservation and Production Act (42 U.S.C. 6802).

"(7) STATE ENERGY FINANCING INSTITUTION.—

"(A) IN GENERAL.—The term 'State energy financing institution' means a quasi-independent entity or an entity within a State agency or financing authority established by a State—

"(i) to provide financing support or credit enhancements, including loan guarantees and loan loss reserves, for eligible projects; and

"(ii) to create liquid markets for eligible projects, including warehousing and securitization, or take other steps to reduce financial barriers to the deployment of existing and new eligible projects.

"(B) INCLUSION.—The term 'State energy financing institution' includes an entity or organization established to achieve the purposes described in clauses (i) and (ii) of subparagraph (A) by an Indian Tribal entity or an Alaska Native Corporation.".

(2) TERMS AND CONDITIONS.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

(A) in subsection (a), by inserting ", including projects receiving financial support or credit enhancements from a State energy financing institution," after "for projects";

(B) in subsection (d)(1), by inserting ", including a guarantee for a project receiving financial support or credit enhancements from a State energy financing institution," after "No guarantee"; and

(C) by adding at the end the following:

"(r) STATE ENERGY FINANCING INSTITUTIONS.—

"(1) ELIGIBILITY.—To be eligible for a guarantee under this title, a project receiving financial support or credit enhancements from a State energy financing institution—

"(A) shall meet the requirements of section 1703(a)(1); and

"(B) shall not be required to meet the requirements of section 1703(a)(2).

"(2) PARTNERSHIPS AUTHORIZED.—In carrying out a project receiving a loan guarantee under this title, State energy financing institutions may enter into partnerships with private entities, Tribal entities, and Alaska Native corporations.

"(3) PROHIBITION ON USE OF APPROPRIATED FUNDS.—Amounts appropriated to the Department of Energy before the date of enactment of this subsection shall not be available to be used for the cost of loan guarantees for projects receiving financing support or credit enhancements under this subsection.".

(d) LOAN GUARANTEES FOR CERTAIN ALASKA NATURAL GAS TRANSPORTATION PROJECTS AND SYSTEMS.—Section 116 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720n) is amended—

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(1) in subsection (a)—

(A) in paragraph (1), by striking "to West Coast States"; and

(B) in paragraph (3), in the second sentence, by striking "to the continental United States";

(2) in subsection (b)(1), in the first sentence, by striking "to West Coast States"; and

(3) in subsection (g)(4)—

(A) by inserting by striking "plants liquification plants and" and inserting "plants, liquification plants, and";

(B) by striking "to the West Coast"; and

(C) by striking "to the continental United States".

Subtitle B—Energy Information Administration

SEC. 40411. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Energy Information Administration.

(2) ANNUAL CRITICAL MINERALS OUTLOOK.—The term "Annual Critical Minerals Outlook" means the Annual Critical Minerals Outlook prepared under section 7002(j)(1)(B) of the Energy Act of 2020 (30 U.S.C. 1606(j)(1)(B)).

(3) CRITICAL MINERAL.—The term "critical mineral" has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(4) HOUSEHOLD ENERGY BURDEN.—The term "household energy burden" means the quotient obtained by dividing—

(A) the residential energy expenditures (as defined in section 440.3 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act)) of the applicable household; by

(B) the annual income of that household.

(5) HOUSEHOLD WITH A HIGH ENERGY BURDEN.—The term "household with a high energy burden" has the meaning given the term in section 440.3 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(6) LARGE MANUFACTURING FACILITY.—The term "large manufacturing facility" means a manufacturing facility that—

(A) annually consumes more than 35,000 megawatt-hours of electricity; or

(B) has a peak power demand of more than 10 megawatts.

(7) LOAD-SERVING ENTITY.—The term "load-serving entity" has the meaning given the term in section 217(a) of the Federal Power Act (16 U.S.C. 824q(a)).

(8) MISCELLANEOUS ELECTRIC LOAD.—The term "miscellaneous electric load" means electricity that—

(A) is used by an appliance or device—

(i) within a building; or

(ii) to serve a building; and

(B) is not used for heating, ventilation, air conditioning, lighting, water heating, or refrigeration.

(9) REGIONAL TRANSMISSION ORGANIZATION.—The term "Regional Transmission Organization" has the meaning given

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the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(10) RURAL AREA.—The term "rural area" has the meaning given the term in section 609(a) of the Public Utility Regulatory Policies Act of 1978 (7 U.S.C. 918c(a)).

SEC. 40412. DATA COLLECTION IN THE ELECTRICITY SECTOR.

(a) DASHBOARD.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish an online database to track the operation of the bulk power system in the contiguous 48 States (referred to in this section as the "Dashboard").

(B) IMPROVEMENT OF EXISTING DASHBOARD.—The Dashboard may be established through the improvement, in accordance with this subsection, of an existing dashboard of the Energy Information Administration, such as—

(i) the U.S. Electric System Operating Data dashboard; or

(ii) the Hourly Electric Grid Monitor.

(2) EXPANSION.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall expand the Dashboard to include, to the maximum extent practicable, hourly operating data collected from the electricity balancing authorities that operate the bulk power system in all of the several States, each territory of the United States, and the District of Columbia.

(B) TYPES OF DATA.—The hourly operating data collected under subparagraph (A) may include data relating to—

(i) total electricity demand;

(ii) electricity demand by subregion;

(iii) short-term electricity demand forecasts;

(iv) total electricity generation;

(v) net electricity generation by fuel type, including renewables;

(vi) electricity stored and discharged;

(vii) total net electricity interchange;

(viii) electricity interchange with directly interconnected balancing authorities; and

(ix) where available, the estimated marginal greenhouse gas emissions per megawatt hour of electricity generated—

(I) within the metered boundaries of each balancing authority; and

(II) for each pricing node.

(b) MIX OF ENERGY SOURCES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish, in accordance with section 40419 and this subsection and to the extent the Administrator determines to be appropriate, a system to harmonize the operating data on electricity generation collected under subsection (a) with—

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(A) measurements of greenhouse gas and other pollutant emissions collected by the Environmental Protection Agency;

(B) other data collected by the Environmental Protection Agency or other relevant Federal agencies, as the Administrator determines to be appropriate; and

(C) data collected by State or regional energy credit registries.

(2) OUTCOMES.—The system established under paragraph (1) shall result in an integrated dataset that includes, for any given time—

(A) the net generation of electricity by megawatt hour within the metered boundaries of each balancing authority; and

(B) where available, the average and marginal greenhouse gas emissions by megawatt hour of electricity generated within the metered boundaries of each balancing authority.

(3) REAL-TIME DATA DISSEMINATION.—To the maximum extent practicable, the system established under paragraph (1) shall disseminate data—

(A) on a real-time basis; and

(B) through an application programming interface that is publicly accessible.

(4) COMPLEMENTARY EFFORTS.—The system established under paragraph (1) shall complement any existing data dissemination efforts of the Administrator that make use of electricity generation data, such as electricity demand by subregion and electricity interchange with directly interconnected balancing authorities.

(c) OBSERVED CHARACTERISTICS OF BULK POWER SYSTEM RESOURCE INTEGRATION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish a system to provide to the public timely data on the integration of energy resources into the bulk power system and the electric distribution grids in the United States, and the observed effects of that integration.

(2) REQUIREMENTS.—In carrying out paragraph (1), the Administrator shall seek to improve the temporal and spatial resolution of data relating to how grid operations are changing, such as through—

(A) thermal generator cycling to accommodate intermittent generation;

(B) generation unit self-scheduling practices;

(C) renewable source curtailment;

(D) utility-scale storage;

(E) load response;

(F) aggregations of distributed energy resources at the distribution system level;

(G) power interchange between directly connected balancing authorities;

(H) expanding Regional Transmission Organization balancing authorities;

(I) improvements in real-time—

(i) accuracy of locational marginal prices; and

(ii) signals to flexible demand; and

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(J) disruptions to grid operations, including disruptions caused by cyber sources, physical sources, extreme weather events, or other sources.

(d) DISTRIBUTION SYSTEM OPERATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish a system to provide to the public timely data on the operations of load-serving entities in the electricity grids of the United States.

(2) REQUIREMENTS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall—

(i) not less frequently than annually, provide data on—

(I) the delivered generation resource mix for each load-serving entity; and

(II) the distributed energy resources operating within each service area of a load-serving entity;

(ii) harmonize the data on delivered generation resource mix described in clause (i)(I) with measurements of greenhouse gas emissions collected by the Environmental Protection Agency;

(iii) to the maximum extent practicable, disseminate the data described in clause (i)(I) and the harmonized data described in clause (ii) on a real-time basis; and

(iv) provide historical data, beginning with the earliest calendar year practicable, but not later than calendar year 2020, on the delivered generation resource mix described in clause (i)(I).

(B) DATA ON THE DELIVERED GENERATION RESOURCE MIX.—In collecting the data described in subparagraph (A)(i)(I), the Administrator shall—

(i) use existing voluntary industry methodologies, including reporting protocols, databases, and emissions and energy use tracking software that provide consistent, timely, and accessible carbon emissions intensity rates for delivered electricity;

(ii) consider that generation and transmission entities may provide data on behalf of load-serving entities;

(iii) to the extent that the Administrator determines necessary, and in a manner designed to protect confidential information, require each load-serving entity to submit additional information as needed to determine the delivered generation resource mix of the load-serving entity, including financial or contractual agreements for power and generation resource type attributes with respect to power owned by or retired by the load-serving entity; and

(iv) for any portion of the generation resource mix of a load-serving entity that is otherwise unaccounted for, develop a methodology to assign to the load-serving entity a share of the otherwise unaccounted for resource mix of the relevant balancing authority.

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SEC. 40413. EXPANSION OF ENERGY CONSUMPTION SURVEYS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall implement measures to expand the Manufacturing Energy Consumption Survey, the Commercial Building Energy Consumption Survey, and the Residential Energy Consumption Survey to include data on energy end use in order to facilitate the identification of—

(1) opportunities to improve energy efficiency and energy productivity;

(2) changing patterns of energy use; and

(3) opportunities to better understand and manage miscellaneous electric loads.

(b) REQUIREMENTS.—

(1) IN GENERAL.—In carrying out subsection (a), the Administrator shall—

(A) increase the scope and frequency of data collection on energy end uses and services;

(B) use new data collection methods and tools in order to obtain more comprehensive data and reduce the burden on survey respondents, including by—

(i) accessing other existing data sources; and

(ii) if feasible, developing online and real-time reporting systems;

(C) identify and report community-level economic and environmental impacts, including with respect to—

(i) the reliability and security of the energy supply; and

(ii) local areas with households with a high energy burden; and

(D) improve the presentation of data, including by—

(i) enabling the presentation of data in an interactive cartographic format on a national, regional, State, and local level with the functionality of viewing various economic, energy, and demographic measures on an individual basis or in combination; and

(ii) incorporating the results of the data collection, methods, and tools described in subparagraphs (A) and (B) into existing and new digital distribution methods.

(2) MANUFACTURING ENERGY CONSUMPTION SURVEY.—With respect to the Manufacturing Energy Consumption Survey, the Administrator shall—

(A) implement measures to provide more detailed representations of data by region;

(B) for large manufacturing facilities, break out process heat use by required process temperatures in order to facilitate the identification of opportunities for cost reductions and energy efficiency or energy productivity improvements;

(C) collect information on—

(i) energy source-switching capabilities, especially with respect to thermal processes and the efficiency of thermal processes;

(ii) the use of electricity, biofuels, hydrogen, or other alternative fuels to produce process heat; and

(iii) the use of demand response; and

(D) identify current and potential future industrial clusters in which multiple firms and facilities in a defined

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geographic area share the costs and benefits of infrastructure for clean manufacturing, such as—

(i) hydrogen generation, production, transport, use, and storage infrastructure; and

(ii) carbon dioxide capture, transport, use, and storage infrastructure.

(3) RESIDENTIAL ENERGY CONSUMPTION SURVEY.—With respect to the Residential Energy Consumption Survey, the Administrator shall—

(A) implement measures to provide more detailed representations of data by—

(i) geographic area, including by State (for each State);

(ii) building type, including multi-family buildings;

(iii) household income;

(iv) location in a rural area; and

(v) other demographic characteristics, as determined by the Administrator; and

(B) report measures of—

(i) household electrical service capacity;

(ii) access to utility demand-side management programs and bill credits;

(iii) characteristics of the energy mix used to generate electricity in different regions; and

(iv) the household energy burden for households—

(I) in different geographic areas;

(II) by electricity, heating, and other end-uses; and

(III) with different demographic characteristics that correlate with increased household energy burden, including—

(aa) having a low household income;

(bb) being a minority household;

(cc) residing in manufactured or multi-family housing;

(dd) being in a fixed or retirement income household;

(ee) residing in rental housing; and

(ff) other factors, as determined by the Administrator.

SEC. 40414. DATA COLLECTION ON ELECTRIC VEHICLE INTEGRATION WITH THE ELECTRICITY GRIDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop and implement measures to expand data collection with respect to electric vehicle integration with the electricity grids.

(b) SOURCES OF DATA.—The sources of the data collected pursuant to subsection (a) may include—

(1) host-owned or charging-network-owned electric vehicle charging stations;

(2) aggregators of charging-network electricity demand;

(3) electric utilities offering managed-charging programs;

(4) individual, corporate, or public owners of electric vehicles; and

(5) balancing authority analyses of—

(A) transformer loading congestion; and

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(B) distribution-system congestion.

(c) CONSULTATION AND COORDINATION.—In carrying out subsection (a), the Administrator may consult and enter into agreements with other institutions having relevant data and data collection capabilities, such as—

(1) the Secretary of Transportation;

(2) the Secretary;

(3) the Administrator of the Environmental Protection Agency;

(4) States or State agencies; and

(5) private entities.

SEC. 40415. PLAN FOR THE MODELING AND FORECASTING OF DEMAND FOR MINERALS USED IN THE ENERGY SECTOR.

(a) PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator, in coordination with the Director of the United States Geological Survey, shall develop a plan for the modeling and forecasting of demand for energy technologies, including for energy production, transmission, or storage purposes, that use minerals that are or could be designated as critical minerals.

(2) INCLUSIONS.—The plan developed under paragraph (1) shall identify—

(A) the type and quantity of minerals consumed, delineated by energy technology;

(B) existing markets for manufactured energy-producing, energy-transmission, and energy-storing equipment; and

(C) emerging or potential markets for new energy-producing, energy-transmission, and energy-storing technologies entering commercialization.

(b) METRICS.—The plan developed under subsection (a)(1) shall produce forecasts of energy technology demand—

(1) over the 1-year, 5-year, and 10-year periods beginning on the date on which development of the plan is completed;

(2) by economic sector; and

(3) according to any other parameters that the Administrator, in collaboration with the Secretary of the Interior, acting through the Director of the United States Geological Survey, determines are needed for the Annual Critical Minerals Outlook.

(c) COLLABORATION.—The Administrator shall develop the plan under subsection (a)(1) in consultation with—

(1) the Secretary with respect to the possible trajectories of emerging energy-producing and energy-storing technologies; and

(2) the Secretary of the Interior, acting through the Director of the United States Geological Survey—

(A) to ensure coordination;

(B) to avoid duplicative effort; and

(C) to align the analysis of demand with data and analysis of where the minerals are produced, refined, and subsequently processed into materials and parts that are used to build energy technologies.

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SEC. 40416. EXPANSION OF INTERNATIONAL ENERGY DATA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall implement measures to expand and improve the international energy data resources of the Energy Information Administration in order to understand—

(1) the production and use of energy in various countries;

(2) changing patterns of energy use internationally;

(3) the relative costs and environmental impacts of energy production and use internationally; and

(4) plans for or construction of major energy facilities or infrastructure.

(b) REQUIREMENTS.—In carrying out subsection (a), the Administrator shall—

(1) work with, and leverage the data resources of, the International Energy Agency;

(2) include detail on energy consumption by fuel, economic sector, and end use within countries for which data are available;

(3) collect relevant measures of energy use, including—

(A) cost; and

(B) emissions intensity; and

(4) provide tools that allow for straightforward country-to-country comparisons of energy production and consumption across economic sectors and end uses.

SEC. 40417. PLAN FOR THE NATIONAL ENERGY MODELING SYSTEM.

Not later than 180 days after the date of enactment of this Act, the Administrator shall develop a plan to identify any need or opportunity to update or further the capabilities of the National Energy Modeling System, including with respect to—

(1) treating energy demand endogenously;

(2) increased natural gas usage and increased market penetration of renewable energy;

(3) flexible operating modes of nuclear power plants, such as load following and frequency control;

(4) tools to model multiple-output energy systems that provide hydrogen, high-value heat, electricity, and chemical synthesis services, including interactions of those energy systems with the electricity grids, pipeline networks, and the broader economy;

(5) demand response and improved representation of energy storage, including long-duration storage, in capacity expansion models;

(6) electrification, particularly with respect to the transportation, industrial, and buildings sectors;

(7) increasing model resolution to represent all hours of the year and all electricity generators;

(8) wholesale electricity market design and the appropriate valuation of all services that support the reliability of electricity grids, such as—

(A) battery storage; and

(B) synthetic inertia from grid-tied inverters;

(9) economic modeling of the role of energy efficiency, demand response, electricity storage, and a variety of distributed generation technologies;

(10) the production, transport, use, and storage of carbon dioxide, hydrogen, and hydrogen carriers;

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(11) greater flexibility in—

(A) the modeling of the environmental impacts of electricity systems, such as—

(i) emissions of greenhouse gases and other pollutants; and

(ii) the use of land and water resources; and

(B) the ability to support climate modeling, such as the climate modeling performed by the Office of Biological and Environmental Research in the Office of Science of the Department;

(12) technologies that are in an early stage of commercial deployment and have been identified by the Secretary as candidates for large-scale demonstration projects, such as—

(A) carbon capture, transport, use, and storage from any source or economic sector;

(B) direct air capture;

(C) hydrogen production, including via electrolysis;

(D) synthetic and biogenic hydrocarbon liquid and gaseous fuels;

(E) supercritical carbon dioxide combustion turbines;

(F) industrial fuel cell and hydrogen combustion equipment; and

(G) industrial electric boilers;

(13) increased and improved data sources and tools, including—

(A) the establishment of technology and cost baselines, including technology learning rates;

(B) economic and employment impacts of energy system policies and energy prices on households, as a function of household income and region; and

(C) the use of behavioral economics to inform demand modeling in all sectors; and

(14) striving to migrate toward a single, consistent, and open-source modeling platform, and increasing open access to model systems, data, and outcomes, for—

(A) disseminating reference scenarios that can be transparently and broadly replicated; and

(B) promoting the development of the researcher and analyst workforce needed to continue the development and validation of improved energy system models in the future.

SEC. 40418. REPORT ON COSTS OF CARBON ABATEMENT IN THE ELECTRICITY SECTOR.

Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on—

(1) the potential use of levelized cost of carbon abatement or a similar metric in analyzing generators of electricity, including an identification of limitations and appropriate uses of the metric;

(2) the feasibility and impact of incorporating levelized cost of carbon abatement in long-term forecasts—

(A) to compare technical approaches and understand real-time changes in fossil-fuel and nuclear dispatch;

(B) to compare the system-level costs of technology options to reduce emissions; and

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(C) to compare the costs of policy options, including current policies, regarding valid and verifiable reductions and removals of carbon; and

(3)(A) a potential process to measure carbon dioxide emissions intensity per unit of output production for a range of—

(i) energy sources;

(ii) sectors; and

(iii) geographic regions; and

(B) a corresponding process to provide an empirical framework for reporting the status and costs of carbon dioxide reduction relative to specified goals.

SEC. 40419. HARMONIZATION OF EFFORTS AND DATA.

Not later than 1 year after the date of enactment of this Act, the Administrator shall establish a system to harmonize, to the maximum extent practicable and consistent with data integrity—

(1) the data collection efforts of the Administrator, including any data collection required under this subtitle, with the data collection efforts of—

(A) the Environmental Protection Agency, as the Administrator determines to be appropriate;

(B) other relevant Federal agencies, as the Administrator determines to be appropriate; and

(C) State or regional energy credit registries, as the Administrator determines to be appropriate;

(2) the data collected under this subtitle, including the operating data on electricity generation collected under section 40412(a), with data collected by the entities described in subparagraphs (A) through (C) of paragraph (1), including any measurements of greenhouse gas and other pollutant emissions collected by the Environmental Protection Agency, as the Administrator determines to be appropriate; and

(3) the efforts of the Administrator to identify and report relevant impacts, opportunities, and patterns with respect to energy use, including the identification of community-level economic and environmental impacts required under section 40413(b)(1)(C), with the efforts of the Environmental Protection Agency and other relevant Federal agencies, as determined by the Administrator, to identify similar impacts, opportunities, and patterns.

Subtitle C—Miscellaneous

SEC. 40431. CONSIDERATION OF MEASURES TO PROMOTE GREATER ELECTRIFICATION OF THE TRANSPORTATION SECTOR.

(a) IN GENERAL.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) (as amended by section 40104(a)(1)) is amended by adding at the end the following:

"(21) ELECTRIC VEHICLE CHARGING PROGRAMS.—Each State shall consider measures to promote greater electrification of the transportation sector, including the establishment of rates that—

"(A) promote affordable and equitable electric vehicle charging options for residential, commercial, and public electric vehicle charging infrastructure;

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"(B) improve the customer experience associated with electric vehicle charging, including by reducing charging times for light-, medium-, and heavy-duty vehicles;

"(C) accelerate third-party investment in electric vehicle charging for light-, medium-, and heavy-duty vehicles; and

"(D) appropriately recover the marginal costs of delivering electricity to electric vehicles and electric vehicle charging infrastructure.".

(b) COMPLIANCE.—

(1) TIME LIMITATION.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) (as amended by section 40104(a)(2)(A)) is amended by adding at the end the following:

"(8)(A) Not later than 1 year after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority) and each nonregulated utility shall commence consideration under section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (21) of section 111(d).

"(B) Not later than 2 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority), and each nonregulated electric utility shall complete the consideration and make the determination under section 111 with respect to the standard established by paragraph (21) of section 111(d).".

(2) FAILURE TO COMPLY.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) (as amended by section 40104(a)(2)(B)(i)) is amended by adding at the end the following: "In the case of the standard established by paragraph (21) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (21).".

(3) PRIOR STATE ACTIONS.—

(A) IN GENERAL.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) (as amended by section 40104(a)(2)(C)(i)) is amended by adding at the end the following:

"(h) OTHER PRIOR STATE ACTIONS.—Subsections (b) and (c) shall not apply to the standard established by paragraph (21) of section 111(d) in the case of any electric utility in a State if, before the date of enactment of this subsection—

"(1) the State has implemented for the electric utility the standard (or a comparable standard);

"(2) the State regulatory authority for the State or the relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard (or a comparable standard) for the electric utility; or

"(3) the State legislature has voted on the implementation of the standard (or a comparable standard) for the electric utility during the 3-year period ending on that date of enactment.".

(B) CROSS-REFERENCE.—Section 124 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2634)

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(as amended by section 40104(a)(2)(C)(ii)(II)) is amended by adding at the end the following: "In the case of the standard established by paragraph (21) of section 111(d), the reference contained in this section to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (21).".

SEC. 40432. OFFICE OF PUBLIC PARTICIPATION.

Section 319 of the Federal Power Act (16 U.S.C. 825q–1) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A), by striking the third sentence; and

(B) in subparagraph (B)—

(i) by striking the third sentence and inserting the following: "The Director shall be compensated at a rate of pay not greater than the maximum rate of pay prescribed for a senior executive in the Senior Executive Service under section 5382 of title 5, United States Code."; and

(ii) by striking the first sentence; and

(2) in subsection (b), by striking paragraph (4).

SEC. 40433. DIGITAL CLIMATE SOLUTIONS REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with appropriate Federal agencies and relevant stakeholders, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that assesses using digital tools and platforms as climate solutions, including—

(1) artificial intelligence and machine learning;

(2) blockchain technologies and distributed ledgers;

(3) crowdsourcing platforms;

(4) the Internet of Things;

(5) distributed computing for the grid; and

(6) software and systems.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) as practicable, a full inventory and assessment of digital climate solutions;

(2) an analysis of how the private sector can utilize the digital tools and platforms included in the inventory under paragraph (1) to accelerate digital climate solutions; and

(3) a summary of opportunities to enhance the standardization of voluntary and regulatory climate disclosure protocols, including enabling the data to be disseminated through an application programming interface that is accessible to the public.

SEC. 40434. STUDY AND REPORT BY THE SECRETARY OF ENERGY ON JOB LOSS AND IMPACTS ON CONSUMER ENERGY COSTS DUE TO THE REVOCATION OF THE PERMIT FOR THE KEYSTONE XL PIPELINE.

(a) DEFINITION OF EXECUTIVE ORDER.—In this section, the term "Executive Order" means Executive Order 13990 (86 Fed. Reg. 7037; relating to protecting public health and the environment and restoring science to tackle the climate crisis).

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(b) STUDY AND REPORT.—The Secretary shall—

(1) conduct a study to estimate—

(A) the total number of jobs that were lost as a direct or indirect result of section 6 of the Executive Order over the 10-year period beginning on the date on which the Executive Order was issued; and

(B) the impact on consumer energy costs that are projected to result as a direct or indirect result of section 6 of the Executive Order over the 10-year period beginning on the date on which the Executive Order was issued; and

(2) not later than 90 days after the date of enactment of this Act, submit to Congress a report describing the findings of the study conducted under paragraph (1).

SEC. 40435. STUDY ON IMPACT OF ELECTRIC VEHICLES.

Not later than 120 days after the date of enactment of this Act, the Secretary shall conduct, and submit to Congress a report describing the results of, a study on the cradle to grave environmental impact of electric vehicles.

SEC. 40436. STUDY ON IMPACT OF FORCED LABOR IN CHINA ON THE ELECTRIC VEHICLE SUPPLY CHAIN.

Not later than 120 days after the date of enactment of this Act, the Secretary, in coordination with the Secretary of State and the Secretary of Commerce, shall study the impact of forced labor in China on the electric vehicle supply chain.

TITLE V—ENERGY EFFICIENCY AND BUILDING INFRASTRUCTURE

Subtitle A—Residential and Commercial Energy Efficiency

SEC. 40501. DEFINITIONS.

In this subtitle:

(1) PRIORITY STATE.—The term "priority State" means a State that—

(A) is eligible for funding under the State Energy Program; and

(B)(i) is among the 15 States with the highest annual per-capita combined residential and commercial sector energy consumption, as most recently reported by the Energy Information Administration; or

(ii) is among the 15 States with the highest annual per-capita energy-related carbon dioxide emissions by State, as most recently reported by the Energy Information Administration.

(2) PROGRAM.—The term "program" means the program established under section 40502(a).

(3) STATE.—The term "State" means a State (as defined in section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202)), acting through a State energy office.

(4) STATE ENERGY PROGRAM.—The term "State Energy Program" means the State Energy Program established under

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part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

SEC. 40502. ENERGY EFFICIENCY REVOLVING LOAN FUND CAPITALIZATION GRANT PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, under the State Energy Program, the Secretary shall establish a program under which the Secretary shall provide capitalization grants to States to establish a revolving loan fund under which the State shall provide loans and grants, as applicable, in accordance with this section.

(b) DISTRIBUTION OF FUNDS.—

(1) ALL STATES.—

(A) IN GENERAL.—Of the amounts made available under subsection (j), the Secretary shall use 40 percent to provide capitalization grants to States that are eligible for funding under the State Energy Program, in accordance with the allocation formula established under section 420.11 of title 10, Code of Federal Regulations (or successor regulations).

(B) REMAINING FUNDING.—After applying the allocation formula described in subparagraph (A), the Secretary shall redistribute any unclaimed funds to the remaining States seeking capitalization grants under that subparagraph.

(2) PRIORITY STATES.—

(A) IN GENERAL.—Of the amounts made available under subsection (j), the Secretary shall use 60 percent to provide supplemental capitalization grants to priority States in accordance with an allocation formula determined by the Secretary.

(B) REMAINING FUNDING.—After applying the allocation formula described in subparagraph (A), the Secretary shall redistribute any unclaimed funds to the remaining priority States seeking supplemental capitalization grants under that subparagraph.

(C) GRANT AMOUNT.—

(i) MAXIMUM AMOUNT.—The amount of a supplemental capitalization grant provided to a State under this paragraph shall not exceed $15,000,000.

(ii) SUPPLEMENT NOT SUPPLANT.—A supplemental capitalization grant received by a State under this paragraph shall supplement, not supplant, a capitalization grant received by that State under paragraph (1).

(c) APPLICATIONS FOR CAPITALIZATION GRANTS.—A State seeking a capitalization grant under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(1) a detailed explanation of how the grant will be used, including a plan to establish a new revolving loan fund or use an existing revolving loan fund;

(2) the need of eligible recipients for loans and grants in the State for assistance with conducting energy audits;

(3) a description of the expected benefits that building infrastructure and energy system upgrades and retrofits will have on communities in the State; and

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(4) in the case of a priority State seeking a supplemental capitalization grant under subsection (b)(2), a justification for needing the supplemental funding.

(d) TIMING.—

(1) IN GENERAL.—The Secretary shall establish a timeline with dates by, or periods by the end of, which a State shall—

(A) on receipt of a capitalization grant under the program, deposit the grant funds into a revolving loan fund; and

(B) begin using the capitalization grant as described in subsection (e)(1).

(2) USE OF GRANT.—Under the timeline established under paragraph (1), a State shall be required to begin using a capitalization grant not more than 180 days after the date on which the grant is received.

(e) USE OF GRANT FUNDS.—

(1) IN GENERAL.—A State that receives a capitalization grant under the program—

(A) shall provide loans in accordance with paragraph (2); and

(B) may provide grants in accordance with paragraph (3).

(2) LOANS.—

(A) COMMERCIAL ENERGY AUDIT.—

(i) IN GENERAL.—A State that receives a capitalization grant under the program may provide a loan to an eligible recipient described in clause (iv) to conduct a commercial energy audit.

(ii) AUDIT REQUIREMENTS.—A commercial energy audit conducted using a loan provided under clause (i) shall—

(I) determine the overall consumption of energy of the facility of the eligible recipient;

(II) identify and recommend lifecycle cost-effective opportunities to reduce the energy consumption of the facility of the eligible recipient, including through energy efficient—

(aa) lighting;

(bb) heating, ventilation, and air conditioning systems;

(cc) windows;

(dd) appliances; and

(ee) insulation and building envelopes;

(III) estimate the energy and cost savings potential of the opportunities identified in subclause (II) using software approved by the Secretary;

(IV) identify—

(aa) the period and level of peak energy demand for each building within the facility of the eligible recipient; and

(bb) the sources of energy consumption that are contributing the most to that period of peak energy demand;

(V) recommend controls and management systems to reduce or redistribute peak energy consumption; and

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(VI) estimate the total energy and cost savings potential for the facility of the eligible recipient if all recommended upgrades and retrofits are implemented, using software approved by the Secretary.

(iii) ADDITIONAL AUDIT INCLUSIONS.—A commercial energy audit conducted using a loan provided under clause (i) may recommend strategies to increase energy efficiency of the facility of the eligible recipient through use of electric systems or other high-efficiency systems utilizing fuels, including natural gas and hydrogen.

(iv) ELIGIBLE RECIPIENTS.—An eligible recipient under clause (i) is a business that—

(I) conducts the majority of its business in the State that provides the loan under that clause; and

(II) owns or operates—

(aa) 1 or more commercial buildings; or

(bb) commercial space within a building that serves multiple functions, such as a building for commercial and residential operations.

(B) RESIDENTIAL ENERGY AUDITS.—

(i) IN GENERAL.—A State that receives a capitalization grant under the program may provide a loan to an eligible recipient described in clause (iv) to conduct a residential energy audit.

(ii) RESIDENTIAL ENERGY AUDIT REQUIREMENTS.—A residential energy audit conducted using a loan under clause (i) shall—

(I) utilize the same evaluation criteria as the Home Performance Assessment used in the Energy Star program established under section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a);

(II) recommend lifecycle cost-effective opportunities to reduce energy consumption within the residential building of the eligible recipient, including through energy efficient—

(aa) lighting;

(bb) heating, ventilation, and air conditioning systems;

(cc) windows;

(dd) appliances; and

(ee) insulation and building envelopes;

(III) recommend controls and management systems to reduce or redistribute peak energy consumption;

(IV) compare the energy consumption of the residential building of the eligible recipient to comparable residential buildings in the same geographic area; and

(V) provide a Home Energy Score, or equivalent score (as determined by the Secretary), for the residential building of the eligible recipient by using the Home Energy Score Tool of the Department or an equivalent scoring tool.

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(iii) ADDITIONAL AUDIT INCLUSIONS.—A residential energy audit conducted using a loan provided under clause (i) may recommend strategies to increase energy efficiency of the facility of the eligible recipient through use of electric systems or other high-efficiency systems utilizing fuels, including natural gas and hydrogen.

(iv) ELIGIBLE RECIPIENTS.—An eligible recipient under clause (i) is—

(I) an individual who owns—

(aa) a single family home;

(bb) a condominium or duplex; or

(cc) a manufactured housing unit; or

(II) a business that owns or operates a multi-family housing facility.

(C) COMMERCIAL AND RESIDENTIAL ENERGY UPGRADES AND RETROFITS.—

(i) IN GENERAL.—A State that receives a capitalization grant under the program may provide a loan to an eligible recipient described in clause (ii) to carry out upgrades or retrofits of building infrastructure and systems that—

(I) are recommended in the commercial energy audit or residential energy audit, as applicable, completed for the building or facility of the eligible recipient;

(II) satisfy at least 1 of the criteria in the Home Performance Assessment used in the Energy Star program established under section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a);

(III) improve, with respect to the building or facility of the eligible recipient—

(aa) the physical comfort of the building or facility occupants;

(bb) the energy efficiency of the building or facility; or

(cc) the quality of the air in the building or facility; and

(IV)(aa) are lifecycle cost-effective; and

(bb)(AA) reduce the energy intensity of the building or facility of the eligible recipient; or

(BB) improve the control and management of energy usage of the building or facility to reduce demand during peak times.

(ii) ELIGIBLE RECIPIENTS.—An eligible recipient under clause (i) is an eligible recipient described in subparagraph (A)(iv) or (B)(iv) that—

(I) has completed a commercial energy audit described in subparagraph (A) or a residential energy audit described in subparagraph (B) using a loan provided under the applicable subparagraph; or

(II) has completed a commercial energy audit or residential energy audit that—

(aa) was not funded by a loan under this paragraph; and

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(bb)(AA) meets the requirements for the applicable audit under subparagraph (A) or (B), as applicable; or

(BB) the Secretary determines is otherwise satisfactory.

(iii) LOAN TERM.—

(I) IN GENERAL.—A loan provided under this subparagraph shall be required to be fully amortized by the earlier of—

(aa) subject to subclause (II), the year in which the upgrades or retrofits carried out using the loan exceed their expected useful life; and

(bb) 15 years after those upgrades or retrofits are installed.

(II) CALCULATION.—For purposes of subclause (I)(aa), in the case of a loan being used to fund multiple upgrades or retrofits, the longest-lived upgrade or retrofit shall be used to calculate the year in which the upgrades or retrofits carried out using the loan exceed their expected useful life.

(D) REFERRAL TO QUALIFIED CONTRACTORS.—Following the completion of an audit under subparagraph (A) or (B) by an eligible recipient of a loan under the applicable subparagraph, the State may refer the eligible recipient to a qualified contractor, as determined by the State, to estimate—

(i) the upfront capital cost of each recommended upgrade; and

(ii) the total upfront capital cost of implementing all recommended upgrades.

(E) LOAN RECIPIENTS.—Each State providing loans under this paragraph shall, to the maximum extent practicable, provide loans to eligible recipients that do not have access to private capital.

(3) GRANTS AND TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—A State that receives a capitalization grant under the program may use not more than 25 percent of the grant funds to provide grants or technical assistance to eligible entities described in subparagraph (B) to carry out the activities described in subparagraphs (A), (B), and (C) of paragraph (2).

(B) ELIGIBLE ENTITY.—An entity eligible for a grant or technical assistance under subparagraph (A) is—

(i) a business that—

(I) is an eligible recipient described in paragraph (2)(A)(iv); and

(II) has fewer than 500 employees; or

(ii) a low-income individual (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)) that owns a residential building.

(4) FINAL ASSESSMENT.—A State that provides a capitalization grant under paragraph (2)(C) to an eligible recipient described in clause (ii) of that paragraph may, not later than 1 year after the date on which the upgrades or retrofits funded by the grant under that paragraph are completed, provide

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to the eligible recipient a loan or, in accordance with paragraph (3), a grant to conduct a final energy audit that assesses the total energy savings from the upgrades or retrofits.

(5) ADMINISTRATIVE EXPENSES.—A State that receives a capitalization grant under the program may use not more than 10 percent of the grant funds for administrative expenses.

(f) COORDINATION WITH EXISTING PROGRAMS.—A State receiving a capitalization grant under the program is encouraged to utilize and build on existing programs and infrastructure within the State that may aid the State in carrying out a revolving loan fund program.

(g) LEVERAGING PRIVATE CAPITAL.—A State receiving a capitalization grant under the program shall, to the maximum extent practicable, use the grant to leverage private capital.

(h) OUTREACH.—The Secretary shall engage in outreach to inform States of the availability of capitalization grants under the program.

(i) REPORT.—Each State that receives a capitalization grant under the program shall, not later than 2 years after a grant is received, submit to the Secretary a report that describes—

(1) the number of recipients to which the State has distributed—

(A) loans for—

(i) commercial energy audits under subsection (e)(2)(A);

(ii) residential energy audits under subsection (e)(2)(B);

(iii) energy upgrades and retrofits under subsection (e)(2)(C); and

(B) grants under subsection (e)(3); and

(2) the average capital cost of upgrades and retrofits across all commercial energy audits and residential energy audits that were conducted in the State using loans provided by the State under subsection (e).

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $250,000,000 for fiscal year 2022, to remain available until expended.

SEC. 40503. ENERGY AUDITOR TRAINING GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) COVERED CERTIFICATION.—The term "covered certification" means any of the following certifications:

(A) The American Society of Heating, Refrigerating and Air-Conditioning Engineers Building Energy Assessment Professional certification.

(B) The Association of Energy Engineers Certified Energy Auditor certification.

(C) The Building Performance Institute Home Energy Professional Energy Auditor certification.

(D) The Residential Energy Services Network Home Energy Rater certification.

(E) Any other third-party certification recognized by the Department.

(F) Any third-party certification that the Secretary determines is equivalent to the certifications described in subparagraphs (A) through (E).

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(2) ELIGIBLE STATE.—The term "eligible State" means a State that—

(A) has a demonstrated need for assistance for training energy auditors; and

(B) meets any additional criteria determined necessary by the Secretary.

(b) ESTABLISHMENT.—Under the State Energy Program, the Secretary shall establish a competitive grant program under which the Secretary shall award grants to eligible States to train individuals to conduct energy audits or surveys of commercial and residential buildings.

(c) APPLICATIONS.—

(1) IN GENERAL.—A State seeking a grant under subsection (b) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including the energy auditor training program plan described in paragraph (2).

(2) ENERGY AUDITOR TRAINING PROGRAM PLAN.—An energy auditor training program plan submitted with an application under paragraph (1) shall include—

(A)(i) a proposed training curriculum for energy audit trainees; and

(ii) an identification of the covered certification that those trainees will receive on completion of that training curriculum;

(B) the expected per-individual cost of training;

(C) a plan for connecting trainees with employment opportunities; and

(D) any additional information required by the Secretary.

(d) AMOUNT OF GRANT.—The amount of a grant awarded to an eligible State under subsection (b)—

(1) shall be determined by the Secretary, taking into account the population of the eligible State; and

(2) shall not exceed $2,000,000 for any eligible State.

(e) USE OF FUNDS.—

(1) IN GENERAL.—An eligible State that receives a grant under subsection (b) shall use the grant funds—

(A) to cover any cost associated with individuals being trained or certified to conduct energy audits by—

(i) the State; or

(ii) a State-certified third party training program; and

(B) subject to paragraph (2), to pay the wages of a trainee during the period in which the trainee receives training and certification.

(2) LIMITATION.—Not more than 10 percent of grant funds provided under subsection (b) to an eligible State may be used for the purpose described in paragraph (1)(B).

(f) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Labor.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $40,000,000 for the period of fiscal years 2022 through 2026.

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Subtitle B—Buildings

SEC. 40511. COST-EFFECTIVE CODES IMPLEMENTATION FOR EFFICIENCY AND RESILIENCE.

(a) IN GENERAL.—Title III of the Energy Conservation and Production Act (42 U.S.C. 6831 et seq.) is amended by adding at the end the following:

"SEC. 309. COST-EFFECTIVE CODES IMPLEMENTATION FOR EFFICIENCY AND RESILIENCE.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a relevant State agency, as determined by the Secretary, such as a State building code agency, State energy office, or Tribal energy office; and

"(B) a partnership.

"(2) PARTNERSHIP.—The term 'partnership' means a partnership between an eligible entity described in paragraph (1)(A) and 1 or more of the following entities:

"(A) Local building code agencies.

"(B) Codes and standards developers.

"(C) Associations of builders and design and construction professionals.

"(D) Local and utility energy efficiency programs.

"(E) Consumer, energy efficiency, and environmental advocates.

"(F) Other entities, as determined by the Secretary.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish within the Building Technologies Office of the Department of Energy a program under which the Secretary shall award grants on a competitive basis to eligible entities to enable sustained cost-effective implementation of updated building energy codes.

"(2) UPDATED BUILDING ENERGY CODE.—An update to a building energy code under this section, including an amendment that results in increased efficiency compared to the previously adopted building energy code, shall include any update made available after the existing building energy code, even if it is not the most recent updated code available.

"(c) CRITERIA; PRIORITY.—In awarding grants under subsection (b), the Secretary shall—

"(1) consider—

"(A) prospective energy savings and plans to measure the savings, including utilizing the Environmental Protection Agency Portfolio Manager, the Home Energy Score rating of the Office of Energy Efficiency and Renewable Energy of the Department of Energy, the Energy Star Building rating methodologies of the Environmental Protection Agency, and other methodologies determined appropriate by the Secretary;

"(B) the long-term sustainability of those measures and savings;

"(C) prospective benefits, and plans to assess the benefits, including benefits relating to—

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"(i) resilience and peak load reduction;
"(ii) occupant safety and health; and
"(iii) environmental performance;
"(D) the demonstrated capacity of the eligible entity to carry out the proposed project; and
"(E) the need of the eligible entity for assistance; and
"(2) give priority to applications from partnerships.
"(d) ELIGIBLE ACTIVITIES.—
"(1) IN GENERAL.—An eligible entity awarded a grant under this section may use the grant funds—
"(A) to create or enable State or regional partnerships to provide training and materials to—
"(i) builders, contractors and subcontractors, architects, and other design and construction professionals, relating to meeting updated building energy codes in a cost-effective manner; and
"(ii) building code officials, relating to improving implementation of and compliance with building energy codes;
"(B) to collect and disseminate quantitative data on construction and codes implementation, including code pathways, performance metrics, and technologies used;
"(C) to develop and implement a plan for highly effective codes implementation, including measuring compliance;
"(D) to address various implementation needs in rural, suburban, and urban areas; and
"(E) to implement updates in energy codes for—
"(i) new residential and commercial buildings (including multifamily buildings); and
"(ii) additions and alterations to existing residential and commercial buildings (including multifamily buildings).
"(2) RELATED TOPICS.—Training and materials provided using a grant under this section may include information on the relationship between energy codes and—
"(A) cost-effective, high-performance, and zero-net-energy buildings;
"(B) improving resilience, health, and safety;
"(C) water savings and other environmental impacts; and
"(D) the economic impacts of energy codes.
"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $225,000,000 for the period of fiscal years 2022 through 2026.".
(b) CONFORMING AMENDMENT.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended, in the matter preceding paragraph (1), by striking "As used in" and inserting "Except as otherwise provided, in".

SEC. 40512. BUILDING, TRAINING, AND ASSESSMENT CENTERS.

(a) IN GENERAL.—The Secretary shall provide grants to institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) and Tribal Colleges or Universities (as defined in section 316(b) of that Act (20 U.S.C. 1059c(b))) to establish building training and assessment centers—

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(1) to identify opportunities for optimizing energy efficiency and environmental performance in buildings;

(2) to promote the application of emerging concepts and technologies in commercial and institutional buildings;

(3) to train engineers, architects, building scientists, building energy permitting and enforcement officials, and building technicians in energy-efficient design and operation;

(4) to assist institutions of higher education and Tribal Colleges or Universities in training building technicians;

(5) to promote research and development for the use of alternative energy sources and distributed generation to supply heat and power for buildings, particularly energy-intensive buildings; and

(6) to coordinate with and assist State-accredited technical training centers, community colleges, Tribal Colleges or Universities, and local offices of the National Institute of Food and Agriculture and ensure appropriate services are provided under this section to each region of the United States.

(b) COORDINATION AND NONDUPLICATION.—

(1) IN GENERAL.—The Secretary shall coordinate the program with the industrial research and assessment centers program under section 457 of the Energy Independence and Security Act of 2007 (as added by section 40521(b)) and with other Federal programs to avoid duplication of effort.

(2) COLLOCATION.—To the maximum extent practicable, building, training, and assessment centers established under this section shall be collocated with industrial research and assessment centers (as defined in section 40531).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for fiscal year 2022, to remain available until expended.

SEC. 40513. CAREER SKILLS TRAINING.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" means a nonprofit partnership that—

(1) includes the equal participation of industry, including public or private employers, and labor organizations, including joint labor-management training programs;

(2) may include workforce investment boards, community-based organizations, qualified service and conservation corps, educational institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations; and

(3) demonstrates—

(A) experience in implementing and operating worker skills training and education programs;

(B) the ability to identify and involve in training programs carried out under this section, target populations of individuals who would benefit from training and be actively involved in activities relating to energy efficiency and renewable energy industries; and

(C) the ability to help individuals achieve economic self-sufficiency.

(b) ESTABLISHMENT.—The Secretary shall award grants to eligible entities to pay the Federal share of associated career skills training programs under which students concurrently receive classroom instruction and on-the-job training for the purpose of obtaining

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an industry-related certification to install energy efficient buildings technologies.

(c) FEDERAL SHARE.—The Federal share of the cost of carrying out a career skills training program described in subsection (b) shall be 50 percent.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for fiscal year 2022, to remain available until expended.

SEC. 40514. COMMERCIAL BUILDING ENERGY CONSUMPTION INFORMATION SHARING.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Energy Information Administration.

(2) AGREEMENT.—The term "Agreement" means the agreement entered into under subsection (b).

(3) SURVEY.—The term "Survey" means the Commercial Building Energy Consumption Survey.

(b) AUTHORIZATION OF AGREEMENT.—Not later than 120 days after the date of enactment of this Act, the Administrator and the Administrator of the Environmental Protection Agency shall sign, and submit to Congress, an information sharing agreement relating to commercial building energy consumption data.

(c) CONTENT OF AGREEMENT.—The Agreement shall—

(1) provide, to the extent permitted by law, that—

(A) the Administrator shall have access to building-specific data in the Portfolio Manager database of the Environmental Protection Agency; and

(B) the Administrator of the Environmental Protection Agency shall have access to building-specific data collected by the Survey;

(2) describe the manner in which the Administrator shall use the data described in paragraph (1) and subsection (d);

(3) describe and compare—

(A) the methodologies that the Energy Information Administration, the Environmental Protection Agency, and State and local government managers use to maximize the quality, reliability, and integrity of data collected through the Survey, the Portfolio Manager database of the Environmental Protection Agency, and State and local building energy disclosure laws (including regulations), respectively, and the manner in which those methodologies can be improved; and

(B) consistencies and variations in data for the same buildings captured in—

(i)(I) the 2018 Survey cycle; and

(II) each subsequent Survey cycle; and

(ii) the Portfolio Manager database of the Environmental Protection Agency; and

(4) consider whether, and the methods by which, the Administrator may collect and publish new iterations of Survey data every 3 years—

(A) using the Survey processes of the Administrator; or

(B) as supplemented by information in the Portfolio Manager database of the Environmental Protection Agency.

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(d) DATA.—The data referred in subsection (c)(2) includes data that—

(1) is collected through the Portfolio Manager database of the Environmental Protection Agency;

(2) is required to be publicly available on the internet under State and local government building energy disclosure laws (including regulations); and

(3) includes information on private sector buildings that are not less than 250,000 square feet.

(e) PROTECTION OF INFORMATION.—In carrying out the agreement, the Administrator and the Administrator of the Environmental Protection Agency shall protect information in accordance with—

(1) section 552(b)(4) of title 5, United States Code (commonly known as the "Freedom of Information Act");

(2) subchapter III of chapter 35 of title 44, United States Code; and

(3) any other applicable law (including regulations).

Subtitle C—Industrial Energy Efficiency

PART I—INDUSTRY

SEC. 40521. FUTURE OF INDUSTRY PROGRAM AND INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.

(a) FUTURE OF INDUSTRY PROGRAM.—

(1) IN GENERAL.—Section 452 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111) is amended—

(A) by striking the section heading and inserting the following: "future of industry program";

(B) in subsection (a)(2)—

(i) by redesignating subparagraph (E) as subparagraph (F); and

(ii) by inserting after subparagraph (D) the following:

"(E) water and wastewater treatment facilities, including systems that treat municipal, industrial, and agricultural waste; and";

(C) by striking subsection (e); and

(D) by redesignating subsection (f) as subsection (e).

(2) CONFORMING AMENDMENT.—Section 454(b)(2)(C) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17113(b)(2)(C)) is amended by striking "energy-intensive industries" and inserting "Future of Industry".

(b) INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—Subtitle D of title IV of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111 et seq.) is amended by adding at the end the following:

"SEC. 457. INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.

"(a) DEFINITIONS.—In this section:

"(1) COVERED PROJECT.—The term 'covered project' means a project—

"(A) that has been recommended in an energy assessment described in paragraph (2)(A) conducted for an eligible entity; and

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"(B) with respect to which the plant site of that eligible entity—

"(i) improves—

"(I) energy efficiency;

"(II) material efficiency;

"(III) cybersecurity; or

"(IV) productivity; or

"(ii) reduces—

"(I) waste production;

"(II) greenhouse gas emissions; or

"(III) nongreenhouse gas pollution.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a small- or medium-sized manufacturer that has had an energy assessment completed by—

"(A) an industrial research and assessment center;

"(B) a Department of Energy Combined Heat and Power Technical Assistance Partnership jointly with an industrial research and assessment center; or

"(C) a third-party assessor that provides an assessment equivalent to an assessment described in subparagraph (A) or (B), as determined by the Secretary.

"(3) ENERGY SERVICE PROVIDER.—The term 'energy service provider' means—

"(A) any business providing technology or services to improve the energy efficiency, water efficiency, power factor, or load management of a manufacturing site or other industrial process in an energy-intensive industry (as defined in section 452(a)); and

"(B) any utility operating under a utility energy service project.

"(4) INDUSTRIAL RESEARCH AND ASSESSMENT CENTER.—The term 'industrial research and assessment center' means—

"(A) an institution of higher education-based industrial research and assessment center that is funded by the Secretary under subsection (b); and

"(B) an industrial research and assessment center at a trade school, community college, or union training program that is funded by the Secretary under subsection (f).

"(5) PROGRAM.—The term 'Program' means the program for implementation grants established under subsection (i)(1).

"(6) SMALL- OR MEDIUM-SIZED MANUFACTURER.—The term 'small- or medium-sized manufacturer' means a manufacturing firm—

"(A) the gross annual sales of which are less than $100,000,000;

"(B) that has fewer than 500 employees at the plant site of the manufacturing firm; and

"(C) the annual energy bills of which total more than $100,000 but less than $3,500,000.

"(b) INSTITUTION OF HIGHER EDUCATION-BASED INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—

"(1) IN GENERAL.—The Secretary shall provide funding to institution of higher education-based industrial research and assessment centers.

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"(2) PURPOSE.—The purpose of each institution of higher education-based industrial research and assessment center shall be—

"(A) to provide in-depth assessments of small- and medium-sized manufacturer plant sites to evaluate the facilities, services, and manufacturing operations of the plant sites;

"(B) to identify opportunities for optimizing energy efficiency and environmental performance, including implementation of—

"(i) smart manufacturing;

"(ii) energy management systems;

"(iii) sustainable manufacturing;

"(iv) information technology advancements for supply chain analysis, logistics, system monitoring, industrial and manufacturing processes, and other purposes; and

"(v) waste management systems;

"(C) to promote applications of emerging concepts and technologies in small- and medium-sized manufacturers (including water and wastewater treatment facilities and federally owned manufacturing facilities);

"(D) to promote research and development for the use of alternative energy sources to supply heat, power, and new feedstocks for energy-intensive industries;

"(E) to coordinate with appropriate Federal and State research offices;

"(F) to provide a clearinghouse for industrial process and energy efficiency technical assistance resources; and

"(G) to coordinate with State-accredited technical training centers and community colleges, while ensuring appropriate services to all regions of the United States.

"(c) COORDINATION.—To increase the value and capabilities of the industrial research and assessment centers, the centers shall—

"(1) coordinate with Manufacturing Extension Partnership Centers of the National Institute of Standards and Technology;

"(2) coordinate with the Federal Energy Management Program and the Building Technologies Office of the Department of Energy to provide building assessment services to manufacturers;

"(3) increase partnerships with the National Laboratories of the Department of Energy to leverage the expertise, technologies, and research and development capabilities of the National Laboratories for national industrial and manufacturing needs;

"(4) increase partnerships with energy service providers and technology providers to leverage private sector expertise and accelerate deployment of new and existing technologies and processes for energy efficiency, power factor, and load management;

"(5) identify opportunities for reducing greenhouse gas emissions and other air emissions; and

"(6) promote sustainable manufacturing practices for small- and medium-sized manufacturers.

"(d) OUTREACH.—The Secretary shall provide funding for—

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"(1) outreach activities by the industrial research and assessment centers to inform small- and medium-sized manufacturers of the information, technologies, and services available; and

"(2) coordination activities by each industrial research and assessment center to leverage efforts with—

"(A) Federal, State, and Tribal efforts;

"(B) the efforts of utilities and energy service providers;

"(C) the efforts of regional energy efficiency organizations; and

"(D) the efforts of other industrial research and assessment centers.

"(e) CENTERS OF EXCELLENCE.—

"(1) ESTABLISHMENT.—The Secretary shall establish a Center of Excellence at not more than 5 of the highest-performing industrial research and assessment centers, as determined by the Secretary.

"(2) DUTIES.—A Center of Excellence shall coordinate with and advise the industrial research and assessment centers located in the region of the Center of Excellence, including—

"(A) by mentoring new directors and staff of the industrial research and assessment centers with respect to—

"(i) the availability of resources; and

"(ii) best practices for carrying out assessments, including through the participation of the staff of the Center of Excellence in assessments carried out by new industrial research and assessment centers;

"(B) by providing training to staff and students at the industrial research and assessment centers on new technologies, practices, and tools to expand the scope and impact of the assessments carried out by the centers;

"(C) by assisting the industrial research and assessment centers with specialized technical opportunities, including by providing a clearinghouse of available expertise and tools to assist the centers and clients of the centers in assessing and implementing those opportunities;

"(D) by identifying and coordinating with regional, State, local, Tribal, and utility energy efficiency programs for the purpose of facilitating efforts by industrial research and assessment centers to connect industrial facilities receiving assessments from those centers with regional, State, local, and utility energy efficiency programs that could aid the industrial facilities in implementing any recommendations resulting from the assessments;

"(E) by facilitating coordination between the industrial research and assessment centers and other Federal programs described in paragraphs (1) through (3) of subsection (c); and

"(F) by coordinating the outreach activities of the industrial research and assessment centers under subsection (d)(1).

"(3) FUNDING.—For each fiscal year, out of any amounts made available to carry out this section under subsection (j), the Secretary shall use not less than $500,000 to support each Center of Excellence.

"(f) EXPANSION OF INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—

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"(1) IN GENERAL.—The Secretary shall provide funding to establish additional industrial research and assessment centers at trade schools, community colleges, and union training programs.

"(2) PURPOSE.—

"(A) IN GENERAL.—Subject to subparagraph (B), to the maximum extent practicable, an industrial research and assessment center established under paragraph (1) shall have the same purpose as an institution of higher education-based industrial research center that is funded by the Secretary under subsection (b)(1).

"(B) CONSIDERATION OF CAPABILITIES.—In evaluating or establishing the purpose of an industrial research and assessment center established under paragraph (1), the Secretary shall take into consideration the varying capabilities of trade schools, community colleges, and union training programs.

"(g) WORKFORCE TRAINING.—

"(1) INTERNSHIPS.—The Secretary shall pay the Federal share of associated internship programs under which students work with or for industries, manufacturers, and energy service providers to implement the recommendations of industrial research and assessment centers.

"(2) APPRENTICESHIPS.—The Secretary shall pay the Federal share of associated apprenticeship programs under which—

"(A) students work with or for industries, manufacturers, and energy service providers to implement the recommendations of industrial research and assessment centers; and

"(B) employees of facilities that have received an assessment from an industrial research and assessment center work with or for an industrial research and assessment center to gain knowledge on engineering practices and processes to improve productivity and energy savings.

"(3) FEDERAL SHARE.—The Federal share of the cost of carrying out internship programs described in paragraph (1) and apprenticeship programs described in paragraph (2) shall be 50 percent.

"(h) SMALL BUSINESS LOANS.—The Administrator of the Small Business Administration shall, to the maximum extent practicable, expedite consideration of applications from eligible small business concerns for loans under the Small Business Act (15 U.S.C. 631 et seq.) to implement recommendations developed by the industrial research and assessment centers.

"(i) IMPLEMENTATION GRANTS.—

"(1) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall provide grants to eligible entities to implement covered projects.

"(2) APPLICATION.—An eligible entity seeking a grant under the Program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a demonstration of need for financial assistance to implement the proposed covered project.

"(3) PRIORITY.—In awarding grants under the Program, the Secretary shall give priority to eligible entities that—

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"(A) have had an energy assessment completed by an industrial research and assessment center; and

"(B) propose to carry out a covered project with a greater potential for—

"(i) energy efficiency gains; or

"(ii) greenhouse gas emissions reductions.

"(4) GRANT AMOUNT.—

"(A) MAXIMUM AMOUNT.—The amount of a grant provided to an eligible entity under the Program shall not exceed $300,000.

"(B) FEDERAL SHARE.—A grant awarded under the Program for a covered project shall be in an amount that is not more than 50 percent of the cost of the covered project.

"(C) SUPPLEMENT.—A grant received by an eligible entity under the Program shall supplement, not supplant, any private or State funds available to the eligible entity to carry out the covered project.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for the period of fiscal years 2022 through 2026—

"(1) $150,000,000 to carry out subsections (a) through (h); and

"(2) $400,000,000 to carry out subsection (i).".

(c) CLERICAL AMENDMENT.—The table of contents of the Energy Independence and Security Act of 2007 (42 U.S.C. prec. 17001) is amended by adding at the end of the items relating to subtitle D of title IV the following:

"Sec. 457. Industrial research and assessment centers.".

SEC. 40522. SUSTAINABLE MANUFACTURING INITIATIVE.

(a) IN GENERAL.—Part E of title III of the Energy Policy and Conservation Act (42 U.S.C. 6341 et seq.) is amended by adding at the end the following:

"SEC. 376. SUSTAINABLE MANUFACTURING INITIATIVE.

"(a) IN GENERAL.—As part of the Office of Energy Efficiency and Renewable Energy of the Department of Energy, the Secretary, on the request of a manufacturer, shall carry out onsite technical assessments to identify opportunities for—

"(1) maximizing the energy efficiency of industrial processes and cross-cutting systems;

"(2) preventing pollution and minimizing waste;

"(3) improving efficient use of water in manufacturing processes;

"(4) conserving natural resources; and

"(5) achieving such other goals as the Secretary determines to be appropriate.

"(b) COORDINATION.—To implement any recommendations resulting from an onsite technical assessment carried out under subsection (a) and to accelerate the adoption of new and existing technologies and processes that improve energy efficiency, the Secretary shall coordinate with—

"(1) the Advanced Manufacturing Office of the Department of Energy;

"(2) the Building Technologies Office of the Department of Energy;

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"(3) the Federal Energy Management Program of the Department of Energy; and

"(4) the private sector and other appropriate agencies, including the National Institute of Standards and Technology.

"(c) RESEARCH AND DEVELOPMENT PROGRAM FOR SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECHNOLOGIES AND PROCESSES.—As part of the industrial efficiency programs of the Department of Energy, the Secretary shall carry out a joint industry-government partnership program to research, develop, and demonstrate new sustainable manufacturing and industrial technologies and processes that maximize the energy efficiency of industrial plants, reduce pollution, and conserve natural resources.".

(b) CLERICAL AMENDMENT.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part E of title III the following:

"376. Sustainable manufacturing initiative.".

PART II—SMART MANUFACTURING

SEC. 40531. DEFINITIONS.

In this part:

(1) ENERGY MANAGEMENT SYSTEM.—The term "energy management system" means a business management process based on standards of the American National Standards Institute that enables an organization to follow a systematic approach in achieving continual improvement of energy performance, including energy efficiency, security, use, and consumption.

(2) INDUSTRIAL RESEARCH AND ASSESSMENT CENTER.—The term "industrial research and assessment center" means a center located at an institution of higher education, a trade school, a community college, or a union training program that—

(A) receives funding from the Department;

(B) provides an in-depth assessment of small- and medium-size manufacturer plant sites to evaluate the facilities, services, and manufacturing operations of the plant site; and

(C) identifies opportunities for potential savings for small- and medium-size manufacturer plant sites from energy efficiency improvements, waste minimization, pollution prevention, and productivity improvement.

(3) INFORMATION AND COMMUNICATION TECHNOLOGY.—The term "information and communication technology" means any electronic system or equipment (including the content contained in the system or equipment) used to create, convert, communicate, or duplicate data or information, including computer hardware, firmware, software, communication protocols, networks, and data interfaces.

(4) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM.—The term "North American Industry Classification System" means the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting,

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analyzing, and publishing statistical data relating to the business economy of the United States.

(6) SMALL AND MEDIUM MANUFACTURERS.—The term "small and medium manufacturers" means manufacturing firms—

(A) classified in the North American Industry Classification System as any of sectors 31 through 33;

(B) with gross annual sales of less than $100,000,000;

(C) with fewer than 500 employees at the plant site; and

(D) with annual energy bills totaling more than $100,000 and less than $3,500,000.

(7) SMART MANUFACTURING.—The term "smart manufacturing" means advanced technologies in information, automation, monitoring, computation, sensing, modeling, artificial intelligence, analytics, and networking that—

(A) digitally—

(i) simulate manufacturing production lines;

(ii) operate computer-controlled manufacturing equipment;

(iii) monitor and communicate production line status; and

(iv) manage and optimize energy productivity and cost throughout production;

(B) model, simulate, and optimize the energy efficiency of a factory building;

(C) monitor and optimize building energy performance;

(D) model, simulate, and optimize the design of energy efficient and sustainable products, including the use of digital prototyping and additive manufacturing to enhance product design;

(E) connect manufactured products in networks to monitor and optimize the performance of the networks, including automated network operations; and

(F) digitally connect the supply chain network.

SEC. 40532. LEVERAGING EXISTING AGENCY PROGRAMS TO ASSIST SMALL AND MEDIUM MANUFACTURERS.

The Secretary shall expand the scope of technologies covered by the industrial research and assessment centers of the Department—

(1) to include smart manufacturing technologies and practices; and

(2) to equip the directors of the industrial research and assessment centers with the training and tools necessary to provide technical assistance in smart manufacturing technologies and practices, including energy management systems, to manufacturers.

SEC. 40533. LEVERAGING SMART MANUFACTURING INFRASTRUCTURE AT NATIONAL LABORATORIES.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall conduct a study on how the Department can increase access to existing high-performance computing resources in the National Laboratories, particularly for small and medium manufacturers.

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(2) INCLUSIONS.—In identifying ways to increase access to National Laboratories under paragraph (1), the Secretary shall—

(A) focus on increasing access to the computing facilities of the National Laboratories; and

(B) ensure that—

(i) the information from the manufacturer is protected; and

(ii) the security of the National Laboratory facility is maintained.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study.

(b) ACTIONS FOR INCREASED ACCESS.—The Secretary shall facilitate access to the National Laboratories studied under subsection (a) for small and medium manufacturers so that small and medium manufacturers can fully use the high-performance computing resources of the National Laboratories to enhance the manufacturing competitiveness of the United States.

SEC. 40534. STATE MANUFACTURING LEADERSHIP.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—The Secretary may provide financial assistance on a competitive basis to States for the establishment of programs to be used as models for supporting the implementation of smart manufacturing technologies.

(b) APPLICATIONS.—

(1) IN GENERAL.—To be eligible to receive financial assistance 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) CRITERIA.—The Secretary shall evaluate an application for financial assistance under this section on the basis of merit using criteria identified by the Secretary, including—

(A) technical merit, innovation, and impact;

(B) research approach, workplan, and deliverables;

(C) academic and private sector partners; and

(D) alternate sources of funding.

(c) REQUIREMENTS.—

(1) TERM.—The term of an award of financial assistance under this section shall not exceed 3 years.

(2) MAXIMUM AMOUNT.—The amount of an award of financial assistance under this section shall be not more than $2,000,000.

(3) MATCHING REQUIREMENT.—Each State that receives financial assistance under this section shall contribute matching funds in an amount equal to not less than 30 percent of the amount of the financial assistance.

(d) USE OF FUNDS.—A State may use financial assistance provided under this section—

(1) to facilitate access to high-performance computing resources for small and medium manufacturers; and

(2) to provide assistance to small and medium manufacturers to implement smart manufacturing technologies and practices.

(e) EVALUATION.—The Secretary shall conduct semiannual evaluations of each award of financial assistance under this section—

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(1) to determine the impact and effectiveness of programs funded with the financial assistance; and

(2) to provide guidance to States on ways to better execute the program of the State.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $50,000,000 for the period of fiscal years 2022 through 2026.

SEC. 40535. REPORT.

The Secretary annually shall submit to Congress and make publicly available a report on the progress made in advancing smart manufacturing in the United States.

Subtitle D—Schools and Nonprofits

SEC. 40541. GRANTS FOR ENERGY EFFICIENCY IMPROVEMENTS AND RENEWABLE ENERGY IMPROVEMENTS AT PUBLIC SCHOOL FACILITIES.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUELED VEHICLE.—The term "alternative fueled vehicle" has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(2) ALTERNATIVE FUELED VEHICLE INFRASTRUCTURE.—The term "alternative fueled vehicle infrastructure" means infrastructure used to charge or fuel an alternative fueled vehicle.

(3) ELIGIBLE ENTITY.—The term "eligible entity" means a consortium of—

(A) 1 local educational agency; and

(B) 1 or more—

(i) schools;

(ii) nonprofit organizations that have the knowledge and capacity to partner and assist with energy improvements;

(iii) for-profit organizations that have the knowledge and capacity to partner and assist with energy improvements; or

(iv) community partners that have the knowledge and capacity to partner and assist with energy improvements.

(4) ENERGY IMPROVEMENT.—The term "energy improvement" means—

(A) any improvement, repair, or renovation to a school that results in a direct reduction in school energy costs, including improvements to the envelope, air conditioning system, ventilation system, heating system, domestic hot water heating system, compressed air system, distribution system, lighting system, power system, and controls of a building;

(B) any improvement, repair, or renovation to, or installation in, a school that—

(i) leads to an improvement in teacher and student health, including indoor air quality; and

(ii) achieves energy savings;

(C) any improvement, repair, or renovation to a school involving the installation of renewable energy technologies;

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(D) the installation of alternative fueled vehicle infrastructure on school grounds for—

(i) exclusive use of school buses, school fleets, or students; or

(ii) the general public; and

(E) the purchase or lease of alternative fueled vehicles to be used by a school, including school buses, fleet vehicles, and other operational vehicles.

(5) HIGH SCHOOL.—The term "high school" has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) 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 (20 U.S.C. 7801).

(7) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means—

(A) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) a mutual or cooperative electric company described in section 501(c)(12) of such Code.

(8) PARTNERING LOCAL EDUCATIONAL AGENCY.—The term "partnering local educational agency", with respect to an eligible entity, means the local educational agency participating in the consortium of the eligible entity.

(b) GRANTS.—The Secretary shall award competitive grants to eligible entities to make energy improvements in accordance with this section.

(c) APPLICATIONS.—

(1) IN GENERAL.—An eligible entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) CONTENTS.—The application submitted under paragraph (1) shall include each of the following:

(A) A needs assessment of the current condition of the school and school facilities that would receive the energy improvements if the application were approved.

(B) A draft work plan of the intended achievements of the eligible entity at the school.

(C) A description of the energy improvements that the eligible entity would carry out at the school if the application were approved.

(D) A description of the capacity of the eligible entity to provide services and comprehensive support to make the energy improvements referred to in subparagraph (C).

(E) An assessment of the expected needs of the eligible entity for operation and maintenance training funds, and a plan for use of those funds, if applicable.

(F) An assessment of the expected energy efficiency, energy savings, and safety benefits of the energy improvements.

(G) A cost estimate of the proposed energy improvements.

(H) An identification of other resources that are available to carry out the activities for which grant funds are

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requested under this section, including the availability of utility programs and public benefit funds.

(d) PRIORITY.—

(1) IN GENERAL.—In awarding grants under this section, the Secretary shall give priority to an eligible entity—

(A) that has renovation, repair, and improvement funding needs;

(B)(i) that, as determined by the Secretary, serves a high percentage of students, including students in a high school in accordance with paragraph (2), who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); or

(ii) the partnering local educational agency of which is designated with a school district locale code of 41, 42, or 43, as determined by the National Center for Education Statistics in consultation with the Bureau of the Census; and

(C) that leverages private sector investment through energy-related performance contracting.

(2) HIGH SCHOOL STUDENTS.—In the case of students in a high school, the percentage of students eligible for a free or reduced price lunch described in paragraph (1)(B)(i) shall be calculated using data from the schools that feed into the high school.

(e) COMPETITIVE CRITERIA.—The competitive criteria used by the Secretary to award grants under this section shall include the following:

(1) The extent of the disparity between the fiscal capacity of the eligible entity to carry out energy improvements at school facilities and the needs of the partnering local educational agency for those energy improvements, including consideration of—

(A) the current and historic ability of the partnering local educational agency to raise funds for construction, renovation, modernization, and major repair projects for schools;

(B) the ability of the partnering local educational agency to issue bonds or receive other funds to support the current infrastructure needs of the partnering local educational agency for schools; and

(C) the bond rating of the partnering local educational agency.

(2) The likelihood that the partnering local educational agency or eligible entity will maintain, in good condition, any school and school facility that is the subject of improvements.

(3) The potential energy efficiency and safety benefits from the proposed energy improvements.

(f) USE OF GRANT AMOUNTS.—

(1) IN GENERAL.—Except as provided in this subsection, an eligible entity receiving a grant under this section shall use the grant amounts only to make the energy improvements described in the application submitted by the eligible entity under subsection (c).

(2) OPERATION AND MAINTENANCE TRAINING.—An eligible entity receiving a grant under this section may use not more

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than 5 percent of the grant amounts for operation and maintenance training for energy efficiency and renewable energy improvements, such as maintenance staff and teacher training, education, and preventative maintenance training.

(3) THIRD-PARTY INVESTIGATION AND ANALYSIS.—An eligible entity receiving a grant under this section may use a portion of the grant amounts for a third-party investigation and analysis of the energy improvements carried out by the eligible entity, such as energy audits and existing building commissioning.

(4) CONTINUING EDUCATION.—An eligible entity receiving a grant under this section may use not more than 3 percent of the grant amounts to develop a continuing education curriculum relating to energy improvements.

(g) COMPETITION IN CONTRACTING.—If an eligible entity receiving a grant under this section uses grant funds to carry out repair or renovation through a contract, the eligible entity shall be required to ensure that the contract process—

(1) through full and open competition, ensures the maximum practicable number of qualified bidders, including small, minority, and women-owned businesses; and

(2) gives priority to businesses located in, or resources common to, the State or geographical area in which the repair or renovation under the contract will be carried out.

(h) BEST PRACTICES.—The Secretary shall develop and publish guidelines and best practices for activities carried out under this section.

(i) REPORT BY ELIGIBLE ENTITY.—An eligible entity receiving a grant under this section shall submit to the Secretary, at such time as the Secretary may require, a report describing—

(1) the use of the grant funds for energy improvements;

(2) the estimated cost savings realized by those energy improvements;

(3) the results of any third-party investigation and analysis conducted relating to those energy improvements;

(4) the use of any utility programs and public benefit funds; and

(5) the use of performance tracking for energy improvements, such as—

(A) the Energy Star program established under section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a); or

(B) the United States Green Building Council Leadership in Energy and Environmental Design (LEED) green building rating system for existing buildings.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $500,000,000 for the period of fiscal years 2022 through 2026.

SEC. 40542. ENERGY EFFICIENCY MATERIALS PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) APPLICANT.—The term "applicant" means a nonprofit organization that applies for a grant under this section.

(2) ENERGY-EFFICIENCY MATERIAL.—

(A) IN GENERAL.—The term "energy-efficiency material" means a material (including a product, equipment, or

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system) the installation of which results in a reduction in use by a nonprofit organization of energy or fuel.

(B) INCLUSIONS.—The term "energy-efficiency material" includes—

(i) a roof or lighting system or component of the system;

(ii) a window;

(iii) a door, including a security door; and

(iv) a heating, ventilation, or air conditioning system or component of the system (including insulation and wiring and plumbing improvements needed to serve a more efficient system).

(3) NONPROFIT BUILDING.—The term "nonprofit building" means a building operated and owned by an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(b) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a pilot program to award grants for the purpose of providing nonprofit buildings with energy-efficiency materials.

(c) GRANTS.—

(1) IN GENERAL.—The Secretary may award grants under the program established under subsection (b).

(2) APPLICATION.—The Secretary may award a grant under paragraph (1) if an applicant submits to the Secretary an application at such time, in such form, and containing such information as the Secretary may prescribe.

(3) CRITERIA FOR GRANT.—In determining whether to award a grant under paragraph (1), the Secretary shall apply performance-based criteria, which shall give priority to applicants based on—

(A) the energy savings achieved;

(B) the cost effectiveness of the use of energy-efficiency materials;

(C) an effective plan for evaluation, measurement, and verification of energy savings; and

(D) the financial need of the applicant.

(4) LIMITATION ON INDIVIDUAL GRANT AMOUNT.—Each grant awarded under this section shall not exceed $200,000.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $50,000,000 for the period of fiscal years 2022 through 2026, to remain available until expended.

Subtitle E—Miscellaneous

SEC. 40551. WEATHERIZATION ASSISTANCE PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the weatherization assistance program established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) $3,500,000,000 for fiscal year 2022, to remain available until expended.

(b) APPLICATION OF WAGE RATE REQUIREMENTS TO WEATHERIZATION ASSISTANCE PROGRAM.—With respect to work performed under the weatherization assistance program established under

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part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) on a project assisted in whole or in part by funding made available under subsection (a), the requirements of section 41101 shall apply only to work performed on multifamily buildings with not fewer than 5 units.

SEC. 40552. ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM.

(a) USE OF FUNDS.—Section 544 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17154) is amended—

(1) in paragraph (13)(D), by striking "and" after the semicolon;

(2) by redesignating paragraph (14) as paragraph (15); and

(3) by inserting after paragraph (13) the following:

"(14) programs for financing energy efficiency, renewable energy, and zero-emission transportation (and associated infrastructure), capital investments, projects, and programs, 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; and".

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for 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)) $550,000,000 for fiscal year 2022, to remain available until expended.

SEC. 40553. SURVEY, ANALYSIS, AND REPORT ON EMPLOYMENT AND DEMOGRAPHICS IN THE ENERGY, ENERGY EFFICIENCY, AND MOTOR VEHICLE SECTORS OF THE UNITED STATES.

(a) ENERGY JOBS COUNCIL.—

(1) ESTABLISHMENT.—The Secretary shall establish a council, to be known as the "Energy Jobs Council" (referred to in this section as the "Council").

(2) MEMBERSHIP.—The Council shall be comprised of—

(A) to be appointed by the Secretary—

(i) 1 or more representatives of the Energy Information Administration; and

(ii) 1 or more representatives of a State energy office that are serving as members of the State Energy Advisory Board established by section 365(g) of the Energy Policy and Conservation Act (42 U.S.C. 6325(g));

(B) to be appointed by the Secretary of Commerce—

(i) 1 or more representatives of the Department of Commerce; and

(ii) 1 or more representatives of the Bureau of the Census;

(C) 1 or more representatives of the Bureau of Labor Statistics, to be appointed by the Secretary of Labor; and

(D) 1 or more representatives of any other Federal agency the assistance of which is required to carry out this section, as determined by the Secretary, to be appointed by the head of the applicable agency.

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(b) SURVEY AND ANALYSIS.—

(1) IN GENERAL.—The Council shall—

(A) conduct a survey of employers in the energy, energy efficiency, and motor vehicle sectors of the economy of the United States; and

(B) perform an analysis of the employment figures and demographics in those sectors, including the number of personnel in each sector who devote a substantial portion of working hours, as determined by the Secretary, to regulatory compliance matters.

(2) METHODOLOGY.—In conducting the survey and analysis under paragraph (1), the Council shall employ a methodology that—

(A) was approved in 2016 by the Office of Management and Budget for use in the document entitled "OMB Control Number 1910–5179";

(B) uses a representative, stratified sampling of businesses in the United States; and

(C) is designed to elicit a comparable number of responses from businesses in each State and with the same North American Industry Classification System codes as were received for the 2016 and 2017 reports entitled "U.S. Energy and Employment Report".

(3) CONSULTATION.—In conducting the survey and analysis under paragraph (1), the Council shall consult with key stakeholders, including—

(A) as the Council determines to be appropriate, the heads of relevant Federal agencies and offices, including—

(i) the Secretary of Commerce;

(ii) the Secretary of Transportation;

(iii) the Director of the Bureau of the Census;

(iv) the Commissioner of the Bureau of Labor Statistics; and

(v) the Administrator of the Environmental Protection Agency;

(B) States;

(C) the State Energy Advisory Board established by section 365(g) of the Energy Policy and Conservation Act (42 U.S.C. 6325(g)); and

(D) energy industry trade associations.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall—

(A) make publicly available on the website of the Department a report, to be entitled the "U.S. Energy and Employment Report", describing the employment figures and demographics in the energy, energy efficiency, and motor vehicle sectors of the United States, and the average number of hours devoted to regulatory compliance, based on the survey and analysis conducted under subsection (b); and

(B) subject to the requirements of subchapter III of chapter 35 of title 44, United States Code, make the data collected by the Council publicly available on the website of the Department.

(2) CONTENTS.—

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(A) IN GENERAL.—The report under paragraph (1) shall include employment figures and demographic data for—

(i) the energy sector of the economy of the United States, including—

(I) the electric power generation and fuels sector; and

(II) the transmission, storage, and distribution sector;

(ii) the energy efficiency sector of the economy of the United States; and

(iii) the motor vehicle sector of the economy of the United States.

(B) INCLUSION.—With respect to each sector described in subparagraph (A), the report under paragraph (1) shall include employment figures and demographic data sorted by—

(i) each technology, subtechnology, and fuel type of those sectors; and

(ii) subject to the requirements of the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note; Public Law 107–347)—

(I) each State;

(II) each territory of the United States;

(III) the District of Columbia; and

(IV) each county (or equivalent jurisdiction) in the United States.

SEC. 40554. ASSISTING FEDERAL FACILITIES WITH ENERGY CONSERVATION TECHNOLOGIES GRANT PROGRAM.

There is authorized to be appropriated to the Secretary to provide grants authorized under section 546(b) of the National Energy Conservation Policy Act (42 U.S.C. 8256(b)), $250,000,000 for fiscal year 2022, to remain available until expended.

SEC. 40555. REBATES.

There are authorized to be appropriated to the Secretary for the period of fiscal years 2022 and 2023—

(1) $10,000,000 for the extended product system rebate program authorized under section 1005 of the Energy Act of 2020 (42 U.S.C. 6311 note; Public Law 116–260); and

(2) $10,000,000 for the energy efficient transformer rebate program authorized under section 1006 of the Energy Act of 2020 (42 U.S.C. 6317 note; Public Law 116–260).

SEC. 40556. MODEL GUIDANCE FOR COMBINED HEAT AND POWER SYSTEMS AND WASTE HEAT TO POWER SYSTEMS.

(a) DEFINITIONS.—In this section:

(1) ADDITIONAL SERVICES.—The term "additional services" means the provision of supplementary power, backup or standby power, maintenance power, or interruptible power to an electric consumer by an electric utility.

(2) WASTE HEAT TO POWER SYSTEM.—The term "waste heat to power system" means a system that generates electricity through the recovery of waste energy.

(3) OTHER TERMS.—

(A) PURPA.—The terms "electric consumer", "electric utility", "interconnection service", "nonregulated electric utility", and "State regulatory authority" have the

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meanings given those terms in the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.), within the meaning of title I of that Act (16 U.S.C. 2611 et seq.).

(B) EPCA.—The terms "combined heat and power system" and "waste energy" have the meanings given those terms in section 371 of the Energy Policy and Conservation Act (42 U.S.C. 6341).

(b) REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate entities, shall review existing rules and procedures relating to interconnection service and additional services throughout the United States for electric generation with nameplate capacity up to 150 megawatts connecting at either distribution or transmission voltage levels to identify barriers to the deployment of combined heat and power systems and waste heat to power systems.

(2) INCLUSION.—The review under this subsection shall include a review of existing rules and procedures relating to—

(A) determining and assigning costs of interconnection service and additional services; and

(B) ensuring adequate cost recovery by an electric utility for interconnection service and additional services.

(c) MODEL GUIDANCE.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate entities, shall issue model guidance for interconnection service and additional services for consideration by State regulatory authorities and nonregulated electric utilities to reduce the barriers identified under subsection (b)(1).

(2) CURRENT BEST PRACTICES.—The model guidance issued under this subsection shall reflect, to the maximum extent practicable, current best practices to encourage the deployment of combined heat and power systems and waste heat to power systems while ensuring the safety and reliability of the interconnected units and the distribution and transmission networks to which the units connect, including—

(A) relevant current standards developed by the Institute of Electrical and Electronic Engineers; and

(B) model codes and rules adopted by—

(i) States; or

(ii) associations of State regulatory agencies.

(3) FACTORS FOR CONSIDERATION.—In establishing the model guidance under this subsection, the Secretary shall take into consideration—

(A) the appropriateness of using standards or procedures for interconnection service that vary based on unit size, fuel type, or other relevant characteristics;

(B) the appropriateness of establishing fast-track procedures for interconnection service;

(C) the value of consistency with Federal interconnection rules established by the Federal Energy Regulatory Commission as of the date of enactment of this Act;

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(D) the best practices used to model outage assumptions and contingencies to determine fees or rates for additional services;

(E) the appropriate duration, magnitude, or usage of demand charge ratchets;

(F) potential alternative arrangements with respect to the procurement of additional services, including—

(i) contracts tailored to individual electric consumers for additional services;

(ii) procurement of additional services by an electric utility from a competitive market; and

(iii) waivers of fees or rates for additional services for small electric consumers; and

(G) outcomes such as increased electric reliability, fuel diversification, enhanced power quality, and reduced electric losses that may result from increased use of combined heat and power systems and waste heat to power systems.

TITLE VI—METHANE REDUCTION INFRASTRUCTURE

SEC. 40601. ORPHANED WELL SITE PLUGGING, REMEDIATION, AND RESTORATION.

Section 349 of the Energy Policy Act of 2005 (42 U.S.C. 15907) is amended to read as follows:

"SEC. 349. ORPHANED WELL SITE PLUGGING, REMEDIATION, AND RESTORATION.

"(a) DEFINITIONS.—In this section:

"(1) FEDERAL LAND.—The term 'Federal land' means land administered by a land management agency within—

"(A) the Department of Agriculture; or

"(B) the Department of the Interior.

"(2) IDLED WELL.—The term 'idled well' means a well—

"(A) that has been nonoperational for not fewer than 4 years; and

"(B) for which there is no anticipated beneficial future use.

"(3) 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).

"(4) OPERATOR.—The term 'operator', with respect to an oil or gas operation, means any entity, including a lessee or operating rights owner, that has provided to a relevant authority a written statement that the entity is responsible for the oil or gas operation, or any portion of the operation.

"(5) ORPHANED WELL.—The term 'orphaned well'—

"(A) with respect to Federal land or Tribal land, means a well—

"(i)(I) that is not used for an authorized purpose, such as production, injection, or monitoring; and

"(II)(aa) for which no operator can be located;

"(bb) the operator of which is unable—

"(AA) to plug the well; and

"(BB) to remediate and reclaim the well site; or

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"(cc) that is within the National Petroleum Reserve–Alaska; and

"(B) with respect to State or private land—

"(i) has the meaning given the term by the applicable State; or

"(ii) if that State uses different terminology, has the meaning given another term used by the State to describe a well eligible for plugging, remediation, and reclamation by the State.

"(6) TRIBAL LAND.—The term 'Tribal land' means any land or interest in land owned by an Indian Tribe, the title to which is—

"(A) held in trust by the United States; or

"(B) subject to a restriction against alienation under Federal law.

"(b) FEDERAL PROGRAM.—

"(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall establish a program to plug, remediate, and reclaim orphaned wells located on Federal land.

"(2) INCLUDED ACTIVITIES.—The program under this subsection shall—

"(A) include a method of—

"(i) identifying, characterizing, and inventorying orphaned wells and associated pipelines, facilities, and infrastructure on Federal land; and

"(ii) ranking those orphaned wells for priority in plugging, remediation, and reclamation, based on—

"(I) public health and safety;

"(II) potential environmental harm; and

"(III) other subsurface impacts or land use priorities;

"(B) distribute funding in accordance with the priorities established under subparagraph (A)(ii) for—

"(i) plugging orphaned wells;

"(ii) remediating and reclaiming well pads and facilities associated with orphaned wells;

"(iii) remediating soil and restoring native species habitat that has been degraded due to the presence of orphaned wells and associated pipelines, facilities, and infrastructure; and

"(iv) remediating land adjacent to orphaned wells and decommissioning or removing associated pipelines, facilities, and infrastructure;

"(C) provide a public accounting of the costs of plugging, remediation, and reclamation for each orphaned well;

"(D) seek to determine the identities of potentially responsible parties associated with the orphaned well (or a surety or guarantor of such a party), to the extent such information can be ascertained, and make efforts to obtain reimbursement for expenditures to the extent practicable;

"(E) measure or estimate and track—

"(i) emissions of methane and other gases associated with orphaned wells; and

"(ii) contamination of groundwater or surface water associated with orphaned wells; and

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"(F) identify and address any disproportionate burden of adverse human health or environmental effects of orphaned wells on communities of color, low-income communities, and Tribal and indigenous communities.

"(3) IDLED WELLS.—The Secretary, acting through the Director of the Bureau of Land Management, shall—

"(A) periodically review all idled wells on Federal land; and

"(B) reduce the inventory of idled wells on Federal land.

"(4) COOPERATION AND CONSULTATION.—In carrying out the program under this subsection, the Secretary shall—

"(A) work cooperatively with—

"(i) the Secretary of Agriculture;

"(ii) affected Indian Tribes; and

"(iii) each State within which Federal land is located; and

"(B) consult with—

"(i) the Secretary of Energy; and

"(ii) the Interstate Oil and Gas Compact Commission.

"(c) FUNDING FOR STATE PROGRAMS.—

"(1) IN GENERAL.—The Secretary shall provide to States, in accordance with this subsection—

"(A) initial grants under paragraph (3);

"(B) formula grants under paragraph (4); and

"(C) performance grants under paragraph (5).

"(2) ACTIVITIES.—

"(A) IN GENERAL.—A State may use funding provided under this subsection for any of the following purposes:

"(i) To plug, remediate, and reclaim orphaned wells located on State-owned or privately owned land.

"(ii) To identify and characterize undocumented orphaned wells on State and private land.

"(iii) To rank orphaned wells based on factors including—

"(I) public health and safety;

"(II) potential environmental harm; and

"(III) other land use priorities.

"(iv) To make information regarding the use of funds received under this subsection available on a public website.

"(v) To measure and track—

"(I) emissions of methane and other gases associated with orphaned wells; and

"(II) contamination of groundwater or surface water associated with orphaned wells.

"(vi) To remediate soil and restore native species habitat that has been degraded due to the presence of orphaned wells and associated pipelines, facilities, and infrastructure.

"(vii) To remediate land adjacent to orphaned wells and decommission or remove associated pipelines, facilities, and infrastructure.

"(viii) To identify and address any disproportionate burden of adverse human health or environmental effects of orphaned wells on communities of color, low-

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income communities, and Tribal and indigenous communities.

"(ix) Subject to subparagraph (B), to administer a program to carry out any activities described in clauses (i) through (viii).

"(B) ADMINISTRATIVE COST LIMITATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), a State shall not use more than 10 percent of the funds received under this subsection during a fiscal year for administrative costs under subparagraph (A)(ix).

"(ii) EXCEPTION.—The limitation under clause (i) shall not apply to funds used by a State as described in paragraph (3)(A)(ii).

"(3) INITIAL GRANTS.—

"(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall distribute—

"(i) not more than $25,000,000 to each State that submits to the Secretary, by not later than 180 days after the date of enactment of the Infrastructure Investment and Jobs Act, a request for funding under this clause, including—

"(I) an estimate of the number of jobs that will be created or saved through the activities proposed to be funded; and

"(II) a certification that—

"(aa) the State is a Member State or Associate Member State of the Interstate Oil and Gas Compact Commission;

"(bb) there are 1 or more documented orphaned wells located in the State; and

"(cc) the State will use not less than 90 percent of the funding requested under this subsection to issue new contracts, amend existing contracts, or issue grants for plugging, remediation, and reclamation work by not later than 90 days after the date of receipt of the funds; and

"(ii) not more than $5,000,000 to each State that—

"(I) requests funding under this clause;

"(II) does not receive a grant under clause (i); and

"(III) certifies to the Secretary that—

"(aa) the State—

"(AA) has in effect a plugging, remediation, and reclamation program for orphaned wells; or

"(BB) the capacity to initiate such a program; or

"(bb) the funds provided under this paragraph will be used to carry out any administrative actions necessary to develop an application for a formula grant under paragraph (4) or a performance grant under paragraph (5).

"(B) DISTRIBUTION.—Subject to the availability of appropriations, the Secretary shall distribute funds to a State under this paragraph by not later than the date

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that is 30 days after the date on which the State submits to the Secretary the certification required under clause (i)(II) or (ii)(III) of subparagraph (A), as applicable.

"(C) DEADLINE FOR EXPENDITURE.—A State that receives funds under this paragraph shall reimburse the Secretary in an amount equal to the amount of the funds that remain unobligated on the date that is 1 year after the date of receipt of the funds.

"(D) REPORT.—Not later than 15 months after the date on which a State receives funds under this paragraph, the State shall submit to the Secretary a report that describes the means by which the State used the funds in accordance with the certification submitted by the State under subparagraph (A).

"(4) FORMULA GRANTS.—

"(A) ESTABLISHMENT.—

"(i) IN GENERAL.—The Secretary shall establish a formula for the distribution to each State described in clause (ii) of funds under this paragraph.

"(ii) DESCRIPTION OF STATES.—A State referred to in clause (i) is a State that, by not later than 45 days after the date of enactment of the Infrastructure Investment and Jobs Act, submits to the Secretary a notice of the intent of the State to submit an application under subparagraph (B), including a description of the factors described in clause (iii) with respect to the State.

"(iii) FACTORS.—The formula established under clause (i) shall account for, with respect to an applicant State, the following factors:

"(I) Job losses in the oil and gas industry in the State during the period—

"(aa) beginning on March 1, 2020; and

"(bb) ending on the date of enactment of the Infrastructure Investment and Jobs Act.

"(II) The number of documented orphaned wells located in the State, and the projected cost—

"(aa) to plug or reclaim those orphaned wells;

"(bb) to reclaim adjacent land; and

"(cc) to decommission or remove associated pipelines, facilities, and infrastructure.

"(iv) PUBLICATION.—Not later than 75 days after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall publish on a public website the amount that each State is eligible to receive under the formula under this subparagraph.

"(B) APPLICATION.—To be eligible to receive a formula grant under this paragraph, a State shall submit to the Secretary an application that includes—

"(i) a description of—

"(I) the State program for orphaned well plugging, remediation, and restoration, including legal authorities, processes used to identify and prioritize orphaned wells, procurement mechanisms, and other program elements demonstrating

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the readiness of the State to carry out proposed activities using the grant;

"(II) the activities to be carried out with the grant, including an identification of the estimated health, safety, habitat, and environmental benefits of plugging, remediating, or reclaiming orphaned wells; and

"(III) the means by which the information regarding the activities of the State under this paragraph will be made available on a public website;

"(ii) an estimate of—

"(I) the number of orphaned wells in the State that will be plugged, remediated, or reclaimed;

"(II) the projected cost of—

"(aa) plugging, remediating, or reclaiming orphaned wells;

"(bb) remediating or reclaiming adjacent land; and

"(cc) decommissioning or removing associated pipelines, facilities, and infrastructure;

"(III) the amount of that projected cost that will be offset by the forfeiture of financial assurance instruments, the estimated salvage of well site equipment, or other proceeds from the orphaned wells and adjacent land;

"(IV) the number of jobs that will be created or saved through the activities to be funded under this paragraph; and

"(V) the amount of funds to be spent on administrative costs;

"(iii) a certification that any financial assurance instruments available to cover plugging, remediation, or reclamation costs will be used by the State; and

"(iv) the definitions and processes used by the State to formally identify a well as—

"(I) an orphaned well; or

"(II) if the State uses different terminology, otherwise eligible for plugging, remediation, and reclamation by the State.

"(C) DISTRIBUTION.—Subject to the availability of appropriations, the Secretary shall distribute funds to a State under this paragraph by not later than the date that is 60 days after the date on which the State submits to the Secretary a completed application under subparagraph (B).

"(D) DEADLINE FOR EXPENDITURE.—A State that receives funds under this paragraph shall reimburse the Secretary in an amount equal to the amount of the funds that remain unobligated on the date that is 5 years after the date of receipt of the funds.

"(E) CONSULTATION.—In making a determination under this paragraph regarding the eligibility of a State to receive a formula grant, the Secretary shall consult with—

"(i) the Administrator of the Environmental Protection Agency;

"(ii) the Secretary of Energy; and

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"(iii) the Interstate Oil and Gas Compact Commission.

"(5) PERFORMANCE GRANTS.—

"(A) ESTABLISHMENT.—The Secretary shall provide to States, in accordance with this paragraph—

"(i) regulatory improvement grants under subparagraph (E); and

"(ii) matching grants under subparagraph (F).

"(B) APPLICATION.—To be eligible to receive a grant under this paragraph, a State shall submit to the Secretary an application including—

"(i) each element described in an application for a grant under paragraph (4)(B);

"(ii) activities carried out by the State to address orphaned wells located in the State, including—

"(I) increasing State spending on well plugging, remediation, and reclamation; or

"(II) improving regulation of oil and gas wells; and

"(iii) the means by which the State will use funds provided under this paragraph—

"(I) to lower unemployment in the State; and

"(II) to improve economic conditions in economically distressed areas of the State.

"(C) DISTRIBUTION.—Subject to the availability of appropriations, the Secretary shall distribute funds to a State under this paragraph by not later than the date that is 60 days after the date on which the State submits to the Secretary a completed application under subparagraph (B).

"(D) CONSULTATION.—In making a determination under this paragraph regarding the eligibility of a State to receive a grant under subparagraph (E) or (F), the Secretary shall consult with—

"(i) the Administrator of the Environmental Protection Agency;

"(ii) the Secretary of Energy; and

"(iii) the Interstate Oil and Gas Compact Commission.

"(E) REGULATORY IMPROVEMENT GRANTS.—

"(i) IN GENERAL.—Beginning on the date that is 180 days after the date on which an initial grant is provided to a State under paragraph (3), the Secretary shall, subject to the availability of appropriations, provide to the State a regulatory improvement grant under this subparagraph, if the State meets, during the 10-year period ending on the date on which the State submits to the Secretary an application under subparagraph (B), 1 of the following criteria:

"(I) The State has strengthened plugging standards and procedures designed to ensure that wells located in the State are plugged in an effective manner that protects groundwater and other natural resources, public health and safety, and the environment.

"(II) The State has made improvements to State programs designed to reduce future

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orphaned well burdens, such as financial assurance reform, alternative funding mechanisms for orphaned well programs, and reforms to programs relating to well transfer or temporary abandonment.

"(ii) LIMITATIONS.—

"(I) NUMBER.—The Secretary may issue to a State under this subparagraph not more than 1 grant for each criterion described in subclause (I) or (II) of clause (i).

"(II) MAXIMUM AMOUNT.—The amount of a single grant provided to a State under this subparagraph shall be not more than $20,000,000.

"(iii) REIMBURSEMENT FOR FAILURE TO MAINTAIN PROTECTIONS.—A State that receives a grant under this subparagraph shall reimburse the Secretary in an amount equal to the amount of the grant in any case in which, during the 10-year period beginning on the date of receipt of the grant, the State enacts a law or regulation that, if in effect on the date of submission of the application under subparagraph (B), would have prevented the State from being eligible to receive the grant under clause (i).

"(F) MATCHING GRANTS.—

"(i) IN GENERAL.—Beginning on the date that is 180 days after the date on which an initial grant is provided to a State under paragraph (3), the Secretary shall, subject to the availability of appropriations, provide to the State funding, in an amount equal to the difference between—

"(I) the average annual amount expended by the State during the period of fiscal years 2010 through 2019—

"(aa) to plug, remediate, and reclaim orphaned wells; and

"(bb) to decommission or remove associated pipelines, facilities, or infrastructure; and

"(II) the amount that the State certifies to the Secretary the State will expend, during the fiscal year in which the State will receive the grant under this subparagraph—

"(aa) to plug, remediate, and reclaim orphaned wells;

"(bb) to remediate or reclaim adjacent land; and

"(cc) to decommission or remove associated pipelines, facilities, and infrastructure.

"(ii) LIMITATIONS.—

"(I) FISCAL YEAR.—The Secretary may issue to a State under this subparagraph not more than 1 grant for each fiscal year.

"(II) TOTAL FUNDS PROVIDED.—The Secretary may provide to a State under this subparagraph a total amount equal to not more than $30,000,000 during the period of fiscal years 2022 through 2031.

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"(d) TRIBAL ORPHANED WELL SITE PLUGGING, REMEDIATION, AND RESTORATION.—

"(1) ESTABLISHMENT.—The Secretary shall establish a program under which the Secretary shall—

"(A) provide to Indian Tribes grants in accordance with this subsection; or

"(B) on request of an Indian Tribe and in lieu of a grant under subparagraph (A), administer and carry out plugging, remediation, and reclamation activities in accordance with paragraph (7).

"(2) ELIGIBLE ACTIVITIES.—

"(A) IN GENERAL.—An Indian Tribe may use a grant received under this subsection—

"(i) to plug, remediate, or reclaim an orphaned well on Tribal land;

"(ii) to remediate soil and restore native species habitat that has been degraded due to the presence of an orphaned well or associated pipelines, facilities, or infrastructure on Tribal land;

"(iii) to remediate Tribal land adjacent to orphaned wells and decommission or remove associated pipelines, facilities, and infrastructure;

"(iv) to provide an online public accounting of the cost of plugging, remediation, and reclamation for each orphaned well site on Tribal land;

"(v) to identify and characterize undocumented orphaned wells on Tribal land; and

"(vi) to develop or administer a Tribal program to carry out any activities described in clauses (i) through (v).

"(B) ADMINISTRATIVE COST LIMITATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), an Indian Tribe shall not use more than 10 percent of the funds received under this subsection during a fiscal year for administrative costs under subparagraph (A)(vi).

"(ii) EXCEPTION.—The limitation under clause (i) shall not apply to any funds used to carry out an administrative action necessary for the development of a Tribal program described in subparagraph (A)(vi).

"(3) FACTORS FOR CONSIDERATION.—In determining whether to provide to an Indian Tribe a grant under this subsection, the Secretary shall take into consideration—

"(A) the unemployment rate of the Indian Tribe on the date on which the Indian Tribe submits an application under paragraph (4); and

"(B) the estimated number of orphaned wells on the Tribal land of the Indian Tribe.

"(4) APPLICATION.—To be eligible to receive a grant under this subsection, an Indian Tribe shall submit to the Secretary an application that includes—

"(A) a description of—

"(i) the Tribal program for orphaned well plugging, remediation, and restoration, including legal authorities, processes used to identify and prioritize orphaned wells, procurement mechanisms, and other program elements demonstrating the readiness of the Indian

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Tribe to carry out the proposed activities, or plans to develop such a program; and

"(ii) the activities to be carried out with the grant, including an identification of the estimated health, safety, habitat, and environmental benefits of plugging, remediating, or reclaiming orphaned wells and remediating or reclaiming adjacent land; and

"(B) an estimate of—

"(i) the number of orphaned wells that will be plugged, remediated, or reclaimed; and

"(ii) the projected cost of—

"(I) plugging, remediating, or reclaiming orphaned wells;

"(II) remediating or reclaiming adjacent land; and

"(III) decommissioning or removing associated pipelines, facilities, and infrastructure.

"(5) DISTRIBUTION.—Subject to the availability of appropriations, the Secretary shall distribute funds to an Indian Tribe under this subsection by not later than the date that is 60 days after the date on which the Indian Tribe submits to the Secretary a completed application under paragraph (4).

"(6) DEADLINE FOR EXPENDITURE.—An Indian Tribe that receives funds under this subsection shall reimburse the Secretary in an amount equal to the amount of the funds that remain unobligated on the date that is 5 years after the date of receipt of the funds, except for cases in which the Secretary has granted the Indian Tribe an extended deadline for completion of the eligible activities after consultation.

"(7) DELEGATION TO SECRETARY IN LIEU OF A GRANT.—

"(A) IN GENERAL.—In lieu of a grant under this subsection, an Indian Tribe may submit to the Secretary a request for the Secretary to administer and carry out plugging, remediation, and reclamation activities relating to an orphaned well on behalf of the Indian Tribe.

"(B) ADMINISTRATION.—Subject to the availability of appropriations under subsection (h)(1)(E), on submission of a request under subparagraph (A), the Secretary shall administer or carry out plugging, remediation, and reclamation activities for an orphaned well on Tribal land.

"(e) TECHNICAL ASSISTANCE.—The Secretary of Energy, in cooperation with the Secretary and the Interstate Oil and Gas Compact Commission, shall provide technical assistance to the Federal land management agencies and oil and gas producing States and Indian Tribes to support practical and economical remedies for environmental problems caused by orphaned wells on Federal land, Tribal land, and State and private land, including the sharing of best practices in the management of oil and gas well inventories to ensure the availability of funds to plug, remediate, and restore oil and gas well sites on cessation of operation.

"(f) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of the Infrastructure Investment and Jobs Act, and not less frequently than annually thereafter, the Secretary shall submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives

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a report describing the program established and grants awarded under this section, including—

"(1) an updated inventory of wells located on Federal land, Tribal land, and State and private land that are—

"(A) orphaned wells; or

"(B) at risk of becoming orphaned wells;

"(2) an estimate of the quantities of—

"(A) methane and other gasses emitted from orphaned wells; and

"(B) emissions reduced as a result of plugging, remediating, and reclaiming orphaned wells;

"(3) the number of jobs created and saved through the plugging, remediation, and reclamation of orphaned wells; and

"(4) the acreage of habitat restored using grants awarded to plug, remediate, and reclaim orphaned wells and to remediate or reclaim adjacent land, together with a description of the purposes for which that land is likely to be used in the future.

"(g) EFFECT OF SECTION.—

"(1) NO EXPANSION OF LIABILITY.—Nothing in this section establishes or expands the responsibility or liability of any entity with respect to—

"(A) plugging any well; or

"(B) remediating or reclaiming any well site.

"(2) TRIBAL LAND.—Nothing in this section—

"(A) relieves the Secretary of any obligation under section 3 of the Act of May 11, 1938 (25 U.S.C. 396c; 52 Stat. 348, chapter 198), to plug, remediate, or reclaim an orphaned well located on Tribal land; or

"(B) absolves the United States from a responsibility to plug, remediate, or reclaim an orphaned well located on Tribal land or any other responsibility to an Indian Tribe, including any responsibility that derives from—

"(i) the trust relationship between the United States and Indian Tribes;

"(ii) any treaty, law, or Executive order; or

"(iii) any agreement between the United States and an Indian Tribe.

"(3) OWNER OR OPERATOR NOT ABSOLVED.—Nothing in this section absolves the owner or operator of an oil or gas well of any potential liability for—

"(A) reimbursement of any plugging or reclamation costs associated with the well; or

"(B) any adverse effect of the well on the environment.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2022, to remain available until September 30, 2030:

"(1) to the Secretary—

"(A) $250,000,000 to carry out the program under subsection (b);

"(B) $775,000,000 to provide grants under subsection (c)(3);

"(C) $2,000,000,000 to provide grants under subsection (c)(4);

"(D) $1,500,000,000 to provide grants under subsection (c)(5); and

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"(E) $150,000,000 to carry out the program under subsection (d);

"(2) to the Secretary of Energy, $30,000,000 to conduct research and development activities in cooperation with the Interstate Oil and Gas Compact Commission to assist the Federal land management agencies, States, and Indian Tribes in—

"(A) identifying and characterizing undocumented orphaned wells; and

"(B) mitigating the environmental risks of undocumented orphaned wells; and

"(3) to the Interstate Oil and Gas Compact Commission, $2,000,000 to carry out this section.".

TITLE VII—ABANDONED MINE LAND RECLAMATION

SEC. 40701. ABANDONED MINE RECLAMATION FUND AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated, for deposit into the Abandoned Mine Reclamation Fund established by section 401(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231(a)) $11,293,000,000 for fiscal year 2022, to remain available until expended.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Subject to subsection (g), amounts made available under subsection (a) shall be used to provide, as expeditiously as practicable, to States and Indian Tribes described in paragraph (2) annual grants for abandoned mine land and water reclamation projects under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

(2) ELIGIBLE GRANT RECIPIENTS.—Grants may be made under paragraph (1) to—

(A) States and Indian Tribes that have a State or Tribal program approved under section 405 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1235);

(B) States and Indian Tribes that are certified under section 411(a) of that Act (30 U.S.C. 1240a(a)); and

(C) States and Indian Tribes that are referred to in section 402(g)(8)(B) of that Act (30 U.S.C. 1232(g)(8)(B)).

(3) CONTRACT AGGREGATION.—In applying for grants under paragraph (1), States and Indian Tribes may aggregate bids into larger statewide or regional contracts.

(c) COVERED ACTIVITIES.—Grants under subsection (b)(1) shall only be used for activities described in subsections (a) and (b) of section 403 and section 410 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233, 1240).

(d) ALLOCATION.—

(1) IN GENERAL.—Subject to subsection (e), the Secretary of the Interior shall allocate and distribute amounts made available for grants under subsection (b)(1) to States and Indian Tribes on an equal annual basis over a 15-year period beginning on the date of enactment of this Act, based on the number of tons of coal historically produced in the States or from the applicable Indian land before August 3, 1977, regardless of whether the State or Indian Tribe is certified under section

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411(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(a)).

(2) SURFACE MINING CONTROL AND RECLAMATION ACT EXCEPTION.—Section 401(f)(3)(B) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231(f)(3)(B)) shall not apply to grant funds distributed under subsection (b)(1).

(3) REPORT TO CONGRESS ON ALLOCATIONS.—

(A) IN GENERAL.—Not later than 6 years after the date on which the first allocation to States and Indian Tribes is made under paragraph (1), the Secretary of the Interior shall submit to Congress a report that describes any progress made under this section in addressing outstanding reclamation needs under subsection (a) or (b) of section 403 or section 410 of the Surface Mining Control and Reclamation and Act of 1977 (30 U.S.C. 1233, 1240).

(B) INPUT.—The Secretary of the Interior shall—

(i) prior to submitting the report under subparagraph (A), solicit the input of the States and Indian Tribes regarding the progress referred to in that subparagraph; and

(ii) include in the report submitted to Congress under that subparagraph a description of any input received under clause (i).

(4) REDISTRIBUTION OF FUNDS.—

(A) EVALUATION.—Not later than 20 years after the date of enactment of this Act, the Secretary of the Interior shall evaluate grant payments to States and Indian Tribes made under this section.

(B) UNUSED FUNDS.—On completion of the evaluation under subparagraph (A), States and Indian Tribes shall return any unused funds under this section to the Abandoned Mine Reclamation Fund.

(e) TOTAL AMOUNT OF GRANT.—The total amount of grant funding provided under subsection (b)(1) to an eligible State or Indian Tribe shall be not less than $20,000,000, to the extent that the amount needed for reclamation projects described in that subsection on the land of the State or Indian Tribe is not less than $20,000,000.

(f) PRIORITY.—In addition to the priorities described in section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)), in providing grants under this section, priority may also be given to reclamation projects described in subsection (b)(1) that provide employment for current and former employees of the coal industry.

(g) RESERVATION.—Of the funds made available under subsection (a), $25,000,000 shall be made available to the Secretary of the Interior to provide States and Indian Tribes with the financial and technical assistance necessary for the purpose of making amendments to the inventory maintained under section 403(c) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(c)).

SEC. 40702. ABANDONED MINE RECLAMATION FEE.

(a) AMOUNT.—Section 402(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(a)) is amended—

(1) by striking "28 cents" and inserting "22.4 cents";

(2) by striking "12 cents" and inserting "9.6 cents"; and

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(3) by striking "8 cents" and inserting "6.4 cents".

(b) DURATION.—Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking "September 30, 2021" and inserting "September 30, 2034".

SEC. 40703. AMOUNTS DISTRIBUTED FROM ABANDONED MINE RECLAMATION FUND.

Section 401(f)(2) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231(f)(2)) is amended—

(1) in subparagraph (A)—

(A) in the subparagraph heading, by striking "2022" and inserting "2035"; and

(B) in the matter preceding clause (i), by striking "2022" and inserting "2035"; and

(2) in subparagraph (B)—

(A) in the subparagraph heading, by striking "2023" and inserting "2036";

(B) by striking "2023" and inserting "2036"; and

(C) by striking "2022" and inserting "2035".

SEC. 40704. ABANDONED HARDROCK MINE RECLAMATION.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior (referred to in this section as the "Secretary") shall establish a program to inventory, assess, decommission, reclaim, respond to hazardous substance releases on, and remediate abandoned hardrock mine land based on conditions including need, public health and safety, potential environmental harm, and other land use priorities.

(b) AWARD OF GRANTS.—Subject to the availability of funds, the Secretary shall provide grants on a competitive or formula basis to States and Indian Tribes that have jurisdiction over abandoned hardrock mine land to reclaim that land.

(c) ELIGIBILITY.—Amounts made available under this section may only be used for Federal, State, Tribal, local, and private land that has been affected by past hardrock mining activities, and water resources that traverse or are contiguous to such land, including any of the following:

(1) Land and water resources that were—

(A) used for, or affected by, hardrock mining activities; and

(B) abandoned or left in an inadequate reclamation status before the date of enactment of this Act.

(2) Land for which the Secretary makes a determination that there is no continuing reclamation responsibility of a claim holder, liable party, operator, or other person that abandoned the site prior to completion of required reclamation under Federal or State law.

(d) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Amounts made available to carry out this section shall be used to inventory, assess, decommission, reclaim, respond to hazardous substance releases on, and remediate abandoned hardrock mine land based on the priorities described in subsection (a).

(2) EXCLUSION.—Amounts made available to carry out this section may not be used to fulfill obligations under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) agreed to in

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a legal settlement or imposed by a court, whether for payment of funds or for work to be performed.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $3,000,000,000, to remain available until expended, of which—

(A) 50 percent shall be for grants to States and Indian Tribes under subsection (b) for eligible activities described in subsection (d)(1); and

(B) 50 percent shall be for available to the Secretary for eligible activities described in subsection (d)(1) on Federal land.

(2) TRANSFER.—The Secretary may transfer amounts made available to the Secretary under paragraph (1)(B) to the Secretary of Agriculture for activities described in subsection (a) on National Forest System land.

TITLE VIII—NATURAL RESOURCES-RELATED INFRASTRUCTURE, WILDFIRE MANAGEMENT, AND ECOSYSTEM RESTORATION

SEC. 40801. FOREST SERVICE LEGACY ROAD AND TRAIL REMEDIATION PROGRAM.

(a) ESTABLISHMENT.—Public Law 88–657 (16 U.S.C. 532 et seq.) (commonly known as the "Forest Roads and Trails Act") is amended by adding at the end the following:

"SEC. 8. FOREST SERVICE LEGACY ROAD AND TRAIL REMEDIATION PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish the Forest Service Legacy Road and Trail Remediation Program (referred to in this section as the 'Program').

"(b) ACTIVITIES.—In carrying out the Program, the Secretary shall, taking into account foreseeable changes in weather and hydrology—

"(1) restore passages for fish and other aquatic species by—

"(A) improving, repairing, or replacing culverts and other infrastructure; and

"(B) removing barriers, as the Secretary determines appropriate, from the passages;

"(2) decommission unauthorized user-created roads and trails that are not a National Forest System road or a National Forest System trail, if the applicable unit of the National Forest System has published—

"(A) a Motor Vehicle Use Map and the road is not identified as a National Forest System road on that Motor Vehicle Use Map; or

"(B) a map depicting the authorized trails in the applicable unit of the National Forest System and the trail is not identified as a National Forest System trail on that map;

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"(3) prepare previously closed National Forest System roads for long-term storage, in accordance with subsections (c)(1) and (d), in a manner that—

"(A) prevents motor vehicle use, as appropriate to conform to route designations;

"(B) prevents the roads from damaging adjacent resources, including aquatic and wildlife resources;

"(C) reduces or eliminates the need for road maintenance; and

"(D) preserves the roads for future use;

"(4) decommission previously closed National Forest System roads and trails in accordance with subsections (c)(1) and (d);

"(5) relocate National Forest System roads and trails—

"(A) to increase resilience to extreme weather events, flooding, and other natural disasters; and

"(B) to respond to changing resource conditions and public input;

"(6) convert National Forest System roads to National Forest System trails, while allowing for continued use for motorized and nonmotorized recreation, to the extent the use is compatible with the management status of the road or trail;

"(7) decommission temporary roads—

"(A) that were constructed before the date of enactment of this section—

"(i) for emergency operations; or

"(ii) to facilitate a resource extraction project;

"(B) that were designated as a temporary road by the Secretary; and

"(C)(i) in violation of section 10(b) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1608(b)), on which vegetation cover has not been reestablished; or

"(ii) that have not been fully decommissioned; and

"(8) carry out projects on National Forest System roads, trails, and bridges to improve resilience to extreme weather events, flooding, or other natural disasters.

"(c) PROJECT SELECTION.—

"(1) PROJECT ELIGIBILITY.—

"(A) IN GENERAL.—The Secretary may only fund under the Program a project described in paragraph (3) or (4) of subsection (b) if the Secretary previously and separately—

"(i) solicited public comment for changing the management status of the applicable National Forest System road or trail—

"(I) to close the road or trail to access; and

"(II) to minimize impacts to natural resources; and

"(ii) has closed the road or trail to access as described in clause (i)(I).

"(B) REQUIREMENT.—Each project carried out under the Program shall be on a National Forest System road or trail, except with respect to—

"(i) a project described in subsection (b)(2); or

"(ii) a project carried out on a watershed for which the Secretary has entered into a cooperative agreement under section 323 of the Department of the Interior

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and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011a).

"(2) ANNUAL SELECTION OF PROJECTS FOR FUNDING.—The Secretary shall—

"(A) establish a process for annually selecting projects for funding under the Program, consistent with the requirements of this section;

"(B) solicit and consider public input regionally in the ranking of projects for funding under the Program;

"(C) give priority for funding under the Program to projects that would—

"(i) protect or improve water quality in public drinking water source areas;

"(ii) restore the habitat of a threatened, endangered, or sensitive fish or wildlife species; or

"(iii) maintain future access to the adjacent area for the public, contractors, permittees, or firefighters; and

"(D) publish on the website of the Forest Service—

"(i) the selection process established under subparagraph (A); and

"(ii) a list that includes a description and the proposed outcome of each project funded under the Program in each fiscal year.

"(d) IMPLEMENTATION.—In implementing the Program, the Secretary shall ensure that—

"(1) the system of roads and trails on the applicable unit of the National Forest System—

"(A) is adequate to meet any increasing demands for timber, recreation, and other uses;

"(B) provides for intensive use, protection, development, and management of the land under principles of multiple use and sustained yield of products and services;

"(C) does not damage, degrade, or impair adjacent resources, including aquatic and wildlife resources, to the extent practicable;

"(D) reflects long-term funding expectations; and

"(E) is adequate for supporting emergency operations, such as evacuation routes during wildfires, floods, and other natural disasters; and

"(2) all projects funded under the Program are consistent with any applicable forest plan or travel management plan.

"(e) SAVINGS CLAUSE.—A decision to fund a project under the Program shall not affect any determination made previously or to be made in the future by the Secretary with regard to road or trail closures.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture to carry out section 8 of Public Law 88–657 (commonly known as the "Forest Roads and Trails Act") $250,000,000 for the period of fiscal years 2022 through 2026.

SEC. 40802. STUDY AND REPORT ON FEASIBILITY OF REVEGETATING RECLAIMED MINE SITES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Office of Surface Mining Reclamation and

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Enforcement, shall conduct, and submit to Congress a report describing the results of, a study on the feasibility of revegetating reclaimed mined sites.

(b) INCLUSIONS.—The report submitted under subsection (a) shall include—

(1) recommendations for how a program could be implemented through the Office of Surface Mining Reclamation and Enforcement to revegetate reclaimed mined sites;

(2) identifications of reclaimed mine sites that would be suitable for inclusion in such a program, including sites on land that—

(A) is subject to title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.); and

(B) is not subject to that title;

(3) a description of any barriers to implementation of such a program, including whether the program would potentially interfere with the authorities contained in, or the implementation of, the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.), including the Abandoned Mine Reclamation Fund created by section 401 of that Act (30 U.S.C. 1231) and State reclamation programs under section 405 of that Act (30 U.S.C. 1235); and

(4) a description of the potential for job creation and workforce needs if such a program was implemented.

SEC. 40803. WILDFIRE RISK REDUCTION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, for the activities described in subsection (c), $3,369,200,000 for the period of fiscal years 2022 through 2026.

(b) TREATMENT.—Of the Federal land or Indian forest land or rangeland that has been identified as having a very high wildfire hazard potential, the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall, by not later than September 30, 2027, conduct restoration treatments and improve the Fire Regime Condition Class of 10,000,000 acres that are located in—

(1) the wildland-urban interface; or

(2) a public drinking water source area.

(c) ACTIVITIES.—Of the amounts made available under subsection (a) for the period of fiscal years 2022 through 2026—

(1) $20,000,000 shall be made available for entering into an agreement with the Administrator of the National Oceanic and Atmospheric Administration to establish and operate a program that makes use of the Geostationary Operational Environmental Satellite Program to rapidly detect and report wildfire starts in all areas in which the Secretary of the Interior or the Secretary of Agriculture has financial responsibility for wildland fire protection and prevention, of which—

(A) $10,000,000 shall be made available to the Secretary of the Interior; and

(B) $10,000,000 shall be made available to the Secretary of Agriculture;

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(2) $600,000,000 shall be made available for the salaries and expenses of Federal wildland firefighters in accordance with subsection (d), of which—

(A) $120,000,000 shall be made available to the Secretary of the Interior; and

(B) $480,000,000 shall be made available to the Secretary of Agriculture;

(3) $10,000,000 shall be made available to the Secretary of the Interior to acquire technology and infrastructure for each Type I and Type II incident management team to maintain interoperability with respect to the radio frequencies used by any responding agency;

(4) $30,000,000 shall be made available to the Secretary of Agriculture to provide financial assistance to States, Indian Tribes, and units of local government to establish and operate Reverse-911 telecommunication systems;

(5) $50,000,000 shall be made available to the Secretary of the Interior to establish and implement a pilot program to provide to local governments financial assistance for the acquisition of slip-on tanker units to establish fleets of vehicles that can be quickly converted to be operated as fire engines;

(6) $1,200,000 shall be made available to the Secretary of Agriculture, in coordination with the Secretary of the Interior, to develop and publish, not later than 180 days after the date of enactment of this Act, and every 5 years thereafter, a map depicting at-risk communities (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511)), including Tribal at-risk communities;

(7) $100,000,000 shall be made available to the Secretary of the Interior and the Secretary of Agriculture—

(A) for—

(i) preplanning fire response workshops that develop—

(I) potential operational delineations; and

(II) select potential control locations; and

(ii) workforce training for staff, non-Federal firefighters, and Native village fire crews for—

(I) wildland firefighting; and

(II) increasing the pace and scale of vegetation treatments, including training on how to prepare and implement large landscape treatments; and

(B) of which—

(i) $50,000,000 shall be made available to the Secretary of the Interior; and

(ii) $50,000,000 shall be made available to the Secretary of Agriculture;

(8) $20,000,000 shall be made available to the Secretary of Agriculture to enter into an agreement with a Southwest Ecological Restoration Institute established under the Southwest Forest Health and Wildfire Prevention Act of 2004 (16 U.S.C. 6701 et seq.)—

(A) to compile and display existing data, including geographic data, for hazardous fuel reduction or wildfire prevention treatments undertaken by the Secretary of the Interior or the Secretary of Agriculture, including treatments undertaken with funding provided under this title;

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(B) to compile and display existing data, including geographic data, for large wildfires, as defined by the National Wildfire Coordinating Group, that occur in the United States;

(C) to facilitate coordination and use of existing and future interagency fuel treatment data, including geographic data, for the purposes of—

(i) assessing and planning cross-boundary fuel treatments; and

(ii) monitoring the effects of treatments on wildfire outcomes and ecosystem restoration services, using the data compiled under subparagraphs (A) and (B);

(D) to publish a report every 5 years showing the extent to which treatments described in subparagraph (A) and previous wildfires affect the boundaries of wildfires, categorized by—

(i) Federal land management agency;

(ii) region of the United States; and

(iii) treatment type; and

(E) to carry out other related activities of a Southwest Ecological Restoration Institute, as authorized by the Southwest Forest Health and Wildfire Prevention Act of 2004 (16 U.S.C. 6701 et seq.);

(9) $20,000,000 shall be available for activities conducted under the Joint Fire Science Program, of which—

(A) $10,000,000 shall be made available to the Secretary of the Interior; and

(B) $10,000,000 shall be made available to the Secretary of Agriculture;

(10) $100,000,000 shall be made available to the Secretary of Agriculture for collaboration and collaboration-based activities, including facilitation, certification of collaboratives, and planning and implementing projects under the Collaborative Forest Landscape Restoration Program established under section 4003 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303) in accordance with subsection (e);

(11) $500,000,000 shall be made available to the Secretary of the Interior and the Secretary of Agriculture—

(A) for—

(i) conducting mechanical thinning and timber harvesting in an ecologically appropriate manner that maximizes the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands; or

(ii) precommercial thinning in young growth stands for wildlife habitat benefits to provide subsistence resources; and

(B) of which—

(i) $100,000,000 shall be made available to the Secretary of the Interior; and

(ii) $400,000,000 shall be made available to the Secretary of Agriculture;

(12) $500,000,000 shall be made available to the Secretary of Agriculture, in cooperation with States, to award community wildfire defense grants to at-risk communities in accordance with subsection (f);

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(13) $500,000,000 shall be made available for planning and conducting prescribed fires and related activities, of which—

(A) $250,000,000 shall be made available to the Secretary of the Interior; and

(B) $250,000,000 shall be made available to the Secretary of Agriculture;

(14) $500,000,000 shall be made available for developing or improving potential control locations, in accordance with paragraph (7)(A)(i)(II), including installing fuelbreaks (including fuelbreaks studied under subsection (i)), with a focus on shaded fuelbreaks when ecologically appropriate, of which—

(A) $250,000,000 shall be made available to the Secretary of the Interior; and

(B) $250,000,000 shall be made available to the Secretary of Agriculture;

(15) $200,000,000 shall be made available for contracting or employing crews of laborers to modify and remove flammable vegetation on Federal land and for using materials from treatments, to the extent practicable, to produce biochar and other innovative wood products, including through the use of existing locally based organizations that engage young adults, Native youth, and veterans in service projects, such as youth and conservation corps, of which—

(A) $100,000,000 shall be made available to the Secretary of the Interior; and

(B) $100,000,000 shall be made available to the Secretary of Agriculture;

(16) $200,000,000 shall be made available for post-fire restoration activities that are implemented not later than 3 years after the date that a wildland fire is contained, of which—

(A) $100,000,000 shall be made available to the Secretary of the Interior; and

(B) $100,000,000 shall be made available to the Secretary of Agriculture;

(17) $8,000,000 shall be made available to the Secretary of Agriculture—

(A) to provide feedstock to firewood banks; and

(B) to provide financial assistance for the operation of firewood banks; and

(18) $10,000,000 shall be available to the Secretary of the Interior and the Secretary of Agriculture for the procurement and placement of wildfire detection and real-time monitoring equipment, such as sensors, cameras, and other relevant equipment, in areas at risk of wildfire or post-burned areas.

(d) WILDLAND FIREFIGHTERS.—

(1) IN GENERAL.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall, using the amounts made available under subsection (c)(2), coordinate with the Director of the Office of Personnel Management to develop a distinct "wildland firefighter" occupational series.

(2) HAZARDOUS DUTY DIFFERENTIAL NOT AFFECTED.—Section 5545(d)(1) of title 5, United States Code, is amended by striking "except" and all that follows through "and" at the end and inserting the following: "except—

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"(A) an employee in an occupational series covering positions for which the primary duties involve the prevention, control, suppression, or management of wildland fires, as determined by the Office; and

"(B) in such other circumstances as the Office may by regulation prescribe; and".

(3) CURRENT EMPLOYEES.—Any individual employed as a wildland firefighter on the date on which the occupational series established under paragraph (1) takes effect may elect—

(A) to remain in the occupational series in which the individual is employed; or

(B) to be included in the "wildland firefighter" occupational series established under that paragraph.

(4) PERMANENT EMPLOYEES; INCREASE IN SALARY.—Using the amounts made available under subsection (c)(2), beginning October 1, 2021, the Secretary of the Interior and the Secretary of Agriculture shall—

(A) seek to convert not fewer than 1,000 seasonal wildland firefighters to wildland firefighters that—

(i) are full-time, permanent, year-round Federal employees; and

(ii) reduce hazardous fuels on Federal land not fewer than 800 hours per year; and

(B) increase the base salary of a Federal wildland firefighter by the lesser of an amount that is commensurate with an increase of $20,000 per year or an amount equal to 50 percent of the base salary, if the Secretary concerned, in coordination with the Director of the Office of Personnel Management, makes a written determination that the position of the Federal wildland firefighter is located within a specified geographic area in which it is difficult to recruit or retain a Federal wildland firefighter.

(5) NATIONAL WILDFIRE COORDINATING GROUP.—Using the amounts made available under subsection (c)(2), not later than October 1, 2022, the Secretary of the Interior and the Secretary of Agriculture shall—

(A) develop and adhere to recommendations for mitigation strategies for wildland firefighters to minimize exposure due to line-of-duty environmental hazards; and

(B) establish programs for permanent, temporary, seasonal, and year-round wildland firefighters to recognize and address mental health needs, including post-traumatic stress disorder care.

(e) COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall, using the amounts made available under subsection (c)(10)—

(1) solicit new project proposals under the Collaborative Forest Landscape Restoration Program established under section 4003 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303) (referred to in this subsection as the "Program");

(2) provide up to 5 years of additional funding of any proposal originally selected for funding under the Program prior to September 30, 2018—

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(A) that has been approved for an extension of funding by the Secretary of Agriculture prior to the date of enactment of this Act; or

(B) that has been recommended for an extension of funding by the advisory panel established under section 4003(e) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(e)) prior to the date of enactment of this Act that the Secretary of Agriculture subsequently approves; and

(3) select project proposals for funding under the Program in a manner that—

(A) gives priority to a project proposal that will treat acres that—

(i) have been identified as having very high wildfire hazard potential; and

(ii) are located in—

(I) the wildland-urban interface; or

(II) a public drinking water source area;

(B) takes into consideration—

(i) the cost per acre of Federal land or Indian forest land or rangeland acres described in subparagraph (A) to be treated; and

(ii) the number of acres described in subparagraph (A) to be treated;

(C) gives priority to a project proposal that is proposed by a collaborative that has successfully accomplished treatments consistent with a written plan that included a proposed schedule of completing those treatments, which is not limited to an earlier proposal funded under the Program; and

(D) discontinues funding for a project that fails to achieve the results included in a project proposal submitted under paragraph (1) for more than 2 consecutive years.

(f) COMMUNITY WILDFIRE DEFENSE GRANT PROGRAM.—

(1) ESTABLISHMENT.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall, using amounts made available under subsection (c)(12), establish a program, which shall be separate from the program established under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), under which the Secretary of Agriculture, in cooperation with the States, shall award grants to at-risk communities, including Indian Tribes—

(A) to develop or revise a community wildfire protection plan; and

(B) to carry out projects described in a community wildfire protection plan that is not more than 10 years old.

(2) PRIORITY.—In awarding grants under the program described in paragraph (1), the Secretary of Agriculture shall give priority to an at-risk community that is—

(A) in an area identified by the Secretary of Agriculture as having high or very high wildfire hazard potential;

(B) a low-income community; or

(C) a community impacted by a severe disaster.

(3) COMMUNITY WILDFIRE DEFENSE GRANTS.—

(A) GRANT AMOUNTS.—A grant—

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(i) awarded under paragraph (1)(A) shall be for not more than $250,000; and

(ii) awarded under paragraph (1)(B) shall be for not more than $10,000,000.

(B) COST SHARING REQUIREMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), the non-Federal cost (including the administrative cost) of carrying out a project using funds from a grant awarded under the program described in paragraph (1) shall be—

(I) not less than 10 percent for a grant awarded under paragraph (1)(A); and

(II) not less than 25 percent for a grant awarded under paragraph (1)(B).

(ii) WAIVER.—The Secretary of Agriculture may waive the cost-sharing requirement under clause (i) for a project that serves an underserved community.

(C) ELIGIBILITY.—The Secretary of Agriculture shall not award a grant under paragraph (1) to an at-risk community that is located in a county or community that—

(i) is located in the continental United States; and

(ii) has not adopted an ordinance or regulation that requires the construction of new roofs on buildings to adhere to standards that are similar to, or more stringent than—

(I) the roof construction standards established by the National Fire Protection Association; or

(II) an applicable model building code established by the International Code Council.

(g) PRIORITIES.—In carrying out projects using amounts made available under this section, the Secretary of the Interior or the Secretary of Agriculture, acting through the Chief of the Forest Service, as applicable, shall prioritize funding for projects—

(1) for which any applicable processes under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been completed on the date of enactment of this Act;

(2) that reduce the likelihood of experiencing uncharacteristically severe effects from a potential wildfire by focusing on areas strategically important for reducing the risks associated with wildfires;

(3) that maximize the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands;

(4) that do not include the establishment of permanent roads;

(5) for which funding would be committed to decommission all temporary roads constructed to carry out the project; and

(6) that fully maintain or contribute toward the restoration of the structure and composition of old growth stands consistent with the characteristics of that forest type, taking into account the contribution of the old growth stand to landscape fire adaption and watershed health, unless the old growth stand is part of a science-based ecological restoration project authorized by the Secretary concerned that meets applicable protection and old growth enhancement objectives, as determined by the Secretary concerned.

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(h) REPORTS.— The Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall complete and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives an annual report describing the number of acres of land on which projects carried out using funds made available under this section improved the Fire Regime Condition Class of the land described in subsection (b).

(i) WILDFIRE PREVENTION STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall initiate a study of the construction and maintenance of a system of strategically placed fuelbreaks to control wildfires in western States.

(2) REVIEW.—The study under paragraph (1) shall review—

(A) a full suite of manual, chemical, and mechanical treatments; and

(B) the effectiveness of the system described in that paragraph in reducing wildfire risk and protecting communities.

(3) DETERMINATION.—Not later than 90 days after the date of completion of the study under paragraph (1), the Secretary of Agriculture shall determine whether to initiate the preparation of a programmatic environmental impact statement implementing the system described in that paragraph in appropriate locations.

(j) MONITORING, MAINTENANCE, AND TREATMENT PLAN AND STRATEGY.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall establish a 5-year monitoring, maintenance, and treatment plan that—

(A) describes activities under subsection (c) that the Secretary of Agriculture and the Secretary of the Interior will take to reduce the risk of wildfire by conducting restoration treatments and improving the Fire Regime Condition Class of 10,000,000 acres of Federal land or Tribal Forest land or rangeland that is identified as having very high wildfire hazard potential, not including annual treatments otherwise scheduled;

(B) establishes a process for prioritizing treatments in areas and communities at the highest risk of catastrophic wildfires;

(C) includes an innovative plan and process—

(i) to leverage public-private partnerships and resources, shared stewardship agreements, good neighbor agreements, and similar contracting authorities;

(ii) to prioritize projects for which any applicable processes under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been completed as of the date of enactment of this Act;

(iii) to streamline subsequent projects based on existing statutory or regulatory authorities; and

(iv) to develop interagency teams to increase coordination and efficiency under the National

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Environmental Policy Act of 1969 (42 U.S.C. 4321); and

(D) establishes a process for coordinating prioritization and treatment with State and local entities and affected stakeholders.

(2) STRATEGY.—Not later than 5 years after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior, in coordination with State and local governments, shall publish a long-term, outcome-based monitoring, maintenance, and treatment strategy—

(A) to maintain forest health improvements and wildfire risk reduction accomplished under this section;

(B) to continue treatment at levels necessary to address the 20,000,000 acres needing priority treatment over the 10-year period beginning on the date of publication of the strategy; and

(C) to proactively conduct treatment at a level necessary to minimize the risk of wildfire to surrounding at-risk communities.

(k) AUTHORIZED HAZARDOUS FUELS PROJECTS.—A project carried out using funding authorized under paragraphs (11)(A)(i), (13), or (14) of subsection (c) shall be considered an authorized hazardous fuel reduction project pursuant to section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512).

SEC. 40804. ECOSYSTEM RESTORATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, for the activities described in subsection (b), $2,130,000,000 for the period of fiscal years 2022 through 2026.

(b) ACTIVITIES.—Of the amounts made available under subsection (a) for the period of fiscal years 2022 through 2026—

(1) $300,000,000 shall be made available, in accordance with subsection (c), to the Secretary of the Interior and the Secretary of Agriculture—

(A) for—

(i) entering into contracts, including stewardship contracts or agreements, the purpose of each of which shall be to restore ecological health on not fewer than 10,000 acres of Federal land, including Indian forest land or rangeland, and for salaries and expenses associated with preparing and executing those contracts; and

(ii) establishing a Working Capital Fund that may be accessed by the Secretary of the Interior or the Secretary of Agriculture to fund requirements of contracts described in clause (i), including cancellation and termination costs, consistent with section 604(h) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(h)), and periodic payments over the span of the contract period; and

(B) of which—

(i) $50,000,000 shall be made available to the Secretary of the Interior to enter into contracts described in subparagraph (A)(i);

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(ii) $150,000,000 shall be made available to the Secretary of Agriculture to enter into contracts described in subparagraph (A)(i); and

(iii) $100,000,000 shall be made available until expended to the Secretary of the Interior, notwithstanding any other provision of this Act, to establish the Working Capital Fund described in subparagraph (A)(ii);

(2) $200,000,000 shall be made available to provide to States and Indian Tribes for implementing restoration projects on Federal land pursuant to good neighbor agreements entered into under section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a) or agreements entered into under section 2(b) of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a(b)), of which—

(A) $40,000,000 shall be made available to the Secretary of the Interior; and

(B) $160,000,000 shall be made available to the Secretary of Agriculture;

(3) $400,000,000 shall be made available to the Secretary of Agriculture to provide financial assistance to facilities that purchase and process byproducts from ecosystem restoration projects in accordance with subsection (d);

(4) $400,000,000 shall be made available to the Secretary of the Interior to provide grants to States, territories of the United States, and Indian Tribes for implementing voluntary ecosystem restoration projects on private or public land, in consultation with the Secretary of Agriculture, that—

(A) prioritizes funding cross-boundary projects; and

(B) requires matching funding from the State, territory of the United States, or Indian Tribe to be eligible to receive the funding;

(5) $50,000,000 shall be made available to the Secretary of Agriculture to award grants to States and Indian Tribes to establish rental programs for portable skidder bridges, bridge mats, or other temporary water crossing structures, to minimize stream bed disturbance on non-Federal land and Federal land;

(6) $200,000,000 shall be made available for invasive species detection, prevention, and eradication, including conducting research and providing resources to facilitate detection of invasive species at points of entry and awarding grants for eradication of invasive species on non-Federal land and on Federal land, of which—

(A) $100,000,000 shall be made available to the Secretary of the Interior; and

(B) $100,000,000 shall be made available to the Secretary of Agriculture;

(7) $100,000,000 shall be made available to restore, prepare, or adapt recreation sites on Federal land, including Indian forest land or rangeland, in accordance with subsection (e);

(8) $200,000,000 shall be made available to restore native vegetation and mitigate environmental hazards on mined land on Federal and non-Federal land, of which—

(A) $100,000,000 shall be made available to the Secretary of the Interior; and

(B) $100,000,000 shall be made available to the Secretary of Agriculture;

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(9) $200,000,000 shall be made available to establish and implement a national revegetation effort on Federal and non-Federal land, including to implement the National Seed Strategy for Rehabilitation and Restoration, of which—

(A) $70,000,000 shall be made available to the Secretary of the Interior; and

(B) $130,000,000 shall be made available to the Secretary of Agriculture; and

(10) $80,000,000 shall be made available to the Secretary of Agriculture, in coordination with the Secretary of the Interior, to establish a collaborative-based, landscape-scale restoration program to restore water quality or fish passage on Federal land, including Indian forest land or rangeland, in accordance with subsection (f).

(c) ECOLOGICAL HEALTH RESTORATION CONTRACTS.—

(1) SUBMISSION OF LIST OF PROJECTS TO CONGRESS.—Until the date on which all of the amounts made available to carry out subsection (b)(1)(A)(i) are expended, not later than 90 days before the end of each fiscal year, the Secretary of the Interior and the Secretary of Agriculture shall submit to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives a list of projects to be funded under that subsection in the subsequent fiscal year, including—

(A) a detailed description of each project; and

(B) an estimate of the cost, including salaries and expenses, for the project.

(2) ALTERNATE ALLOCATION.—Appropriations Acts may provide for alternate allocation of amounts made available under subsection (b)(1), consistent with the allocations under subparagraph (B) of that subsection.

(3) LACK OF ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations described in paragraph (2) by the date on which the Act making full-year appropriations for the Department of the Interior, Environment, and Related Agencies for the applicable fiscal year is enacted into law, amounts made available under subsection (b)(1)(B) shall be allocated by the President.

(d) WOOD PRODUCTS INFRASTRUCTURE.—The Secretary of Agriculture, in coordination with the Secretary of the Interior, shall—

(1) develop a ranking system that categorizes units of Federal land, including Indian forest land or rangeland, with regard to treating areas at risk of unnaturally severe wildfire or insect or disease infestation, as being—

(A) very low priority for ecological restoration involving vegetation removal;

(B) low priority for ecological restoration involving vegetation removal;

(C) medium priority for ecological restoration involving vegetation removal;

(D) high priority for ecological restoration involving vegetation removal; or

(E) very high priority for ecological restoration involving vegetation removal;

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(2) determine, for a unit identified under paragraph (1) as being high or very high priority for ecological restoration involving vegetation removal, if—

(A) a sawmill or other wood-processing facility exists in close proximity to, or a forest worker is seeking to conduct restoration treatment work on or in close proximity to, the unit; and

(B) the presence of a sawmill or other wood-processing facility would substantially decrease or does substantially decrease the cost of conducting ecological restoration projects involving vegetation removal;

(3) in accordance with any conditions the Secretary of Agriculture determines to be necessary, using the amounts made available under subsection (b)(3), provide financial assistance, including a low-interest loan or a loan guarantee, to an entity seeking to establish, reopen, retrofit, expand, or improve a sawmill or other wood-processing facility in close proximity to a unit of Federal land that has been identified under paragraph (1) as high or very high priority for ecological restoration, if the presence of a sawmill or other wood-processing facility would substantially decrease or does substantially decrease the cost of conducting ecological restoration projects involving vegetation removal on the unit of Federal land, including Indian forest land or rangeland, as determined under paragraph (2)(B); and

(4) to the extent practicable, when allocating funding to units of Federal land for ecological restoration projects involving vegetation removal, give priority to a unit of Federal land that—

(A) has been identified under paragraph (1) as being high or very high priority for ecological restoration involving vegetation removal; and

(B) has a sawmill or other wood-processing facility—

(i) that, as determined under paragraph (2)—

(I) exists in close proximity to the unit; and

(II) does substantially decrease the cost of conducting ecological restoration projects involving vegetation removal on the unit; or

(ii) that has received financial assistance under paragraph (3).

(e) RECREATION SITES.—

(1) SITE RESTORATION AND IMPROVEMENTS.—Of the amounts made available under subsection (b)(7), $45,000,000 shall be made available to the Secretary of the Interior and $35,000,000 shall be made available the Secretary of Agriculture to restore, prepare, or adapt recreation sites on Federal land, including Indian forest land or rangeland, that have experienced or may likely experience visitation and use beyond the carrying capacity of the sites.

(2) PUBLIC USE RECREATION CABINS.—

(A) IN GENERAL.—Of the amounts made available under subsection (b)(7), $20,000,000 shall be made available to the Secretary of Agriculture for—

(i) the operation, repair, reconstruction, and construction of public use recreation cabins on National Forest System land; and

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(ii) to the extent necessary, the repair or reconstruction of historic buildings that are to be outleased under section 306121 of title 54, United States Code.

(B) INCLUSION.—Of the amount described in subparagraph (A), $5,000,000 shall be made available to the Secretary of Agriculture for associated salaries and expenses in carrying out that subparagraph.

(C) AGREEMENTS.—The Secretary of Agriculture may enter into a lease or cooperative agreement with a State, Indian Tribe, local government, or private entity—

(i) to carry out the activities described in subparagraph (A); or

(ii) to manage the renting of a cabin or building described in subparagraph (A) to the public.

(3) EXCLUSION.—A project shall not be eligible for funding under this subsection if—

(A) funding for the project would be used for deferred maintenance, as defined by Federal Accounting Standards Advisory Board; and

(B) the Secretary of the Interior or the Secretary of Agriculture has identified the project for funding from the National Parks and Public Land Legacy Restoration Fund established by section 200402(a) of title 54, United States Code.

(f) COLLABORATIVE-BASED, AQUATIC-FOCUSED, LANDSCAPE-SCALE RESTORATION PROGRAM.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall, in coordination with the Secretary of the Interior and using the amounts made available under subsection (b)(10)—

(1) solicit collaboratively developed proposals that—

(A) are for 5-year projects to restore fish passage or water quality on Federal land and non-Federal land to the extent allowed under section 323(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011a(a)), including Indian forest land or rangeland;

(B) contain proposed accomplishments and proposed non-Federal funding; and

(C) request not more than $5,000,000 in funding made available under subsection (b)(10);

(2) select project proposals for funding in a manner that—

(A) gives priority to a project proposal that would result in the most miles of streams being restored for the lowest amount of Federal funding; and

(B) discontinues funding for a project that fails to achieve the results included in a proposal submitted under paragraph (1) for more than 2 consecutive years; and

(3) publish a list of—

(A) all of the priority watersheds on National Forest System land;

(B) the condition of each priority watershed on the date of enactment of this Act; and

(C) the condition of each priority watershed on the date that is 5 years after the date of enactment of this Act.

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SEC. 40805. GAO STUDY.

(a) STUDY.—Not later than 6 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study on the implementation of this title and the amendments made by this title, including whether this title and the amendments made by this title have—

(A) effectively reduced wildfire risk, including the extent to which the wildfire hazard on Federal land has changed; and

(B) restored ecosystems on Federal and non-Federal land; and

(2) submit to Congress a report that describes the results of the study under paragraph (1).

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Comptroller General of the Unites States for the activities described in subsection (a) $800,000.

SEC. 40806. ESTABLISHMENT OF FUEL BREAKS IN FORESTS AND OTHER WILDLAND VEGETATION.

(a) DEFINITION OF SECRETARY CONCERNED.—In this section, the term "Secretary concerned" means—

(1) the Secretary of Agriculture, with respect to National Forest System land; and

(2) the Secretary of the Interior, with respect to public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) administered by the Bureau of Land Management.

(b) CATEGORICAL EXCLUSION ESTABLISHED.—Forest management activities described in subsection (c) are a category of actions designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the categorical exclusion is documented through a supporting record and decision memorandum.

(c) FOREST MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION.—

(1) IN GENERAL.—The category of forest management activities designated under subsection (b) for a categorical exclusion are forest management activities described in paragraph (2) that are carried out by the Secretary concerned on public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) administered by the Bureau of Land Management or National Forest System land the primary purpose of which is to establish and maintain linear fuel breaks that are—

(A) up to 1,000 feet in width contiguous with or incorporating existing linear features, such as roads, water infrastructure, transmission and distribution lines, and pipelines of any length on Federal land; and

(B) intended to reduce the risk of uncharacteristic wildfire on Federal land or catastrophic wildfire for an adjacent at-risk community.

(2) ACTIVITIES.—Subject to paragraph (3), the forest management activities that may be carried out pursuant to the categorical exclusion established under subsection (b) are—

(A) mowing or masticating;

(B) thinning by manual and mechanical cutting;

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(C) piling, yarding, and removal of slash or hazardous fuels;

(D) selling of vegetation products, including timber, firewood, biomass, slash, and fenceposts;

(E) targeted grazing;

(F) application of—

(i) pesticide;

(ii) biopesticide; or

(iii) herbicide;

(G) seeding of native species;

(H) controlled burns and broadcast burning; and

(I) burning of piles, including jackpot piles.

(3) EXCLUDED ACTIVITIES.—A forest management activity described in paragraph (2) may not be carried out pursuant to the categorical exclusion established under subsection (b) if the activity is conducted—

(A) in a component of the National Wilderness Preservation System;

(B) on Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress, Presidential proclamation (including the applicable implementation plan), or regulation;

(C) in a wilderness study area; or

(D) in an area in which carrying out the activity would be inconsistent with the applicable land management plan or resource management plan.

(4) EXTRAORDINARY CIRCUMSTANCES.—The Secretary concerned shall apply the extraordinary circumstances procedures under section 220.6 of title 36, Code of Federal Regulations (or a successor regulation), in determining whether to use a categorical exclusion under subsection (b).

(d) ACREAGE AND LOCATION LIMITATIONS.—Treatments of vegetation in linear fuel breaks covered by the categorical exclusion established under subsection (b)—

(1) may not contain treatment units in excess of 3,000 acres;

(2) shall be located primarily in—

(A) the wildland-urban interface or a public drinking water source area;

(B) if located outside the wildland-urban interface or a public drinking water source area, an area within Condition Class 2 or 3 in Fire Regime Group I, II, or III that contains very high wildfire hazard potential; or

(C) an insect or disease area designated by the Secretary concerned as of the date of enactment of this Act; and

(3) shall consider the best available scientific information.

(e) ROADS.—

(1) PERMANENT ROADS.—A project under this section shall not include the establishment of permanent roads.

(2) EXISTING ROADS.—The Secretary concerned may carry out necessary maintenance and repairs on existing permanent roads for the purposes of this section.

(3) TEMPORARY ROADS.—The Secretary concerned shall decommission any temporary road constructed under a project under this section not later than 3 years after the date on which the project is completed.

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(f) PUBLIC COLLABORATION.—To encourage meaningful public participation during the preparation of a project under this section, the Secretary concerned shall facilitate, during the preparation of each project—

(1) collaboration among State and local governments and Indian Tribes; and

(2) participation of interested persons.

SEC. 40807. EMERGENCY ACTIONS.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED EMERGENCY ACTION.—The term "authorized emergency action" means an action carried out pursuant to an emergency situation determination issued under this section to mitigate the harm to life, property, or important natural or cultural resources on National Forest System land or adjacent land.

(2) EMERGENCY SITUATION.—The term "emergency situation" means a situation on National Forest System land for which immediate implementation of 1 or more authorized emergency actions is necessary to achieve 1 or more of the following results:

(A) Relief from hazards threatening human health and safety.

(B) Mitigation of threats to natural resources on National Forest System land or adjacent land.

(3) EMERGENCY SITUATION DETERMINATION.—The term "emergency situation determination" means a determination made by the Secretary under subsection (b)(1)(A).

(4) LAND AND RESOURCE MANAGEMENT PLAN.—The term "land and resource management plan" means a plan developed under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) NATIONAL FOREST SYSTEM LAND.—The term "National Forest System land" means land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))).

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) AUTHORIZED EMERGENCY ACTIONS TO RESPOND TO EMERGENCY SITUATIONS.—

(1) DETERMINATION.—

(A) IN GENERAL.—The Secretary may make a determination that an emergency situation exists with respect to National Forest System land.

(B) REVIEW.—An emergency situation determination shall not be subject to objection under the predecisional administrative review processes under part 218 of title 36, Code of Federal Regulations (or successor regulations).

(C) BASIS OF DETERMINATION.—An emergency situation determination shall be based on an examination of the relevant information.

(2) AUTHORIZED EMERGENCY ACTIONS.—After making an emergency situation determination with respect to National Forest System land, the Secretary may carry out authorized emergency actions on that National Forest System land in order to achieve reliefs from hazards threatening human health and safety or mitigation of threats to natural resources on

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National Forest System land or adjacent land, including through—

(A) the salvage of dead or dying trees;

(B) the harvest of trees damaged by wind or ice;

(C) the commercial and noncommercial sanitation harvest of trees to control insects or disease, including trees already infested with insects or disease;

(D) the reforestation or replanting of fire-impacted areas through planting, control of competing vegetation, or other activities that enhance natural regeneration and restore forest species;

(E) the removal of hazardous trees in close proximity to roads and trails;

(F) the removal of hazardous fuels;

(G) the restoration of water sources or infrastructure;

(H) the reconstruction of existing utility lines; and

(I) the replacement of underground cables.

(3) RELATION TO LAND AND RESOURCE MANAGEMENT PLANS.—Any authorized emergency action carried out under paragraph (2) on National Forest System land shall be conducted consistent with the applicable land and resource management plan.

(c) ENVIRONMENTAL ANALYSIS.—

(1) ENVIRONMENTAL ASSESSMENT OR ENVIRONMENTAL IMPACT STATEMENT.—If the Secretary determines that an authorized emergency action requires an environmental assessment or an environmental impact statement pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), the Secretary shall study, develop, and describe—

(A) the proposed agency action, taking into account the probable environmental consequences of the authorized emergency action and mitigating foreseeable adverse environmental effects, to the extent practicable; and

(B) the alternative of no action.

(2) PUBLIC NOTICE.—The Secretary shall provide notice of each authorized emergency action that the Secretary determines requires an environmental assessment or environmental impact statement under paragraph (1), in accordance with applicable regulations and administrative guidelines.

(3) PUBLIC COMMENT.—The Secretary shall provide an opportunity for public comment during the preparation of any environmental assessment or environmental impact statement under paragraph (1).

(4) SAVINGS CLAUSE.—Nothing in this subsection prohibits the Secretary from—

(A) making an emergency situation determination, including a determination that an emergency exists pursuant to section 218.21(a) of title 36, Code of Federal Regulations (or successor regulations); or

(B) taking an emergency action under section 220.4(b) of title 36, Code of Federal Regulations (or successor regulations).

(d) ADMINISTRATIVE REVIEW OF AUTHORIZED EMERGENCY ACTIONS.—An authorized emergency action carried out under this section shall not be subject to objection under the predecisional administrative review processes established under section 105 of

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the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6515) and section 428 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012 (16 U.S.C. 6515 note; Public Law 112–74).

(e) JUDICIAL REVIEW OF EMERGENCY ACTIONS.—A court shall not enjoin an authorized emergency action under this section if the court determines that the plaintiff is unable to demonstrate that the claim of the plaintiff is likely to succeed on the merits.

(f) NOTIFICATION AND GUIDANCE.—The Secretary shall provide notification and guidance to each local field office of the Forest Service to ensure awareness of, compliance with, and appropriate use of the authorized emergency action authority under this section.

SEC. 40808. JOINT CHIEFS LANDSCAPE RESTORATION PARTNERSHIP PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CHIEFS.—The term "Chiefs" means the Chief of the Forest Service and the Chief of the Natural Resources Conservation Service.

(2) ELIGIBLE ACTIVITY.—The term "eligible activity" means an activity—

(A) to reduce the risk of wildfire;

(B) to protect water quality and supply; or

(C) to improve wildlife habitat for at-risk species.

(3) PROGRAM.—The term "Program" means the Joint Chiefs Landscape Restoration Partnership program established under subsection (b)(1).

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(5) WILDLAND-URBAN INTERFACE.—The term "wildland-urban interface" has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a Joint Chiefs Landscape Restoration Partnership program to improve the health and resilience of forest landscapes across National Forest System land and State, Tribal, and private land.

(2) ADMINISTRATION.—The Secretary shall administer the Program by coordinating eligible activities conducted on National Forest System land and State, Tribal, or private land across a forest landscape to improve the health and resilience of the forest landscape by—

(A) assisting producers and landowners in implementing eligible activities on eligible private or Tribal land using the applicable programs and authorities administered by the Chief of the Natural Resources Conservation Service under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.), not including the conservation reserve program established under subchapter B of chapter 1 of subtitle D of that title (16 U.S.C. 3831 et seq.); and

(B) conducting eligible activities on National Forest System land or assisting landowners in implementing eligible activities on State, Tribal, or private land using the applicable programs and authorities administered by the Chief of the Forest Service.

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(c) SELECTION OF ELIGIBLE ACTIVITIES.—The appropriate Regional Forester and State Conservationist shall jointly submit to the Chiefs on an annual basis proposals for eligible activities under the Program.

(d) EVALUATION CRITERIA.—In evaluating and selecting proposals submitted under subsection (c), the Chiefs shall consider—

(1) criteria including whether the proposal—

(A) reduces wildfire risk in a municipal watershed or the wildland-urban interface;

(B) was developed through a collaborative process with participation from diverse stakeholders;

(C) increases forest workforce capacity or forest business infrastructure and development;

(D) leverages existing authorities and non-Federal funding;

(E) provides measurable outcomes; or

(F) supports established State and regional priorities; and

(2) such other criteria relating to the merits of the proposals as the Chiefs determine to be appropriate.

(e) OUTREACH.—The Secretary shall provide—

(1) public notice on the websites of the Forest Service and the Natural Resources Conservation Service describing—

(A) the solicitation of proposals under subsection (c); and

(B) the criteria for selecting proposals in accordance with subsection (d); and

(2) information relating to the Program and activities funded under the Program to States, Indian Tribes, units of local government, and private landowners.

(f) EXCLUSIONS.—An eligible activity may not be carried out under the Program—

(1) in a wilderness area or designated wilderness study area;

(2) in an inventoried roadless area;

(3) on any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited; or

(4) in an area in which the eligible activity would be inconsistent with the applicable land and resource management plan.

(g) ACCOUNTABILITY.—

(1) INITIAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report providing recommendations to Congress relating to the Program, including a review of—

(A) funding mechanisms for the Program;

(B) staff capacity to carry out the Program;

(C) privacy laws applicable to the Program;

(D) data collection under the Program;

(E) monitoring and outcomes under the Program; and

(F) such other matters as the Secretary considers to be appropriate.

(2) ADDITIONAL REPORTS.—For each of fiscal years 2022 and 2023, the Chiefs shall submit to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate and the Committee on Agriculture and

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the Committee on Appropriations of the House of Representatives a report describing projects for which funding is provided under the Program, including the status and outcomes of those projects.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the Program $90,000,000 for each of fiscal years 2022 and 2023.

(2) ADDITIONAL FUNDS.—In addition to the funds described in paragraph (1), the Secretary may obligate available funds from accounts used to carry out the existing Joint Chiefs' Landscape Restoration Partnership prior to the date of enactment of this Act to carry out the Program.

(3) DURATION OF AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

(4) DISTRIBUTION OF FUNDS.—Of the funds made available under paragraph (1)—

(A) not less than 40 percent shall be allocated to carry out eligible activities through the Natural Resources Conservation Service;

(B) not less than 40 percent shall be allocated to carry out eligible activities through the Forest Service; and

(C) the remaining funds shall be allocated by the Chiefs to the Natural Resources Conservation Service or the Forest Service—

(i) to carry out eligible activities; or

(ii) for other purposes, such as technical assistance, project development, or local capacity building.

TITLE IX—WESTERN WATER INFRASTRUCTURE

SEC. 40901. AUTHORIZATIONS OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this title as the "Secretary"), for the period of fiscal years 2022 through 2026—

(1) $1,150,000,000 for water storage, groundwater storage, and conveyance projects in accordance with section 40902, of which $100,000,000 shall be made available to provide grants to plan and construct small surface water and groundwater storage projects in accordance with section 40903;

(2) $3,200,000,000 for the Aging Infrastructure Account established by subsection (d)(1) of section 9603 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 510b), to be made available for activities in accordance with that subsection, including major rehabilitation and replacement activities, as identified in the Asset Management Report of the Bureau of Reclamation dated April 2021, of which—

(A) $100,000,000 shall be made available for Bureau of Reclamation reserved or transferred works that have suffered a critical failure, in accordance with section 40904(a); and

(B) $100,000,000 shall be made available for the rehabilitation, reconstruction, or replacement of a dam in accordance with section 40904(b);

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(3) $1,000,000,000 for rural water projects that have been authorized by an Act of Congress before July 1, 2021, in accordance with the Reclamation Rural Water Supply Act of 2006 (43 U.S.C. 2401 et seq.);

(4) $1,000,000,000 for water recycling and reuse projects, of which—

(A) $550,000,000 shall be made available for water recycling and reuse projects authorized in accordance with the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) that are—

(i) authorized or approved for construction funding by an Act of Congress before the date of enactment of this Act; or

(ii) selected for funding under the competitive grant program authorized pursuant to section 1602(f) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(f)), with funding under this subparagraph to be provided in accordance with that section, notwithstanding section 4013 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114–322), except that section 1602(g)(2) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(g)(2)) shall not apply to amounts made available under this subparagraph; and

(B) $450,000,000 shall be made available for large-scale water recycling and reuse projects in accordance with section 40905;

(5) $250,000,000 for water desalination projects and studies authorized in accordance with the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) that are—

(A) authorized or approved for construction funding by an Act of Congress before July 1, 2021; or

(B) selected for funding under the program authorized pursuant to section 4(a) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298), with funding to be made available under this paragraph in accordance with that subsection, notwithstanding section 4013 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114–322), except that paragraph (2)(F) of section 4(a) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) (as redesignated by section 40908) shall not apply to amounts made available under this paragraph;

(6) $500,000,000 for the safety of dams program, in accordance with the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506 et seq.);

(7) $400,000,000 for WaterSMART grants in accordance with section 9504 of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364), of which $100,000,000 shall be made available for projects that would improve the condition of a natural feature or nature-based feature (as those terms are defined in section 9502 of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10362));

(8) subject to section 40906, $300,000,000 for implementing the Colorado River Basin Drought Contingency Plan, consistent with the obligations of the Secretary under the Colorado River

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Drought Contingency Plan Authorization Act (Public Law 116–14; 133 Stat. 850) and related agreements, of which $50,000,000 shall be made available for use in accordance with the Drought Contingency Plan for the Upper Colorado River Basin;

(9) $100,000,000 to provide financial assistance for watershed management projects in accordance with subtitle A of title VI of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1015 et seq.);

(10) $250,000,000 for design, study, and construction of aquatic ecosystem restoration and protection projects in accordance with section 1109 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260);

(11) $100,000,000 for multi-benefit projects to improve watershed health in accordance with section 40907; and

(12) $50,000,000 for endangered species recovery and conservation programs in the Colorado River Basin in accordance with—

(A) Public Law 106–392 (114 Stat. 1602);

(B) the Grand Canyon Protection Act of 1992 (Public Law 102–575; 106 Stat. 4669); and

(C) subtitle E of title IX of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1327).

SEC. 40902. WATER STORAGE, GROUNDWATER STORAGE, AND CONVEYANCE PROJECTS.

(a) ELIGIBILITY FOR FUNDING.—

(1) FEASIBILITY STUDIES.—

(A) IN GENERAL.—A feasibility study shall only be eligible for funding under section 40901(1) if—

(i) the feasibility study has been authorized by an Act of Congress before the date of enactment of this Act;

(ii) Congress has approved funding for the feasibility study in accordance with section 4007 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114–322) before the date of enactment of this Act; or

(iii) the feasibility study is authorized under subparagraph (B).

(B) FEASIBILITY STUDY AUTHORIZATIONS.—The Secretary may carry out feasibility studies for the following projects:

(i) The Verde Reservoirs Sediment Mitigation Project in the State of Arizona.

(ii) The Tualatin River Basin Project in the State of Oregon.

(2) CONSTRUCTION.—A project shall only be eligible for construction funding under section 40901(1) if—

(A) an Act of Congress enacted before the date of enactment of this Act authorizes construction of the project;

(B) Congress has approved funding for construction of the project in accordance with section 4007 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114–322) before the date of enactment of this Act, except for any project for which—

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(i) Congress did not approve the recommendation of the Secretary for funding under subsection (h)(2) of that section for at least 1 fiscal year before the date of enactment of this Act; or

(ii) State funding for the project was rescinded by the State before the date of enactment of this Act; or

(C)(i) Congress has authorized or approved funding for a feasibility study for the project in accordance with clause (i) or (ii) of paragraph (1)(A) (except that projects described in clauses (i) and (ii) of subparagraph (B) shall not be eligible); and

(ii) on completion of the feasibility study for the project, the Secretary—

(I) finds the project to be technically and financially feasible in accordance with the reclamation laws;

(II) determines that sufficient non-Federal funding is available for the non-Federal cost share of the project; and

(III)(aa) finds the project to be in the public interest; and

(bb) recommends the project for construction.

(b) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The Federal share—

(A) for a project authorized by an Act of Congress shall be determined in accordance with that Act;

(B) for a project approved by Congress in accordance with section 4007 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114–322) (including construction resulting from a feasibility study authorized under that Act) shall be as provided in that Act; and

(C) for a project not described in subparagraph (A) or (B)—

(i) in the case of a federally owned project, shall not exceed 50 percent of the total cost of the project; and

(ii) in the case of a non-Federal project, shall not exceed 25 percent of the total cost of the project.

(2) FEDERAL BENEFITS.—Before funding a project under this section, the Secretary shall determine that, in return for the Federal investment in the project, at least a proportionate share of the benefits are Federal benefits.

(3) REIMBURSABILITY.—The reimbursability of Federal funding of projects under this section shall be in accordance with the reclamation laws.

(c) ENVIRONMENTAL LAWS.—In providing funding for a project under this section, the Secretary shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 40903. SMALL WATER STORAGE AND GROUNDWATER STORAGE PROJECTS.

(a) ESTABLISHMENT OF A COMPETITIVE GRANT PROGRAM FOR SMALL WATER STORAGE AND GROUNDWATER STORAGE PROJECTS.—The Secretary shall establish a competitive grant program, under

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which the non-Federal project sponsor of any project in a Reclamation State, including the State of Alaska or Hawaii, determined by the Secretary to be feasible under subsection (b)(2)(B) shall be eligible to apply for funding for the planning, design, and construction of the project.

(b) ELIGIBILITY AND SELECTION.—

(1) SUBMISSION TO THE SECRETARY.—

(A) IN GENERAL.—A non-Federal project sponsor described in subsection (a) may submit to the Secretary a proposal for a project eligible to receive a grant under this section in the form of a completed feasibility study.

(B) ELIGIBLE PROJECTS.—A project shall be considered eligible for consideration for a grant under this section if the project—

(i) has water storage capacity of not less than 2,000 acre-feet and not more than 30,000 acre-feet; and

(ii)(I) increases surface water or groundwater storage; or

(II) conveys water, directly or indirectly, to or from surface water or groundwater storage.

(C) GUIDELINES.—Not later than 60 days after the date of enactment of this Act, the Secretary shall issue guidelines for feasibility studies for small storage projects to provide sufficient information for the formulation of the studies.

(2) REVIEW BY THE SECRETARY.—The Secretary shall review each feasibility study received under paragraph (1)(A) for the purpose of determining whether—

(A) the feasibility study, and the process under which the study was developed, each comply with Federal laws (including regulations) applicable to feasibility studies of small storage projects;

(B) the project is technically and financially feasible, in accordance with—

(i) the guidelines developed under paragraph (1)(C); and

(ii) the reclamation laws; and

(C) the project provides a Federal benefit, as determined by the Secretary.

(3) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of receipt of a feasibility study received under paragraph (1)(A), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(A) the results of the review of the study by the Secretary under paragraph (2), including a determination of whether the project is feasible and provides a Federal benefit;

(B) any recommendations that the Secretary may have concerning the plan or design of the project; and

(C) any conditions the Secretary may require for construction of the project.

(4) ELIGIBILITY FOR FUNDING.—

(A) IN GENERAL.—The non-Federal project sponsor of any project determined by the Secretary to be feasible

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under paragraph (3)(A) shall be eligible to apply to the Secretary for a grant to cover the Federal share of the costs of planning, designing, and constructing the project pursuant to subsection (c).

(B) REQUIRED DETERMINATION.—Prior to awarding grants to a small storage project, the Secretary shall determine whether there is sufficient non-Federal funding available to complete the project.

(5) PRIORITY.—In awarding grants to projects under this section, the Secretary shall give priority to projects that meet 1 or more of the following criteria:

(A) Projects that are likely to provide a more reliable water supply for States, Indian Tribes, and local governments, including subdivisions of those entities.

(B) Projects that are likely to increase water management flexibility and reduce impacts on environmental resources from projects operated by Federal and State agencies.

(C) Projects that are regional in nature.

(D) Projects with multiple stakeholders.

(E) Projects that provide multiple benefits, including water supply reliability, ecosystem benefits, groundwater management and enhancements, and water quality improvements.

(c) CEILING ON FEDERAL SHARE.—The Federal share of the costs of each of the individual projects selected under this section shall not exceed the lesser of—

(1) 25 percent of the total project cost; or

(2) $30,000,000.

(d) ENVIRONMENTAL LAWS.—In providing funding for a grant for a project under this section, the Secretary shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e) TERMINATION OF AUTHORITY.—The authority to carry out this section terminates on the date that is 5 years after the date of enactment of this Act.

SEC. 40904. CRITICAL MAINTENANCE AND REPAIR.

(a) CRITICAL FAILURE AT A RESERVED OR TRANSFERRED WORK.—

(1) IN GENERAL.—A reserved or transferred work shall only be eligible for funding under section 40901(2)(A) if—

(A) construction of the reserved or transferred work began on or before January 1, 1915; and

(B) a unit of the reserved or transferred work suffered a critical failure in Bureau of Reclamation infrastructure during the 2-year period ending on the date of enactment of this Act that resulted in the failure to deliver water to project beneficiaries.

(2) USE OF FUNDS.—Rehabilitation, repair, and replacement activities for a transferred or reserved work using amounts made available under section 40901(2)(A) may be used for the entire transferred or reserved work, regardless of whether the critical failure was limited to a single project of the overall work.

(3) NONREIMBURSABLE FUNDS.—Notwithstanding section 9603(b) of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 510b(b)), amounts made available to a reserved

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or transferred work under section 40901(2)(A) shall be nonreimbursable to the United States.

(b) CAREY ACT PROJECTS.—The Secretary shall use amounts made available under section 40901(2)(B) to fund the rehabilitation, reconstruction, or replacement of a dam—

(1) the construction of which began on or after January 1, 1905;

(2) that was developed pursuant to section 4 of the Act of August 18, 1894 (commonly known as the "Carey Act") (43 U.S.C. 641; 28 Stat. 422, chapter 301);

(3) that the Governor of the State in which the dam is located has—

(A) determined the dam has reached its useful life;

(B) determined the dam poses significant health and safety concerns; and

(C) requested Federal support; and

(4) for which the estimated rehabilitation, reconstruction, or replacement, engineering, and permitting costs would exceed $50,000,000.

SEC. 40905. COMPETITIVE GRANT PROGRAM FOR LARGE-SCALE WATER RECYCLING AND REUSE PROGRAM.

(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) and (B).

(2) ELIGIBLE PROJECT.—The term "eligible project" means a project described in subsection (c).

(3) PROGRAM.—The term "program" means the grant program established under subsection (b).

(4) RECLAMATION STATE.—The term "Reclamation State" means 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).

(b) ESTABLISHMENT.—The Secretary shall establish a program to provide grants to eligible entities on a competitive basis for the planning, design, and construction of large-scale water recycling and reuse projects that provide substantial water supply and other benefits to the Reclamation States in accordance with this section.

(c) ELIGIBLE PROJECT.—A project shall be eligible for a grant under this section if the project—

(1) reclaims and reuses—

(A) municipal, industrial, domestic, or agricultural wastewater; or

(B) impaired groundwater or surface water;

(2) has a total estimated cost of $500,000,000 or more;

(3) is located in a Reclamation State;

(4) is constructed, operated, and maintained by an eligible entity; and

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(5) provides a Federal benefit in accordance with the reclamation laws.

(d) PROJECT EVALUATION.—The Secretary may provide a grant to an eligible project under the program if—

(1) the eligible entity determines through the preparation of a feasibility study or equivalent study, and the Secretary concurs, that the eligible project—

(A) is technically and financially feasible;

(B) provides a Federal benefit in accordance with the reclamation laws; and

(C) is consistent with applicable Federal and State laws;

(2) the eligible entity has sufficient non-Federal funding available to complete the eligible project, as determined by the Secretary;

(3) the eligible entity is financially solvent, as determined by the Secretary; and

(4) not later than 30 days after the date on which the Secretary concurs with the determinations under paragraph (1) with respect to the eligible project, the Secretary submits to Congress written notice of the determinations.

(e) PRIORITY.—In providing grants to eligible projects under the program, the Secretary shall give priority to eligible projects that meet 1 or more of the following criteria:

(1) The eligible project provides multiple benefits, including—

(A) water supply reliability benefits for drought-stricken States and communities;

(B) fish and wildlife benefits; and

(C) water quality improvements.

(2) The eligible project is likely to reduce impacts on environmental resources from water projects owned or operated by Federal and State agencies, including through measurable reductions in water diversions from imperiled ecosystems.

(3) The eligible project would advance water management plans across a multi-State area, such as drought contingency plans in the Colorado River Basin.

(4) The eligible project is regional in nature.

(5) The eligible project is collaboratively developed or supported by multiple stakeholders.

(f) FEDERAL ASSISTANCE.—

(1) FEDERAL COST SHARE.—The Federal share of the cost of any project provided a grant under the program shall not exceed 25 percent of the total cost of the eligible project.

(2) TOTAL DOLLAR CAP.—The Secretary shall not impose a total dollar cap on Federal contributions for all eligible individual projects provided a grant under the program.

(3) NONREIMBURSABLE FUNDS.—Any funds provided by the Secretary to an eligible entity under the program shall be considered nonreimbursable.

(4) FUNDING ELIGIBILITY.—An eligible project shall not be considered ineligible for assistance under the program because the eligible project has received assistance under—

(A) the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.);

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(B) section 4(a) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) for eligible desalination projects; or

(C) section 1602(e) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(e)).

(g) ENVIRONMENTAL LAWS.—In providing a grant for an eligible project under the program, the Secretary shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(h) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue guidance on the implementation of the program, including guidelines for the preparation of feasibility studies or equivalent studies by eligible entities.

(i) REPORTS.—

(1) ANNUAL REPORT.—At the end of each fiscal year, the Secretary shall make available on the website of the Department of the Interior an annual report that lists each eligible project for which a grant has been awarded under this section during the fiscal year.

(2) COMPTROLLER GENERAL.—

(A) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the administrative establishment, solicitation, selection, and justification process with respect to the funding of grants under this section.

(B) REPORT.—Not later than 1 year after the date of the initial award of grants under this section, the Comptroller General shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(i) the adequacy and effectiveness of the process by which each eligible project was selected, if applicable; and

(ii) the justification and criteria used for the selection of each eligible project, if applicable.

(j) TREATMENT OF CONVEYANCE.—The Secretary shall consider the planning, design, and construction of a conveyance system for an eligible project to be eligible for grant funding under the program.

(k) TERMINATION OF AUTHORITY.—The authority to carry out this section terminates on the date that is 5 years after the date of enactment of this Act.

SEC. 40906. DROUGHT CONTINGENCY PLAN FUNDING REQUIREMENTS.

(a) IN GENERAL.—Funds made available under section 40901(8) for use in the Lower Colorado River Basin may be used for projects—

(1) to establish or conserve recurring Colorado River water that contributes to supplies in Lake Mead and other Colorado River water reservoirs in the Lower Colorado River Basin; or

(2) to improve the long-term efficiency of operations in the Lower Colorado River Basin.

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(b) LIMITATION.—None of the funds made available under section 40901(8) may be used for the operation of the Yuma Desalting Plant.

(c) EFFECT.—Nothing in section 40901(8) limits existing or future opportunities to augment the water supplies of the Colorado River.

SEC. 40907. MULTI-BENEFIT PROJECTS TO IMPROVE WATERSHED HEALTH.

(a) DEFINITION OF ELIGIBLE APPLICANT.—In this section, the term "eligible applicant" means—

(1) a State;

(2) a Tribal or local government;

(3) an organization with power or water delivery authority;

(4) a regional authority; or

(5) a nonprofit conservation organization.

(b) ESTABLISHMENT OF COMPETITIVE GRANT PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the heads of relevant agencies, shall establish a competitive grant program under which the Secretary shall award grants to eligible applicants for the design, implementation, and monitoring of conservation outcomes of habitat restoration projects that improve watershed health in a river basin that is adversely impacted by a Bureau of Reclamation water project by accomplishing 1 or more of the following:

(1) Ecosystem benefits.

(2) Restoration of native species.

(3) Mitigation against the impacts of climate change to fish and wildlife habitats.

(4) Protection against invasive species.

(5) Restoration of aspects of the natural ecosystem.

(6) Enhancement of commercial, recreational, subsistence, or Tribal ceremonial fishing.

(7) Enhancement of river-based recreation.

(c) REQUIREMENTS.—

(1) IN GENERAL.—In awarding a grant to an eligible applicant under subsection (b), the Secretary—

(A) shall give priority to an eligible applicant that would carry out a habitat restoration project that achieves more than 1 of the benefits described in that subsection; and

(B) may not provide a grant to carry out a habitat restoration project the purpose of which is to meet existing environmental mitigation or compliance obligations under Federal or State law.

(2) COMPLIANCE.—A habitat restoration project awarded a grant under subsection (b) shall comply with all applicable Federal and State laws.

(d) COST-SHARING REQUIREMENT.—The Federal share of the cost of any habitat restoration project that is awarded a grant under subsection (b)—

(1) shall not exceed 50 percent of the cost of the habitat restoration project; or

(2) in the case of a habitat restoration project that provides benefits to ecological or recreational values in which the nonconsumptive water conservation benefit or habitat restoration benefit accounts for at least 75 percent of the cost of the

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habitat restoration project, as determined by the Secretary, shall not exceed 75 percent of the cost of the habitat restoration project.

SEC. 40908. ELIGIBLE DESALINATION PROJECTS.

Section 4(a) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended by redesignating the second paragraph (1) (relating to eligible desalination projects) as paragraph (2).

SEC. 40909. CLARIFICATION OF AUTHORITY TO USE CORONAVIRUS FISCAL RECOVERY FUNDS TO MEET A NON-FEDERAL MATCHING REQUIREMENT FOR AUTHORIZED BUREAU OF RECLAMATION WATER PROJECTS.

(a) CORONAVIRUS STATE FISCAL RECOVERY FUND.—Section 602(c) of the Social Security Act (42 U.S.C. 802(c)) is amended by adding at the end the following:

"(4) USE OF FUNDS TO SATISFY NON-FEDERAL MATCHING REQUIREMENTS FOR AUTHORIZED BUREAU OF RECLAMATION WATER PROJECTS.—Funds provided under this section for an authorized Bureau of Reclamation project may be used for purposes of satisfying any non-Federal matching requirement required for the project.".

(b) CORONAVIRUS LOCAL FISCAL RECOVERY FUND.—Section 603(c) of the Social Security Act (42 U.S.C. 803(c)) is amended by adding at the end the following:

"(5) USE OF FUNDS TO SATISFY NON-FEDERAL MATCHING, MAINTENANCE OF EFFORT, OR OTHER EXPENDITURE REQUIREMENT.—Funds provided under this section for an authorized Bureau of Reclamation project may be used for purposes of satisfying any non-Federal matching requirement required for the project.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 9901 of the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 223).

SEC. 40910. FEDERAL ASSISTANCE FOR GROUNDWATER RECHARGE, AQUIFER STORAGE, AND WATER SOURCE SUBSTITUTION PROJECTS.

(a) IN GENERAL.—The Secretary, at the request of and in coordination with affected Indian Tribes, States (including subdivisions and departments of a State), or a public agency organized pursuant to State law, may provide technical or financial assistance for, participate in, and enter into agreements (including agreements with irrigation entities) for—

(1) groundwater recharge projects;
(2) aquifer storage and recovery projects; or
(3) water source substitution for aquifer protection projects.

(b) LIMITATION.—Nothing in this section authorizes additional technical or financial assistance for, or participation in an agreement for, a surface water storage facility to be constructed or expanded.

(c) REQUIREMENT.—A construction project shall only be eligible for financial assistance under this section if the project meets the conditions for funding under section 40902(a)(2)(C)(ii).

(d) COST SHARING.—Cost sharing for a project funded under this section shall be in accordance with section 40902(b).

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(e) ENVIRONMENTAL LAWS.—In providing funding for a project under this section, the Secretary shall comply with all applicable environmental laws, including —

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) any obligations for fish, wildlife, or water quality protection in permits or licenses granted by a Federal agency or a State; and

(3) any applicable Federal or State laws (including regulations).

(f) AUTHORIZATION BY CONGRESS FOR MAJOR PROJECT CONSTRUCTION.—A project with a total estimated cost of $500,000,000 or more shall only be eligible for construction funding under this section if the project is authorized for construction by an Act of Congress.

TITLE X—AUTHORIZATION OF APPROPRIATIONS FOR ENERGY ACT OF 2020

SEC. 41001. ENERGY STORAGE DEMONSTRATION PROJECTS.

(a) ENERGY STORAGE DEMONSTRATION PROJECTS; PILOT GRANT PROGRAM.—There is authorized to be appropriated to the Secretary to carry out activities under section 3201(c) of the Energy Act of 2020 (42 U.S.C. 17232(c)) $355,000,000 for the period of fiscal years 2022 through 2025.

(b) LONG-DURATION DEMONSTRATION INITIATIVE AND JOINT PROGRAM.—There is authorized to be appropriated to the Secretary to carry out activities under section 3201(d) of the Energy Act of 2020 (42 U.S.C. 17232(d)) $150,000,000 for the period of fiscal years 2022 through 2025.

SEC. 41002. ADVANCED REACTOR DEMONSTRATION PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out activities under section 959A of the Energy Policy Act of 2005 (42 U.S.C. 16279a) pursuant to the funding opportunity announcement of the Department numbered DE–FOA–0002271 for Pathway 1, Advanced Reactor Demonstrations—

(1) $511,000,000 for fiscal year 2022;
(2) $506,000,000 for fiscal year 2023;
(3) $636,000,000 for fiscal year 2024;
(4) $824,000,000 for fiscal year 2025;
(5) $453,000,000 for fiscal year 2026; and
(6) $281,000,000 for fiscal year 2027.

(b) TECHNICAL CORRECTIONS.—

(1) DEFINITION OF ADVANCED NUCLEAR REACTOR.—Section 951(b)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16271(b)(1)) is amended—

(A) in subparagraph (A)(xi), by striking "; and" and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(C) a radioisotope power system that utilizes heat from radioactive decay to generate energy.".

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(2) NUCLEAR ENERGY UNIVERSITY PROGRAM FUNDING.—Section 954(a)(6) of the Energy Policy Act of 2005 (42 U.S.C. 16274(a)(6)) is amended by inserting ", excluding funds appropriated for the Advanced Reactor Demonstration Program of the Department," after "annually".

SEC. 41003. MINERAL SECURITY PROJECTS.

(a) NATIONAL GEOLOGICAL AND GEOPHYSICAL DATA PRESERVATION PROGRAM.—There are authorized to be appropriated to the Secretary of the Interior to carry out activities under section 351 of the Energy Policy Act of 2005 (42 U.S.C. 15908)—

(1) $8,668,000 for fiscal year 2022; and

(2) $5,000,000 for each of fiscal years 2023 through 2025.

(b) RARE EARTH MINERAL SECURITY.—There are authorized to be appropriated to the Secretary to carry out activities under section 7001(a) of the Energy Act of 2020 (42 U.S.C. 13344(a))—

(1) $23,000,000 for fiscal year 2022;

(2) $24,200,000 for fiscal year 2023;

(3) $25,400,000 for fiscal year 2024;

(4) $26,600,000 for fiscal year 2025; and

(5) $27,800,000 for fiscal year 2026.

(c) CRITICAL MATERIAL INNOVATION, EFFICIENCY, AND ALTERNATIVES.—There are authorized to be appropriated to the Secretary to carry out activities under section 7002(g) of the Energy Act of 2020 (30 U.S.C. 1606(g))—

(1) $230,000,000 for fiscal year 2022;

(2) $100,000,000 for fiscal year 2023; and

(3) $135,000,000 for each of fiscal years 2024 and 2025.

(d) CRITICAL MATERIAL SUPPLY CHAIN RESEARCH FACILITY.—There are authorized to be appropriated to the Secretary to carry out activities under section 7002(h) of the Energy Act of 2020 (30 U.S.C. 1606(h))—

(1) $40,000,000 for fiscal year 2022; and

(2) $35,000,000 for fiscal year 2023.

SEC. 41004. CARBON CAPTURE DEMONSTRATION AND PILOT PROGRAMS.

(a) CARBON CAPTURE LARGE-SCALE PILOT PROJECTS.—There are authorized to be appropriated to the Secretary to carry out activities under section 962(b)(2)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16292(b)(2)(B))—

(1) $387,000,000 for fiscal year 2022;

(2) $200,000,000 for fiscal year 2023;

(3) $200,000,000 for fiscal year 2024; and

(4) $150,000,000 for fiscal year 2025.

(b) CARBON CAPTURE DEMONSTRATION PROJECTS PROGRAM.—There are authorized to be appropriated to the Secretary to carry out activities under section 962(b)(2)(C) of the Energy Policy Act of 2005 (42 U.S.C. 16292(b)(2)(C))—

(1) $937,000,000 for fiscal year 2022;

(2) $500,000,000 for each of fiscal years 2023 and 2024; and

(3) $600,000,000 for fiscal year 2025.

SEC. 41005. DIRECT AIR CAPTURE TECHNOLOGIES PRIZE COMPETITIONS.

(a) PRECOMMERCIAL.—There is authorized to be appropriated to the Secretary to carry out activities under section 969D(e)(2)(A)

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of the Energy Policy Act of 2005 (42 U.S.C. 16298d(e)(2)(A)) $15,000,000 for fiscal year 2022.

(b) COMMERCIAL.—There is authorized to be appropriated to the Secretary to carry out activities under section 969D(e)(2)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16298d(e)(2)(B)) $100,000,000 for fiscal year 2022.

SEC. 41006. WATER POWER PROJECTS.

(a) HYDROPOWER AND MARINE ENERGY.—There are authorized to be appropriated to the Secretary—

(1) to carry out activities under section 634 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17213), $36,000,000 for the period of fiscal years 2022 through 2025; and

(2) to carry out activities under section 635 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17214), $70,400,000 for the period of fiscal years 2022 through 2025.

(b) NATIONAL MARINE ENERGY CENTERS.—There is authorized to be appropriated to the Secretary to carry out activities under section 636 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17215) $40,000,000 for the period of fiscal years 2022 through 2025.

SEC. 41007. RENEWABLE ENERGY PROJECTS.

(a) GEOTHERMAL ENERGY.—There is authorized to be appropriated to the Secretary to carry out activities under section 615(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17194(d)) $84,000,000 for the period of fiscal years 2022 through 2025.

(b) WIND ENERGY.—There are authorized to be appropriated to the Secretary—

(1) to carry out activities under section 3003(b)(2) of the Energy Act of 2020 (42 U.S.C. 16237(b)(2)), $60,000,000 for the period of fiscal years 2022 through 2025; and

(2) to carry out activities under section 3003(b)(4) of the Energy Act of 2020 (42 U.S.C. 16237(b)(4)), $40,000,000 for the period of fiscal years 2022 through 2025.

(c) SOLAR ENERGY.—There are authorized to be appropriated to the Secretary—

(1) to carry out activities under section 3004(b)(2) of the Energy Act of 2020 (42 U.S.C. 16238(b)(2)), $40,000,000 for the period of fiscal years 2022 through 2025;

(2) to carry out activities under section 3004(b)(3) of the Energy Act of 2020 (42 U.S.C. 16238(b)(3)), $20,000,000 for the period of fiscal years 2022 through 2025; and

(3) to carry out activities under section 3004(b)(4) of the Energy Act of 2020 (42 U.S.C. 16238(b)(4)), $20,000,000 for the period of fiscal years 2022 through 2025.

(d) CLARIFICATION.—Amounts authorized to be appropriated under subsection (b) are authorized to be a part of, and not in addition to, any amounts authorized to be appropriated by section 3003(b)(7) of the Energy Act of 2020 (42 U.S.C. 16237(b)(7)).

SEC. 41008. INDUSTRIAL EMISSIONS DEMONSTRATION PROJECTS.

There are authorized to be appropriated to the Secretary to carry out activities under section 454(d)(3) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17113(d)(3))—

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(1) $100,000,000 for each of fiscal years 2022 and 2023; and

(2) $150,000,000 for each of fiscal years 2024 and 2025.

TITLE XI—WAGE RATE REQUIREMENTS

SEC. 41101. WAGE RATE REQUIREMENTS.

(a) DAVIS-BACON.—All laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work on a project assisted in whole or in part by funding made available under this division or an amendment made by this division shall be paid wages at rates not less than those prevailing on similar projects 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 referred to as the "Davis-Bacon Act").

(b) AUTHORITY.—With respect to the labor standards specified in subsection (a), 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.

TITLE XII—MISCELLANEOUS

SEC. 41201. OFFICE OF CLEAN ENERGY DEMONSTRATIONS.

(a) DEFINITIONS.—In this section:

(1) COVERED PROJECT.—The term "covered project" means a demonstration project of the Department that—

(A) receives or is eligible to receive funding from the Secretary; and

(B) is authorized under—

(i) this division; or

(ii) the Energy Act of 2020 (Public Law 116–260; 134 Stat. 1182).

(2) PROGRAM.—The term "program" means the program established under subsection (b).

(b) ESTABLISHMENT.—The Secretary, in coordination with the heads of relevant program offices of the Department, shall establish a program to conduct project management and oversight of covered projects, including by—

(1) conducting evaluations of proposals for covered projects before the selection of a covered project for funding;

(2) conducting independent oversight of the execution of a covered project after funding has been awarded for that covered project; and

(3) ensuring a balanced portfolio of investments in covered projects.

(c) DUTIES.—The Secretary shall appoint a head of the program who shall, in coordination with the heads of relevant program offices of the Department—

(1) evaluate proposals for covered projects, including scope, technical specifications, maturity of design, funding profile, estimated costs, proposed schedule, proposed technical and financial milestones, and potential for commercial success based on economic and policy projections;

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(2) develop independent cost estimates for a proposal for a covered project, if appropriate;

(3) recommend to the head of a program office of the Department, as appropriate, whether to fund a proposal for a covered project;

(4) oversee the execution of covered projects that receive funding from the Secretary, including reconciling estimated costs as compared to actual costs;

(5) conduct reviews of ongoing covered projects, including—

(A) evaluating the progress of a covered project based on the proposed schedule and technical and financial milestones; and

(B) providing the evaluations under subparagraph (A) to the Secretary; and

(6) assess the lessons learned in overseeing covered projects and implement improvements in the process of evaluating and overseeing covered projects.

(d) EMPLOYEES.—To carry out the program, the Secretary may hire appropriate personnel to perform the duties of the program.

(e) COORDINATION.—In carrying out the program, the head of the program shall coordinate with—

(1) project management and acquisition management entities with the Department, including the Office of Project Management; and

(2) professional organizations in project management, construction, cost estimation, and other relevant fields.

(f) REPORTS.—

(1) REPORT BY SECRETARY.—The Secretary shall include in each updated technology transfer execution plan submitted under subsection (h)(2) of section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391) information on the implementation of and progress made under the program, including, for the year covered by the report—

(A) the covered projects under the purview of the program; and

(B) the review of each covered project carried out under subsection (c)(5).

(2) REPORT BY COMPTROLLER GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report evaluating the operation of the program, including—

(A) a description of the processes and procedures used by the program to evaluate proposals of covered projects and the oversight of covered projects; and

(B) any recommended changes in the program, including changes to—

(i) the processes and procedures described in subparagraph (A); and

(ii) the structure of the program, for the purpose of better carrying out the program.

(g) TECHNICAL AMENDMENT.—Section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391) is amended by redesignating the second subsections (f) (relating to planning and reporting) and

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(g) (relating to additional technology transfer programs) as subsections (h) and (i), respectively.

SEC. 41202. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.

(a) DEFINITION OF FULL FUNDING AMOUNT.—Section 3(11) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7102(11)) is amended by striking subparagraphs (D) and (E) and inserting the following:

"(D) for fiscal year 2017, the amount that is equal to 95 percent of the full funding amount for fiscal year 2015;

"(E) for each of fiscal years 2018 through 2020, the amount that is equal to 95 percent of the full funding amount for the preceding fiscal year; and

"(F) for fiscal year 2021 and each fiscal year thereafter, the amount that is equal to the full funding amount for fiscal year 2017.".

(b) SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND.—

(1) SECURE PAYMENTS.—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended, in subsections (a) and (b), by striking "2015, 2017, 2018, 2019, and 2020" each place it appears and inserting "2015 and 2017 through 2023".

(2) DISTRIBUTION OF PAYMENTS TO ELIGIBLE COUNTIES.—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7113(d)(2)) is amended by striking "2020" and inserting "2023".

(c) PILOT PROGRAM TO STREAMLINE NOMINATION OF MEMBERS OF RESOURCE ADVISORY COMMITTEES.—Section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125) is amended by striking subsection (g) and inserting the following:

"(g) RESOURCE ADVISORY COMMITTEE APPOINTMENT PILOT PROGRAMS.—

"(1) DEFINITIONS.—In this subsection:

"(A) APPLICABLE DESIGNEE.—The term 'applicable designee' means the applicable regional forester.

"(B) NATIONAL PILOT PROGRAM.—The term 'national pilot program' means the national pilot program established under paragraph (4)(A).

"(C) REGIONAL PILOT PROGRAM.—The term 'regional pilot program' means the regional pilot program established under paragraph (3)(A).

"(2) ESTABLISHMENT OF PILOT PROGRAMS.—In accordance with paragraphs (3) and (4), the Secretary concerned shall carry out 2 pilot programs to appoint members of resource advisory committees.

"(3) REGIONAL PILOT PROGRAM.—

"(A) IN GENERAL.—The Secretary concerned shall carry out a regional pilot program to allow an applicable designee to appoint members of resource advisory committees.

"(B) GEOGRAPHIC LIMITATION.—The regional pilot program shall only apply to resource advisory committees chartered in—

"(i) the State of Montana; and

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"(ii) the State of Arizona.

"(C) RESPONSIBILITIES OF APPLICABLE DESIGNEE.—

"(i) REVIEW.—Before appointing a member of a resource advisory committee under the regional pilot program, an applicable designee shall conduct the review and analysis that would otherwise be conducted for an appointment to a resource advisory committee if the regional pilot program was not in effect, including any review and analysis with respect to civil rights and budgetary requirements.

"(ii) SAVINGS CLAUSE.—Nothing in this paragraph relieves an applicable designee from any requirement developed by the Secretary concerned for making an appointment to a resource advisory committee that is in effect on December 20, 2018, including any requirement for advertising a vacancy.

"(4) NATIONAL PILOT PROGRAM.—

"(A) IN GENERAL.—The Secretary concerned shall carry out a national pilot program to allow the Chief of the Forest Service or the Director of the Bureau of Land Management, as applicable, to submit to the Secretary concerned nominations of individuals for appointment as members of resource advisory committees.

"(B) APPOINTMENT.—Under the national pilot program, subject to subparagraph (C), not later than 30 days after the date on which a nomination is transmitted to the Secretary concerned under subparagraph (A), the Secretary concerned shall—

"(i) appoint the nominee to the applicable resource advisory committee; or

"(ii) reject the nomination.

"(C) AUTOMATIC APPOINTMENT.—If the Secretary concerned does not act on a nomination in accordance with subparagraph (B) by the date described in that subparagraph, the nominee shall be deemed appointed to the applicable resource advisory committee.

"(D) GEOGRAPHIC LIMITATION.—The national pilot program shall apply to a resource advisory committee chartered in any State other than—

"(i) the State of Montana; or

"(ii) the State of Arizona.

"(E) SAVINGS CLAUSE.—Nothing in this paragraph relieves the Secretary concerned from any requirement relating to an appointment to a resource advisory committee, including any requirement with respect to civil rights or advertising a vacancy.

"(5) TERMINATION OF EFFECTIVENESS.—The authority provided under this subsection terminates on October 1, 2023.

"(6) REPORT TO CONGRESS.—Not later 180 days after the date described in paragraph (5), the Secretary concerned shall submit to Congress a report that includes—

"(A) with respect to appointments made under the regional pilot program compared to appointments made under the national pilot program, a description of the extent to which—

"(i) appointments were faster or slower; and

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"(ii) the requirements described in paragraph (3)(C)(i) differ; and

"(B) a recommendation with respect to whether Congress should terminate, continue, modify, or expand the pilot programs.".

(d) EXTENSION OF AUTHORITY TO CONDUCT SPECIAL PROJECTS ON FEDERAL LAND.—

(1) EXISTING ADVISORY COMMITTEES.—Section 205(a)(4) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(a)(4)) is amended by striking "December 20, 2021" each place it appears and inserting "December 20, 2023".

(2) EXTENSION OF AUTHORITY.—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) is amended—

(A) in subsection (a), by striking "2022" and inserting "2025"; and

(B) in subsection (b), by striking "2023" and inserting "2026".

(e) ACCESS TO BROADBAND AND OTHER TECHNOLOGY.—Section 302(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7142(a)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) to provide or expand access to—

"(A) broadband telecommunications services at local schools; or

"(B) the technology and connectivity necessary for students to use a digital learning tool at or outside of a local school campus.".

(f) EXTENSION OF AUTHORITY TO EXPEND COUNTY FUNDS.—Section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(1) in subsection (a), by striking "2022" and inserting "2025"; and

(2) in subsection (b), by striking "2023" and inserting "2026".

(g) AMOUNTS OBLIGATED BUT UNSPENT; PROHIBITION ON USE OF FUNDS.—Title III of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7141 et seq.) is amended—

(1) by redesignating section 304 as section 305; and

(2) by inserting after section 303 the following:

"SEC. 304. AMOUNTS OBLIGATED BUT UNSPENT; PROHIBITION ON USE OF FUNDS.

"(a) AMOUNTS OBLIGATED BUT UNSPENT.—Any county funds that were obligated by the applicable participating county before October 1, 2017, but are unspent on October 1, 2020—

"(1) may, at the option of the participating county, be deemed to have been reserved by the participating county on October 1, 2020, for expenditure in accordance with this title; and

"(2)(A) may be used by the participating county for any authorized use under section 302(a); and

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"(B) on a determination by the participating county under subparagraph (A) to use the county funds, shall be available for projects initiated after October 1, 2020, subject to section 305.

"(b) PROHIBITION ON USE OF FUNDS.—Notwithstanding any other provision of law, effective beginning on the date of enactment of the Infrastructure Investment and Jobs Act, no county funds made available under this title may be used by any participating county for any lobbying activity, regardless of the purpose for which the funds are obligated on or before that date.".

DIVISION E—DRINKING WATER AND WASTEWATER INFRASTRUCTURE

SEC. 50001. SHORT TITLE.

This division may be cited as the "Drinking Water and Wastewater Infrastructure Act of 2021".

SEC. 50002. DEFINITION OF ADMINISTRATOR.

In this division, the term "Administrator" means the Administrator of the Environmental Protection Agency.

TITLE I—DRINKING WATER

SEC. 50101. TECHNICAL ASSISTANCE AND GRANTS FOR EMERGENCIES AFFECTING PUBLIC WATER SYSTEMS.

Section 1442 of the Safe Drinking Water Act (42 U.S.C. 300j–1) is amended—

(1) in subsection (a), by adding at the end the following:

"(11) COMPLIANCE EVALUATION.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Administrator shall—

"(i) evaluate, based on the compliance data found in the Safe Drinking Water Information System of the Administrator, the compliance of community water systems and wastewater systems with environmental, health, and safety requirements under this title, including water quality sampling, testing, and reporting requirements; and

"(ii) submit to Congress a report describing trends seen as a result of the evaluation under clause (i), including trends that demonstrate how the characteristics of community water systems and wastewater systems correlate to trends in compliance or noncompliance with the requirements described in that clause.

"(B) REQUIREMENT.—To the extent practicable, in carrying out subparagraph (A), the Administrator shall determine whether, in aggregate, community water systems and wastewater systems maintain asset management plans.";

(2) in subsection (b), in the first sentence—

(A) by inserting "(including an emergency situation resulting from a cybersecurity event)" after "emergency situation"; and

(B) by inserting ", including a threat to public health resulting from contaminants, such as, but not limited to,

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heightened exposure to lead in drinking water" after "public health";

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

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $35,000,000 for each of fiscal years 2022 through 2026.";

(4) in subsection (e), by striking paragraph (5) and inserting the following:

"(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection $15,000,000 for each of fiscal years 2022 through 2026.";

(5) by redesignating subsection (f) as subsection (g); and

(6) by inserting after subsection (e) the following:

"(f) STATE-BASED NONPROFIT ORGANIZATIONS.—

"(1) IN GENERAL.—The Administrator may provide technical assistance consistent with the authority provided under subsection (e) to State-based nonprofit organizations that are governed by community water systems.

"(2) COMMUNICATION.—Each State-based nonprofit organization that receives funding under paragraph (1) shall, before using that funding to undertake activities to carry out this subsection, consult with the State in which the assistance is to be expended or otherwise made available.".

SEC. 50102. DRINKING WATER STATE REVOLVING LOAN FUNDS.

(a) DRINKING WATER STATE REVOLVING FUNDS CAPITALIZATION GRANT REAUTHORIZATION.—Section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) is amended—

(1) in subsection (a)(4)(A), by striking "During fiscal years 2019 through 2023, funds" and inserting "Funds";

(2) in subsection (m)(1) —

(A) in subparagraph (B), by striking "and";

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(D) $2,400,000,000 for fiscal year 2022;

"(E) $2,750,000,000 for fiscal year 2023;

"(F) $3,000,000,000 for fiscal year 2024; and

"(G) $3,250,000,000 for each of fiscal years 2025 and 2026."; and

(3) in subsection (q), by striking "2016 through 2021" and inserting "2022 through 2026".

(b) ASSISTANCE FOR DISADVANTAGED COMMUNITIES.—Section 1452(d) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)) is amended—

(1) in paragraph (1)—

(A) by striking "Notwithstanding any" and inserting the following:

"(A) IN GENERAL.—Notwithstanding any";

(B) in subparagraph (A) (as so designated), by inserting ", grants, negative interest loans, other loan forgiveness, and through buying, refinancing, or restructuring debt" after "forgiveness of principal"; and

(C) by adding at the end the following:

"(B) EXCLUSION.—A loan from a State loan fund with an interest rate equal to or greater than 0 percent shall

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not be considered additional subsidization for purposes of this subsection."; and

(2) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) to the extent that there are sufficient applications for loans to communities described in paragraph (1), may not be less than 12 percent.".

SEC. 50103. SOURCE WATER PETITION PROGRAM.

Section 1454 of the Safe Drinking Water Act (42 U.S.C. 300j–14) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), in the matter preceding clause (i), by striking "political subdivision of a State," and inserting "political subdivision of a State (including a county that is designated by the State to act on behalf of an unincorporated area within that county, with the agreement of that unincorporated area),";

(B) in paragraph (4)(D)(i), by inserting "(including a county that is designated by the State to act on behalf of an unincorporated area within that county)" after "of the State"; and

(C) by adding at the end the following:

"(5) SAVINGS PROVISION.—Unless otherwise provided within the agreement, an agreement between an unincorporated area and a county for the county to submit a petition under paragraph (1)(A) on behalf of the unincorporated area shall not authorize the county to act on behalf of the unincorporated area in any matter not within a program under this section."; and

(2) in subsection (e), in the first sentence, by striking "2021" and inserting "2026".

SEC. 50104. ASSISTANCE FOR SMALL AND DISADVANTAGED COMMUNITIES.

(a) EXISTING PROGRAMS.—Section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a) is amended—

(1) in subsection (b)(2)—

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

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(D) the purchase of point-of-entry or point-of-use filters and filtration systems that are certified by a third party using science-based test methods for the removal of contaminants of concern;

"(E) investments necessary for providing accurate and current information about—

"(i) the need for filtration and filter safety, including proper use and maintenance practices; and

"(ii) the options for replacing lead service lines (as defined in section 1459B(a)) and removing other sources of lead in water; and

"(F) entering into contracts, including contracts with nonprofit organizations that have water system technical expertise, to assist—

"(i) an eligible entity; or

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"(ii) the State of an eligible entity, on behalf of that eligible entity.";

(2) in subsection (c), in the matter preceding paragraph (1), by striking "An eligible entity" and inserting "Except for purposes of subsections (j) and (m), an eligible entity";

(3) in subsection (g)(1), by striking "to pay not less than 45 percent" and inserting "except as provided in subsection (l)(5) and subject to subsection (h), to pay not less than 10 percent";

(4) by striking subsection (k) and inserting the following:

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsections (a) through (j)—

"(1) $70,000,000 for fiscal year 2022;

"(2) $80,000,000 for fiscal year 2023;

"(3) $100,000,000 for fiscal year 2024;

"(4) $120,000,000 for fiscal year 2025; and

"(5) $140,000,000 for fiscal year 2026."; and

(5) in subsection (l)—

(A) in paragraph (2)—

(i) by striking "The Administrator may" and inserting "The Administrator shall"; and

(ii) by striking "fiscal years 2019 and 2020" and inserting "fiscal years 2022 through 2026";

(B) in paragraph (5), by striking "$4,000,000 for each of fiscal years 2019 and 2020" and inserting "$25,000,000 for each of fiscal years 2022 through 2026";

(C) by redesignating paragraph (5) as paragraph (6); and

(D) by inserting after paragraph (4) the following:

"(5) FEDERAL SHARE FOR SMALL, RURAL, AND DISADVANTAGED COMMUNITIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), with respect to a program or project that serves an eligible entity and is carried out using a grant under this subsection, the Federal share of the cost of the program or project shall be 90 percent.

"(B) WAIVER.—The Administrator may increase the Federal share under subparagraph (A) to 100 percent if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.".

(b) CONNECTION TO PUBLIC WATER SYSTEMS.—Section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a) is amended by adding at the end the following:

"(m) CONNECTION TO PUBLIC WATER SYSTEMS.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(i) an owner or operator of a public water system that assists or is seeking to assist eligible individuals with connecting the household of the eligible individual to the public water system; or

"(ii) a nonprofit entity that assists or is seeking to assist eligible individuals with the costs associated with connecting the household of the eligible individual to a public water system.

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"(B) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' has the meaning given the term in section 603(j) of the Federal Water Pollution Control Act (33 U.S.C. 1383(j)).

"(C) PROGRAM.—The term 'program' means the competitive grant program established under paragraph (2).

"(2) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a competitive grant program for the purpose of improving the general welfare under which the Administrator awards grants to eligible entities to provide funds to assist eligible individuals in covering the costs incurred by the eligible individual in connecting the household of the eligible individual to a public water system.

"(3) APPLICATION.—An eligible entity seeking a grant under the program shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

"(4) VOLUNTARY CONNECTION.—Before providing funds to an eligible individual for the costs described in paragraph (2), an eligible entity shall ensure and certify to the Administrator that—

"(A) the eligible individual is voluntarily seeking connection to the public water system;

"(B) if the eligible entity is not the owner or operator of the public water system to which the eligible individual seeks to connect, the public water system to which the eligible individual seeks to connect has agreed to the connection; and

"(C) the connection of the household of the eligible individual to the public water system meets all applicable local and State regulations, requirements, and codes.

"(5) REPORT.—Not later than 3 years after the date of enactment of this subsection, the Administrator shall submit to Congress a report that describes the implementation of the program, which shall include a description of the use and deployment of amounts made available under the program.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $20,000,000 for each of fiscal years 2022 through 2026.".

(c) COMPETITIVE GRANT PILOT PROGRAM.—Section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a) (as amended by subsection (b)) is amended by adding at the end the following:

"(n) STATE COMPETITIVE GRANTS FOR UNDERSERVED COMMUNITIES.—

"(1) IN GENERAL.—In addition to amounts authorized to be appropriated under subsection (k), there is authorized to be appropriated to carry out subsections (a) through (j) $50,000,000 for each of fiscal years 2022 through 2026 in accordance with paragraph (2).

"(2) COMPETITIVE GRANTS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, the Administrator shall distribute amounts made available under paragraph (1) to States through a competitive grant program.

"(B) APPLICATIONS.—To seek a grant under the competitive grant program under subparagraph (A), a State

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shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

"(C) CRITERIA.—In selecting recipients of grants under the competitive grant program under subparagraph (A), the Administrator shall establish criteria that give priority to States with a high proportion of underserved communities that meet the condition described in subsection (a)(2)(A).

"(3) REPORT.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall submit to Congress a report that describes the implementation of the competitive grant program under paragraph (2)(A), which shall include a description of the use and deployment of amounts made available under the competitive grant program.

"(4) SAVINGS PROVISION.—Nothing in this paragraph affects the distribution of amounts made available under subsection (k), including any methods used by the Administrator for distribution of amounts made available under that subsection as in effect on the day before the date of enactment of this subsection.".

SEC. 50105. REDUCING LEAD IN DRINKING WATER.

Section 1459B of the Safe Drinking Water Act (42 U.S.C. 300j–19b) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking subparagraph (D) and inserting the following:

"(D) a qualified nonprofit organization with experience in lead reduction, as determined by the Administrator; and";

(B) in paragraph (2)(A)—

(i) in clause (i), by striking "publicly owned"; and

(ii) by striking clause (iii) and inserting the following:

"(iii) providing assistance to eligible entities to replace lead service lines, with priority for disadvantaged communities based on the affordability criteria established by the applicable State under section 1452(d)(3), low-income homeowners, and landlords or property owners providing housing to low-income renters."; and

(C) in paragraph (3), by striking "an individual provided";

(2) in subsection (b)—

(A) in paragraph (5)—

(i) in subparagraph (A), by striking "to provide assistance" and all that follows through the period at the end and inserting "to replace lead service lines, with first priority given to assisting disadvantaged communities based on the affordability criteria established by the applicable State under section 1452(d)(3), low-income homeowners, and landlords or property owners providing housing to low-income renters."; and

(ii) in subparagraph (B), by striking "line" and inserting "lines"; and

(B) in paragraph (6)—

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(i) in subparagraph (A), by striking "any publicly owned portion of";

(ii) in subparagraph (C), in the matter preceding clause (i)—

(I) by striking "may" and inserting "shall";

(II) by inserting "and may, for other homeowners," after "low-income homeowner,"; and

(III) by striking "a cost that" and all that follows through the semicolon at the end of clause (ii) and inserting "no cost to the homeowner;";

(iii) in subparagraph (D), by striking "and" at the end;

(iv) in subparagraph (E), by striking "other options" and all that follows through the period at the end and inserting "feasible alternatives for reducing the concentration of lead in drinking water, such as corrosion control; and"; and

(v) by adding at the end the following:

"(F) shall notify the State of any planned replacement of lead service lines under this program and coordinate, where practicable, with other relevant infrastructure projects.";

(3) in subsection (d)—

(A) by inserting "(except for subsection (d))" after "this section"; and

(B) by striking "$60,000,000 for each of fiscal years 2017 through 2021" and inserting "$100,000,000 for each of fiscal years 2022 through 2026";

(4) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(5) by inserting after subsection (c) the following:

"(d) LEAD INVENTORYING UTILIZATION GRANT PILOT PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE ENTITY.—The term 'eligible entity' means a municipality that is served by a community water system or a nontransient noncommunity water system in which not less than 30 percent of the service lines are known, or suspected, to contain lead, based on available data, information, or resources, including existing lead inventorying.

"(B) PILOT PROGRAM.—The term 'pilot program' means the pilot program established under paragraph (2).

"(2) ESTABLISHMENT.—The Administrator shall establish a pilot program under which the Administrator shall provide grants to eligible entities to carry out lead reduction projects that are demonstrated to exist or are suspected to exist, based on available data, information, or resources, including existing lead inventorying of those eligible entities.

"(3) SELECTION.—

"(A) APPLICATION.—To be eligible to receive a grant under the pilot program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

"(B) PRIORITIZATION.—In selecting recipients under the pilot program, the Administrator shall give priority to—

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"(i) an eligible entity that meets the affordability criteria of the applicable State established under section 1452(d)(3); and

"(ii) an eligible entity that is located in an area other than a State that has established affordability criteria under section 1452(d)(3).

"(4) REPORT.—Not later 2 years after the Administrator first awards a grant under the pilot program, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing—

"(A) the recipients of grants under the pilot program;

"(B) the existing lead inventorying that was available to recipients of grants under the pilot program; and

"(C) how useful and accurate the lead inventorying described in subparagraph (B) was in locating lead service lines of the eligible entity.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the pilot program $10,000,000, to remain available until expended.".

SEC. 50106. OPERATIONAL SUSTAINABILITY OF SMALL PUBLIC WATER SYSTEMS.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following:

"SEC. 1459E. OPERATIONAL SUSTAINABILITY OF SMALL PUBLIC WATER SYSTEMS.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a State;

"(B) a unit of local government;

"(C) a public corporation established by a unit of local government to provide water service;

"(D) a nonprofit corporation, public trust, or cooperative association that owns or operates a public water system;

"(E) an Indian Tribe that owns or operates a public water system;

"(F) a nonprofit organization that provides technical assistance to public water systems; and

"(G) a Tribal consortium.

"(2) OPERATIONAL SUSTAINABILITY.—The term 'operational sustainability' means the ability to improve the operation of a small system through the identification and prevention of potable water loss due to leaks, breaks, and other metering or infrastructure failures.

"(3) PROGRAM.—The term 'program' means the grant program established under subsection (b).

"(4) SMALL SYSTEM.—The term 'small system', for the purposes of this section, means a public water system that—

"(A) serves fewer than 10,000 people; and

"(B) is owned or operated by—

"(i) a unit of local government;

"(ii) a public corporation;

"(iii) a nonprofit corporation;

"(iv) a public trust;

"(v) a cooperative association; or

"(vi) an Indian Tribe.

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"(b) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a program to award grants to eligible entities for the purpose of improving the operational sustainability of 1 or more small systems.

"(c) APPLICATIONS.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—

"(1) a proposal of the project to be carried out using grant funds under the program;

"(2) documentation provided by the eligible entity describing the deficiencies or suspected deficiencies in operational sustainability of 1 or more small systems that are to be addressed through the proposed project;

"(3) a description of how the proposed project will improve the operational sustainability of 1 or more small systems;

"(4) a description of how the improvements described in paragraph (3) will be maintained beyond the life of the proposed project, including a plan to maintain and update any asset data collected as a result of the proposed project; and

"(5) any additional information the Administrator may require.

"(d) ADDITIONAL REQUIRED INFORMATION.—Before the award of funds for a grant under the program to a grant recipient, the grant recipient shall submit to the Administrator—

"(1) if the grant recipient is located in a State that has established a State drinking water treatment revolving loan fund under section 1452, a copy of a written agreement between the grant recipient and the State in which the grant recipient agrees to provide a copy of any data collected under the proposed project to the State agency administering the State drinking water treatment revolving loan fund (or a designee); or

"(2) if the grant recipient is located in an area other than a State that has established a State drinking water treatment revolving loan fund under section 1452, a copy of a written agreement between the grant recipient and the Administrator in which the eligible entity agrees to provide a copy of any data collected under the proposed project to the Administrator (or a designee).

"(e) USE OF FUNDS.—An eligible entity that receives a grant under the program shall use the grant funds to carry out projects that improve the operational sustainability of 1 or more small systems through—

"(1) the development of a detailed asset inventory, which may include drinking water sources, wells, storage, valves, treatment systems, distribution lines, hydrants, pumps, controls, and other essential infrastructure;

"(2) the development of an infrastructure asset map, including a map that uses technology such as—

"(A) geographic information system software; and

"(B) global positioning system software;

"(3) the deployment of leak detection technology;

"(4) the deployment of metering technology;

"(5) training in asset management strategies, techniques, and technologies for appropriate staff employed by—

"(A) the eligible entity; or

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"(B) the small systems for which the grant was received;

"(6) the deployment of strategies, techniques, and technologies to enhance the operational sustainability and effective use of water resources through water reuse; and

"(7) the development or deployment of other strategies, techniques, or technologies that the Administrator may determine to be appropriate under the program.

"(f) COST SHARE.—

"(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of a project carried out using a grant under the program shall be 90 percent of the total cost of the project.

"(2) WAIVER.—The Administrator may increase the Federal share under paragraph (1) to 100 percent.

"(g) REPORT.—Not later than 2 years after the date of enactment of this section, the Administrator shall submit to Congress a report that describes the implementation of the program, which shall include a description of the use and deployment of amounts made available under the program.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2022 through 2026.".

SEC. 50107. MIDSIZE AND LARGE DRINKING WATER SYSTEM INFRASTRUCTURE RESILIENCE AND SUSTAINABILITY PROGRAM.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) (as amended by section 50106) is amended by adding at the end the following:

"SEC. 1459F. MIDSIZE AND LARGE DRINKING WATER SYSTEM INFRASTRUCTURE RESILIENCE AND SUSTAINABILITY PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a public water system that serves a community with a population of 10,000 or more.

"(2) NATURAL HAZARD; RESILIENCE.—The terms 'resilience' and 'natural hazard' have the meanings given those terms in section 1433(h).

"(3) RESILIENCE AND SUSTAINABILITY PROGRAM.—The term 'resilience and sustainability program' means the Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program established under subsection (b).

"(b) ESTABLISHMENT.—The Administrator shall establish and carry out a program, to be known as the 'Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program', under which the Administrator, subject to the availability of appropriations for the resilience and sustainability program, shall award grants to eligible entities for the purpose of—

"(1) increasing resilience to natural hazards and extreme weather events; and

"(2) reducing cybersecurity vulnerabilities.

"(c) USE OF FUNDS.—An eligible entity may only use grant funds received under the resilience and sustainability program to

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assist in the planning, design, construction, implementation, operation, or maintenance of a program or project that increases resilience to natural hazards and extreme weather events, or reduces cybersecurity vulnerabilities, through—

"(1) the conservation of water or the enhancement of water-use efficiency;

"(2) the modification or relocation of existing drinking water system infrastructure made, or that is at risk of being, significantly impaired by natural hazards or extreme weather events, including risks to drinking water from flooding;

"(3) the design or construction of new or modified desalination facilities to serve existing communities;

"(4) the enhancement of water supply through the use of watershed management and source water protection;

"(5) the enhancement of energy efficiency or the use and generation of renewable energy in the conveyance or treatment of drinking water;

"(6) the development and implementation of measures—

"(A) to increase the resilience of the eligible entity to natural hazards and extreme weather events; or

"(B) to reduce cybersecurity vulnerabilities;

"(7) the conservation of water or the enhancement of a water supply through the implementation of water reuse measures; or

"(8) the formation of regional water partnerships to collaboratively address documented water shortages.

"(d) APPLICATION.—To seek a grant under the resilience and sustainability program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—

"(1) a proposal of the program or project to be planned, designed, constructed, implemented, operated, or maintained by the eligible entity;

"(2) an identification of the natural hazard risks, extreme weather events, or potential cybersecurity vulnerabilities, as applicable, to be addressed by the proposed program or project;

"(3) documentation prepared by a Federal, State, regional, or local government agency of the natural hazard risk, potential cybersecurity vulnerability, or risk for extreme weather events to the area where the proposed program or project is to be located;

"(4) a description of any recent natural hazards, cybersecurity events, or extreme weather events that have affected the community water system of the eligible entity;

"(5) a description of how the proposed program or project would improve the performance of the community water system of the eligible entity under the anticipated natural hazards, cybersecurity vulnerabilities, or extreme weather events; and

"(6) an explanation of how the proposed program or project is expected—

"(A) to enhance the resilience of the community water system of the eligible entity to the anticipated natural hazards or extreme weather events; or

"(B) to reduce cybersecurity vulnerabilities.

"(e) REPORT.—Not later than 2 years after the date of enactment of this section, the Administrator shall submit to Congress a report

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that describes the implementation of the resilience and sustainability program, which shall include a description of the use and deployment of amounts made available to carry out the resilience and sustainability program.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out the resilience and sustainability program $50,000,000 for each of fiscal years 2022 through 2026.

"(2) USE OF FUNDS.—Of the amounts made available under paragraph (1) for grants to eligible entities under the resilience and sustainability program—

"(A) 50 percent shall be used to provide grants to eligible entities that serve a population of—

"(i) equal to or greater than 10,000; and

"(ii) fewer than 100,000; and

"(B) 50 percent shall be used to provide grants to eligible entities that serve a population equal to or greater than 100,000.

"(3) ADMINISTRATIVE COSTS.—Of the amounts made available under paragraph (1), not more than 2 percent may be used by the Administrator for the administrative costs of carrying out the resilience and sustainability program.".

SEC. 50108. NEEDS ASSESSMENT FOR NATIONWIDE RURAL AND URBAN LOW-INCOME COMMUNITY WATER ASSISTANCE.

(a) DEFINITIONS.—In this section and section 50109:

(1) COMMUNITY WATER SYSTEM.—The term "community water system" has the meaning given the term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).

(2) LARGE WATER SERVICE PROVIDER.—The term "large water service provider" means a community water system, treatment works, or municipal separate storm sewer system that serves more than 100,000 people.

(3) MEDIUM WATER SERVICE PROVIDER.—The term "medium water service provider" means a community water system, treatment works, or municipal separate storm sewer system that serves more than 10,000 people and not more than 100,000 people.

(4) NEED.—The term "need", with respect to a qualifying household, means the expenditure of a disproportionate amount of household income on access to public drinking water or wastewater services.

(5) QUALIFYING HOUSEHOLD.—The term "qualifying household" means a household that—

(A) includes an individual who is—

(i) the holder of an account for drinking water or wastewater service that is provided to that household by a large water service provider, a medium water service provider, or a rural water service provider; or

(ii) separately billed by a landlord that holds an account with a large water service provider, a medium water service provider, or a rural water service provider for the cost of drinking water or wastewater service provided to that household by the respective large water service provider, medium water service provider, or rural water service provider; and

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(B) is determined—

(i) by a large water service provider, a medium water service provider, or a rural water service provider to be eligible for assistance through a low-income ratepayer assistance program;

(ii) by the Governor of the State in which the household is located to be low-income, based on the affordability criteria established by the State under section 1452(d)(3) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(3));

(iii) by the Administrator to experience drinking water and wastewater service costs that exceed the metrics of affordability established in the most recent guidance of the Administrator entitled "Financial Capability Assessment Guidance"; or

(iv) in the case of a household serviced by a rural water service provider, by the State in which the household is located to have an annual income that does not exceed the greater of—

(I) an amount equal to 150 percent of the poverty level of that State; and

(II) an amount equal to 60 percent of the State median income for that State.

(6) RURAL WATER SERVICE PROVIDER.—The term "rural water service provider" means a community water system, treatment works, or municipal separate storm sewer system that serves not more than 10,000 people.

(7) TREATMENT WORKS.—The term "treatment works" has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

(b) STUDY; REPORT.—

(1) IN GENERAL.—The Administrator shall conduct, and submit to Congress a report describing the results of, a study that examines the prevalence throughout the United States of municipalities, public entities, or Tribal governments that—

(A) are serviced by rural water service providers, medium water service providers, or large water service providers that service a disproportionate percentage, as determined by the Administrator, of qualifying households with need; or

(B) as determined by the Administrator, have taken on an unsustainable level of debt due to customer nonpayment for the services provided by a large water service provider, a medium water service provider, or a rural water service provider.

(2) AFFORDABILITY INCLUSIONS.—The report under paragraph (1) shall include—

(A) a definition of the term "affordable access to water services";

(B) a description of the criteria used in defining "affordable access to water services" under subparagraph (A);

(C) a definition of the term "lack of affordable access to water services";

(D) a description of the methodology and criteria used in defining "lack of affordable access to water services" under subparagraph (C);

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(E) a determination of the prevalence of a lack of affordable access to water services, as defined under subparagraph (C);

(F) the methodology and criteria used to determine the prevalence of a lack of affordable access to water services under subparagraph (E);

(G) any additional information with respect to the affordable access to water services, as defined under subparagraph (A), provided by rural water service providers, medium water service providers, and large water service providers;

(H) with respect to the development of the report, a consultation with all relevant stakeholders, including rural advocacy associations;

(I) recommendations of the Administrator regarding the best methods to reduce the prevalence of a lack of affordable access to water services, as defined under subparagraph (C); and

(J) a description of the cost of each method described in subparagraph (I).

(3) AGREEMENTS.—The Administrator may enter into an agreement with another Federal agency to carry out the study under paragraph (1).

SEC. 50109. RURAL AND LOW-INCOME WATER ASSISTANCE PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a municipality, Tribal government, or other entity that—

(i) owns or operates a community water system, treatment works, or municipal separate storm sewer system; or

(ii) as determined by the Administrator, has taken on an unsustainable level of debt due to customer nonpayment for the services provided by a community water system, treatment works, or municipal separate storm sewer system; and

(B) a State exercising primary enforcement responsibility over a rural water service provider under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as applicable.

(2) PILOT PROGRAM.—The term "pilot program" means the pilot program established by the Administrator under subsection (b)(1).

(3) WATER SERVICES NEEDS ASSESSMENT.—The term "water services needs assessment" means the report required under section 50108(b)(1).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall establish a pilot program to award grants to eligible entities to develop and implement programs to assist qualifying households with need in maintaining access to drinking water and wastewater treatment.

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(2) REQUIREMENT.—In establishing the pilot program, the Administrator shall ensure that data from the water services needs assessment directly contributes to the structure of the pilot program by informing the types of assistance and criteria used for priority consideration with the demonstrated need from the study conducted under section 50108(b)(1) and the water services needs assessment.

(3) USE OF FUNDS LIMITATIONS.—A grant under the pilot program—

(A) shall not be used to replace funds for any existing similar program; but

(B) may be used to supplement or enhance an existing program, including a program that receives assistance from other Federal grants.

(4) TERM.—The term of a grant awarded under the pilot program shall be subject to the availability of appropriations.

(5) TYPES OF ASSISTANCE.—In establishing the pilot program, the Administrator may include provisions for—

(A) direct financial assistance;

(B) a lifeline rate;

(C) bill discounting;

(D) special hardship provisions;

(E) a percentage-of-income payment plan; or

(F) debt relief for the eligible entity or the community water system owned by the eligible entity for debt that is due to customer nonpayment for the services provided by the eligible entity or the community water system that is determined by the Administrator to be in the interest of public health.

(6) REQUIREMENT.—The Administrator shall award not more than 40 grants under the pilot program, of which—

(A) not more than 8 shall be to eligible entities that own, operate, or exercise primary enforcement responsibility over a rural water service provider under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as applicable;

(B) not more than 8 shall be to eligible entities that own or operate a medium water service provider;

(C) not more than 8 shall be to eligible entities that own or operate a large water service provider that serves not more than 500,000 people;

(D) not more than 8 shall be to eligible entities that own or operate a large water service provider that serves more than 500,000 people; and

(E) not more than 8 shall be to eligible entities that own or operate a community water system, treatment works, or municipal separate storm sewer system that services a disadvantaged community (consistent with the affordability criteria established by the applicable State under section 1452(d)(3) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(3)) or section 603(i)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1383(i)(2)), as applicable).

(7) CRITERIA.—In addition to any priority criteria established by the Administrator in response to the findings in the water services needs assessment, in awarding grants under

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the pilot program, the Administrator shall give priority consideration to eligible entities that—

(A) serve a disproportionate percentage, as determined by the Administrator, of qualifying households with need, as identified in the water services needs assessment;

(B) are subject to State or Federal enforcement actions relating to compliance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or the Safe Drinking Water Act (42 U.S.C. 300f et seq.); or

(C) maintain or participate in an existing community assistance program with objectives similar to the objectives of the pilot program, as determined by the Administrator.

(8) REPORTING REQUIREMENTS.—

(A) IN GENERAL.—In addition to any other applicable Federal or agency-specific grant reporting requirements, as a condition of receiving a grant under the pilot program, an eligible entity (or a State, on behalf of an eligible entity) shall submit to the Administrator an annual report that summarizes, in a manner determined by the Administrator, the use of grant funds by the eligible entity, including—

(i) key features of the assistance provided by the eligible entity;

(ii) sources of funding used to supplement Federal funds; and

(iii) eligibility criteria.

(B) PUBLICATION.—The Administrator shall publish each report submitted under subparagraph (A).

(c) TECHNICAL ASSISTANCE.—The Administrator shall provide technical assistance to each eligible entity, and each State, on behalf of an eligible entity, that receives a grant under the pilot program to support implementation of the program.

(d) REPORT.—Not later than 2 years after the date on which grant funds are first disbursed to an eligible entity (or a State, on behalf of an eligible entity) under the program, and every year thereafter for the duration of the terms of the grants, the Administrator shall submit to Congress a report on the results of the pilot program.

SEC. 50110. LEAD CONTAMINATION IN SCHOOL DRINKING WATER.

Section 1464 of the Safe Drinking Water Act (42 U.S.C. 300j–24) is amended—

(1) in subsection (b)—

(A) in the first sentence, by inserting "public water systems and" after "to assist"; and

(B) in the third sentence, by inserting "public water systems," after "schools,"; and

(2) in subsection (d)—

(A) in the subsection heading, by inserting "AND REDUCTION" after "LEAD TESTING";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "the Administrator" and all that follows through the period at the end and inserting the following: "the Administrator shall establish a voluntary school and child care program lead testing, compliance monitoring, and lead reduction grant program to make grants available to—

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"(i) States to assist local educational agencies, public water systems that serve schools and child care programs under the jurisdiction of those local educational agencies, and qualified nonprofit organizations in voluntary testing or compliance monitoring for and remediation of lead contamination in drinking water at schools and child care programs under the jurisdiction of those local educational agencies; and

"(ii) tribal consortia to assist tribal education agencies (as defined in section 3 of the National Environmental Education Act (20 U.S.C. 5502)), public water systems that serve schools and child care programs under the jurisdiction of those tribal education agencies, and qualified nonprofit organizations in voluntary testing or compliance monitoring for and remediation of lead contamination in drinking water at schools and child care programs under the jurisdiction of those tribal education agencies."; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting "or compliance monitoring for or remediation of lead contamination" after "voluntary testing";

(II) in clause (i), by striking "or" at the end;

(III) in clause (ii), by striking the period at the end and inserting a semicolon; and

(IV) by adding at the end the following:

"(iii) any public water system that is located in a State that does not participate in the voluntary grant program established under subparagraph (A) that—

"(I) assists schools or child care programs in lead testing;

"(II) assists schools or child care programs with compliance monitoring;

"(III) assists schools with carrying out projects to remediate lead contamination in drinking water; or

"(IV) provides technical assistance to schools or child care programs in carrying out lead testing; or

"(iv) a qualified nonprofit organization, as determined by the Administrator.";

(C) in paragraphs (3), (5), (6), and (7), by striking "State or local educational agency" each place it appears and inserting "State, local educational agency, public water system, tribal consortium, or qualified nonprofit organization";

(D) in paragraph (4)—

(i) by striking "States and local educational agencies" and inserting "States, local educational agencies, public water systems, tribal consortia, and qualified nonprofit organizations"; and

(ii) by inserting "or the remediation of" after "testing for";

(E) in paragraph (6)—

(i) in the matter preceding subparagraph (A)—

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(I) by striking "State or local educational agency" and inserting "State, local educational agency, public water system, tribal consortium, or qualified nonprofit agency"; and

(II) by inserting ", public water system, tribal consortium, or qualified nonprofit organization" after "each local educational agency";

(ii) in subparagraph (A)(ii)—

(I) by inserting "or tribal" after "applicable State"; and

(II) by striking "reducing lead" and inserting "voluntary testing or compliance monitoring for and remediation of lead contamination"; and

(iii) in subparagraph (B)(i), by inserting "applicable" before "local educational agency";

(F) in paragraph (7), by striking "testing for" and inserting "testing or compliance monitoring for or remediation of"; and

(G) by striking paragraph (8) and inserting the following:

"(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

"(A) $30,000,000 for fiscal year 2022;

"(B) $35,000,000 for fiscal year 2023;

"(C) $40,000,000 for fiscal year 2024;

"(D) $45,000,000 for fiscal year 2025; and

"(E) $50,000,000 for fiscal year 2026.".

SEC. 50111. INDIAN RESERVATION DRINKING WATER PROGRAM.

Section 2001 of the America's Water Infrastructure Act of 2018 (42 U.S.C. 300j–3c note; Public Law 115–270) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "Subject to the availability of appropriations, the Administrator of the Environmental Protection Agency" and inserting "The Administrator of the Environmental Protection Agency (referred to in this section as the 'Administrator')"; and

(B) by striking "to implement" in the matter preceding paragraph (1) and all that follows through the period at the end of paragraph (2) and inserting "to implement eligible projects described in subsection (b).";

(2) in subsection (b), by striking paragraph (2) and inserting the following:

"(2) that will—

"(A) improve water quality, water pressure, or water services through means such as connecting to, expanding, repairing, improving, or obtaining water from a public water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)); or

"(B) improve water quality or sanitation or wastewater services at a treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)).";

(3) by redesignating subsection (d) as subsection (g);

(4) by striking subsection (c) and inserting the following:

"(c) REQUIRED PROJECTS.—

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"(1) IN GENERAL.—If sufficient projects exist, of the funds made available to carry out this section, the Administrator shall use 50 percent to carry out—

"(A) 10 eligible projects described in subsection (b) that are within the Upper Missouri River Basin;

"(B) 10 eligible projects described in subsection (b) that are within the Upper Rio Grande Basin;

"(C) 10 eligible projects described in subsection (b) that are within the Columbia River Basin;

"(D) 10 eligible projects described in subsection (b) that are within the Lower Colorado River Basin; and

"(E) 10 eligible projects described in subsection (b) that are within the Arkansas-White-Red River Basin.

"(2) REQUIREMENT.—In carrying out paragraph (1)(A), the Administrator shall select not fewer than 2 eligible projects for a reservation that serves more than 1 federally recognized Indian Tribe.

"(d) PRIORITY.—In selecting projects to carry out under this section, the Administrator shall give priority to projects that—

"(1) respond to emergency situations occurring due to or resulting in a lack of access to clean drinking water that threatens the health of Tribal populations;

"(2) would serve a Tribal population that would qualify as a disadvantaged community based on the affordability criteria established by the applicable State under section 1452(d)(3) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(3)); or

"(3) would address the underlying factors contributing to—

"(A) an enforcement action commenced pursuant to the Safe Drinking Water Act (42 U.S.C. 300f et seq.) against the applicable public water system (as defined in section 1401 of that Act (42 U.S.C. 300f)) as of the date of enactment of this subparagraph; or

"(B) an enforcement action commenced pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) against the applicable treatment works (as defined in section 212 of that Act (33 U.S.C. 1292)) as of the date of enactment of this subparagraph.

"(e) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this section shall be 100 percent.

"(f) REPORT.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall submit to Congress a report that describes the implementation of the program established under subsection (a), which shall include a description of the use and deployment of amounts made available under that program."; and

(5) in subsection (g) (as so redesignated)—

(A) by striking "There is" and inserting "There are";

(B) by striking "subsection (a) $20,000,000" and inserting the following: "subsection (a)—

"(1) $20,000,000";

(C) in paragraph (1) (as so designated), by striking "2022." and inserting "2021; and"; and

(D) by adding at the end the following:

"(2) $50,000,000 for each of fiscal years 2022 through 2026.".

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SEC. 50112. ADVANCED DRINKING WATER TECHNOLOGIES.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) (as amended by section 50107) is amended by adding at the end the following:

"SEC. 1459G. ADVANCED DRINKING WATER TECHNOLOGIES.

"(a) STUDY.—

"(1) IN GENERAL.—Subject to the availability of appropriations, not later than 1 year after the date of enactment of this section, the Administrator shall carry out a study that examines the state of existing and potential future technology, including technology that could address cybersecurity vulnerabilities, that enhances or could enhance the treatment, monitoring, affordability, efficiency, and safety of drinking water provided by a public water system.

"(2) REPORT.—The Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study under paragraph (1).

"(b) ADVANCED DRINKING WATER TECHNOLOGY GRANT PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE ENTITY.—The term 'eligible entity' means the owner or operator of a public water system that—

"(i) serves—

"(I) a population of not more than 100,000 people; or

"(II) a community described in section 1459A(c)(2);

"(ii) has plans to identify or has identified opportunities in the operations of the public water system to employ new, existing, or emerging, yet proven, technologies, including technology that could address cybersecurity vulnerabilities, as determined by the Administrator, that enhance treatment, monitoring, affordability, efficiency, or safety of the drinking water provided by the public water system, including technologies not identified in the study conducted under subsection (a)(1); and

"(iii) has expressed an interest in the opportunities in the operation of the public water system to employ new, existing, or emerging, yet proven, technologies, including technology that could address cybersecurity vulnerabilities, as determined by the Administrator, that enhance treatment, monitoring, affordability, efficiency, or safety of the drinking water provided by the public water system, including technologies not identified in the study conducted under subsection (a)(1).

"(B) PROGRAM.—The term 'program' means the competitive grant program established under paragraph (2).

"(2) ESTABLISHMENT.—The Administrator shall establish a competitive grant program under which the Administrator

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shall award grants to eligible entities for the purpose of identifying, deploying, or identifying and deploying technologies described in paragraph (1)(A)(ii).

"(3) REQUIREMENTS.—

"(A) APPLICATIONS.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

"(B) FEDERAL SHARE.—

"(i) IN GENERAL.—Subject to clause (ii), the Federal share of the cost of a project carried out using a grant under the program shall not exceed 90 percent of the total cost of the project.

"(ii) WAIVER.—The Administrator may increase the Federal share under clause (i) to 100 percent if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.

"(4) REPORT.—Not later than 2 years after the date on which the Administrator first awards a grant under the program, and annually thereafter, the Administrator shall submit to Congress a report describing—

"(A) each recipient of a grant under the program during the previous 1-year period; and

"(B) a summary of the activities carried out using grants awarded under the program.

"(5) FUNDING.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $10,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

"(B) ADMINISTRATIVE COSTS.—Not more than 2 percent of the amount made available for a fiscal year under subparagraph (A) to carry out the program may be used by the Administrator for the administrative costs of carrying out the program.".

SEC. 50113. CYBERSECURITY SUPPORT FOR PUBLIC WATER SYSTEMS.

Part B of the Safe Drinking Water Act (42 U.S.C. 300g et seq.) is amended by adding at the end the following:

"SEC. 1420A. CYBERSECURITY SUPPORT FOR PUBLIC WATER SYSTEMS.

"(a) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate Congressional committees' means—

"(A) the Committee on Environment and Public Works of the Senate;

"(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

"(C) the Committee on Energy and Commerce of the House of Representatives; and

"(D) the Committee on Homeland Security of the House of Representatives.

"(2) DIRECTOR.—The term 'Director' means the Director of the Cybersecurity and Infrastructure Security Agency.

"(3) INCIDENT.—The term 'incident' has the meaning given the term in section 3552 of title 44, United States Code.

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"(4) PRIORITIZATION FRAMEWORK.—The term 'Prioritization Framework' means the prioritization framework developed by the Administrator under subsection (b)(1)(A).

"(5) SUPPORT PLAN.—The term 'Support Plan' means the Technical Cybersecurity Support Plan developed by the Administrator under subsection (b)(2)(A).

"(b) IDENTIFICATION OF AND SUPPORT FOR PUBLIC WATER SYSTEMS.—

"(1) PRIORITIZATION FRAMEWORK.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator, in coordination with the Director, shall develop a prioritization framework to identify public water systems (including sources of water for those public water systems) that, if degraded or rendered inoperable due to an incident, would lead to significant impacts on the health and safety of the public.

"(B) CONSIDERATIONS.—In developing the Prioritization Framework, to the extent practicable, the Administrator shall incorporate consideration of—

"(i) whether cybersecurity vulnerabilities for a public water system have been identified under section 1433;

"(ii) the capacity of a public water system to remediate a cybersecurity vulnerability without additional Federal support;

"(iii) whether a public water system serves a defense installation or critical national security asset; and

"(iv) whether a public water system, if degraded or rendered inoperable due to an incident, would cause a cascading failure of other critical infrastructure.

"(2) TECHNICAL CYBERSECURITY SUPPORT PLAN.—

"(A) IN GENERAL.—Not later than 270 days after the date of enactment of this section, the Administrator, in coordination with the Director and using existing authorities of the Administrator and the Director for providing voluntary support to public water systems and the Prioritization Framework, shall develop a Technical Cybersecurity Support Plan for public water systems.

"(B) REQUIREMENTS.—The Support Plan—

"(i) shall establish a methodology for identifying specific public water systems for which cybersecurity support should be prioritized;

"(ii) shall establish timelines for making voluntary technical support for cybersecurity available to specific public water systems;

"(iii) may include public water systems identified by the Administrator, in coordination with the Director, as needing technical support for cybersecurity;

"(iv) shall include specific capabilities of the Administrator and the Director that may be utilized to provide support to public water systems under the Support Plan, including—

"(I) site vulnerability and risk assessments;

"(II) penetration tests; and

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"(III) any additional support determined to be appropriate by the Administrator; and

"(v) shall only include plans for providing voluntary support to public water systems.

"(3) CONSULTATION REQUIRED.—In developing the Prioritization Framework pursuant to paragraph (1) and the Support Plan pursuant to paragraph (2), the Administrator shall consult with such Federal or non-Federal entities as determined to be appropriate by the Administrator.

"(4) REPORTS REQUIRED.—

"(A) PRIORITIZATION FRAMEWORK.—Not later than 190 days after the date of enactment of this section, the Administrator shall submit to the appropriate Congressional committees a report describing the Prioritization Framework.

"(B) TECHNICAL CYBERSECURITY SUPPORT PLAN.—Not later than 280 days after the date of enactment of this section, the Administrator shall submit to the appropriate Congressional committees—

"(i) the Support Plan; and

"(ii) a list describing any public water systems identified by the Administrator, in coordination with the Director, as needing technical support for cybersecurity during the development of the Support Plan.

"(c) RULES OF CONSTRUCTION.—Nothing in this section—

"(1) alters the existing authorities of the Administrator; or

"(2) compels a public water system to accept technical support offered by the Administrator.".

SEC. 50114. STATE RESPONSE TO CONTAMINANTS.

Section 1459A(j)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–19a(j)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "an underserved community" and inserting "a community described in subsection (c)(2)"; and

(2) in subparagraph (A)(i), by striking "such underserved" and inserting "that".

SEC. 50115. ANNUAL STUDY ON BOIL WATER ADVISORIES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall conduct a study on the prevalence of boil water advisories issued in the United States.

(b) REPORT.—

(1) IN GENERAL.—The Administrator shall submit to Congress a report describing the results of the most recent study conducted under subsection (a) as part of the annual budget request transmitted to Congress under section 1105(a) of title 31, United States Code.

(2) REQUIREMENT.—In the annual report required under paragraph (1), the Administrator shall include a description of the reasons for which boil water advisories were issued during the year covered by the report.

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TITLE II—CLEAN WATER

SEC. 50201. RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION.

(a) REAUTHORIZATION.—Section 104(u) of the Federal Water Pollution Control Act (33 U.S.C. 1254(u)) is amended—

(1) by striking "and (7)" and inserting "(7)"; and

(2) in paragraph (7)—

(A) by striking "2023" and inserting "2021"; and

(B) by striking the period at the end and inserting "; and (8) not to exceed $75,000,000 for each of fiscal years 2022 through 2026 for carrying out subsections (b)(3), (b)(8), and (g), of which not less than $50,000,000 each fiscal year shall be used to carry out subsection (b)(8).".

(b) COMMUNICATION.—Each nonprofit organization that receives funding under paragraph (8) of section 104(b) of the Federal Water Pollution Control Act (33 U.S.C. 1254(b)) shall, before using that funding to undertake activities to carry out that paragraph, consult with the State in which the assistance is to be expended or otherwise made available.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report that describes the implementation of the grants authorized under subsections (b)(3), (b)(8), and (g) of section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254), which shall include a description of the grant recipients and grant amounts made available to carry out those subsections.

SEC. 50202. WASTEWATER EFFICIENCY GRANT PILOT PROGRAM.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

"SEC. 222. WASTEWATER EFFICIENCY GRANT PILOT PROGRAM.

"(a) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a wastewater efficiency grant pilot program (referred to in this section as the 'pilot program') to award grants to owners or operators of publicly owned treatment works to carry out projects that create or improve waste-to-energy systems.

"(b) SELECTION.—

"(1) APPLICATIONS.—To be eligible to receive a grant under the pilot program, an owner or operator of a treatment works shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

"(2) NUMBER OF RECIPIENTS.—The Administrator shall select not more than 15 recipients of grants under the pilot program from applications submitted under paragraph (1).

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—Subject to paragraph (2), a recipient of a grant under the pilot program may use grant funds for—

"(A) sludge collection;

"(B) installation of anaerobic digesters;

"(C) methane capture;

"(D) methane transfer;

"(E) facility upgrades and retrofits necessary to create or improve waste-to-energy systems; and

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"(F) other new and emerging, but proven, technologies that transform waste to energy.

"(2) LIMITATION.—A grant to a recipient under the pilot program shall be not more than $4,000,000.

"(d) REPORTS.—

"(1) REPORT TO THE ADMINISTRATOR.—Not later than 2 years after receiving a grant under the pilot program and each year thereafter for which amounts are made available for the pilot program under subsection (e), the recipient of the grant shall submit to the Administrator a report describing the impact of that project on the communities within 3 miles of the treatment works.

"(2) REPORT TO CONGRESS.—Not later than 1 year after first awarding grants under the pilot program and each year thereafter for which amounts are made available for the pilot program under subsection (e), the Administrator shall submit to Congress a report describing—

"(A) the applications received by the Administrator for grants under the pilot program; and

"(B) the projects for which grants were awarded under the pilot program.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out the pilot program $20,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

"(2) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.".

SEC. 50203. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.

Section 220 of the Federal Water Pollution Control Act (33 U.S.C. 1300) is amended—

(1) in subsection (b), in the heading, by striking "IN GENERAL" and inserting "ESTABLISHMENT";

(2) in subsection (d)—

(A) in paragraph (1), by inserting "construction" before "funds";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(3) by striking subsection (e);

(4) in subsection (i)—

(A) in the matter preceding paragraph (1), by striking ", the following definitions apply"; and

(B) in paragraph (1), in the first sentence, by striking "water or wastewater or by treating wastewater" and inserting "water, wastewater, or stormwater or by treating wastewater or stormwater for groundwater recharge, potable reuse, or other purposes";

(5) in subsection (j)—

(A) in the first sentence, by striking "There is" and inserting the following:

"(1) IN GENERAL.—There is";

(B) in paragraph (1) (as so designated), by striking "a total of $75,000,000 for fiscal years 2002 through 2004.

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Such sums shall" and inserting "$25,000,000 for each of fiscal years 2022 through 2026, to"; and

(C) by adding at the end the following:

"(2) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator."; and

(6) by redesignating subsections (b), (c), (d), (i), and (j) as subsections (c), (d), (e), (b), and (i), respectively, and moving those subsections so as to appear in alphabetical order.

SEC. 50204. SEWER OVERFLOW AND STORMWATER REUSE MUNICIPAL GRANTS.

Section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) is amended—

(1) in subsection (a)(1) —

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

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

"(B) notification systems to inform the public of combined sewer or sanitary overflows that result in sewage being released into rivers and other waters; and";

(2) in subsection (d)—

(A) in the second sentence, by striking "The non-Federal share of the cost" and inserting the following:

"(3) TYPES OF NON-FEDERAL SHARE.—The applicable non-Federal share of the cost under this subsection";

(B) in the first sentence, by striking "The Federal" and inserting the following:

"(1) IN GENERAL.—The Federal"; and

(C) by inserting after paragraph (1) (as so designated) the following:

"(2) RURAL AND FINANCIALLY DISTRESSED COMMUNITIES.—To the maximum extent practicable, the Administrator shall work with States to prevent the non-Federal share requirements under this subsection from being passed on to rural communities and financially distressed communities (as those terms are defined in subsection (f)(2)(B)(i)).";

(3) in subsection (f)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $280,000,000 for each of fiscal years 2022 through 2026."; and

(B) in paragraph (2)—

(i) by striking "To the extent" and inserting the following:

"(A) GREEN PROJECTS.—To the extent"; and

(ii) by adding at the end the following:

"(B) RURAL OR FINANCIALLY DISTRESSED COMMUNITY ALLOCATION.—

"(i) DEFINITIONS.—In this subparagraph:

"(I) FINANCIALLY DISTRESSED COMMUNITY.—The term 'financially distressed community' has the meaning given the term in subsection (c)(1).

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"(II) RURAL COMMUNITY.—The term 'rural community' means a city, town, or unincorporated area that has a population of not more than 10,000 inhabitants.

"(ii) ALLOCATION.—

"(I) IN GENERAL.—To the extent there are sufficient eligible project applications, the Administrator shall ensure that a State uses not less than 25 percent of the amount of the grants made to the State under subsection (a) in a fiscal year to carry out projects in rural communities or financially distressed communities for the purpose of planning, design, and construction of—

"(aa) treatment works to intercept, transport, control, treat, or reuse municipal sewer overflows, sanitary sewer overflows, or stormwater; or

"(bb) any other measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water eligible for assistance under section 603(c).

"(II) RURAL COMMUNITIES.—Of the funds allocated under subclause (I) for the purposes described in that subclause, to the extent there are sufficient eligible project applications, the Administrator shall ensure that a State uses not less than 60 percent to carry out projects in rural communities."; and

(4) in subsection (i)—

(A) in the second sentence, by striking "The recommended funding levels" and inserting the following:

"(B) REQUIREMENT.—The funding levels recommended under subparagraph (A)(i)";

(B) in the first sentence, by striking "Not later" and inserting the following:

"(1) PERIODIC REPORTS.—

"(A) IN GENERAL.—Not later";

(C) in paragraph (1)(A) (as so designated)—

(i) by striking the period at the end and inserting "; and";

(ii) by striking "containing recommended" and inserting the following: "containing—

"(i) recommended"; and

(iii) by adding at the end the following:

"(ii) a description of the extent to which States pass costs associated with the non-Federal share requirements under subsection (d) to local communities, with a focus on rural communities and financially distressed communities (as those terms are defined in subsection (f)(2)(B)(i))."; and

(D) by adding at the end the following:

"(2) USE OF FUNDS.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the implementation of the grant program under this section,

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which shall include a description of the grant recipients, sources of funds for non-Federal share requirements under subsection (d), and grant amounts made available under the program.".

SEC. 50205. CLEAN WATER INFRASTRUCTURE RESILIENCY AND SUSTAINABILITY PROGRAM.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) (as amended by section 50202) is amended by adding at the end the following:

"SEC. 223. CLEAN WATER INFRASTRUCTURE RESILIENCY AND SUSTAINABILITY PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a municipality; or

"(B) an intermunicipal, interstate, or State agency.

"(2) NATURAL HAZARD.—The term 'natural hazard' means a hazard caused by natural forces, including extreme weather events, sea-level rise, and extreme drought conditions.

"(3) PROGRAM.—The term 'program' means the clean water infrastructure resilience and sustainability program established under subsection (b).

"(b) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a clean water infrastructure resilience and sustainability program under which the Administrator shall award grants to eligible entities for the purpose of increasing the resilience of publicly owned treatment works to a natural hazard or cybersecurity vulnerabilities.

"(c) USE OF FUNDS.—An eligible entity that receives a grant under the program shall use the grant funds for planning, designing, or constructing projects (on a system-wide or area-wide basis) that increase the resilience of a publicly owned treatment works to a natural hazard or cybersecurity vulnerabilities through—

"(1) the conservation of water;

"(2) the enhancement of water use efficiency;

"(3) the enhancement of wastewater and stormwater management by increasing watershed preservation and protection, including through the use of—

"(A) natural and engineered green infrastructure; and

"(B) reclamation and reuse of wastewater and stormwater, such as aquifer recharge zones;

"(4) the modification or relocation of an existing publicly owned treatment works, conveyance, or discharge system component that is at risk of being significantly impaired or damaged by a natural hazard;

"(5) the development and implementation of projects to increase the resilience of publicly owned treatment works to a natural hazard or cybersecurity vulnerabilities, as applicable; or

"(6) the enhancement of energy efficiency or the use and generation of recovered or renewable energy in the management, treatment, or conveyance of wastewater or stormwater.

"(d) APPLICATION.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—

"(1) a proposal of the project to be planned, designed, or constructed using funds under the program;

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"(2) an identification of the natural hazard risk of the area where the proposed project is to be located or potential cybersecurity vulnerability, as applicable, to be addressed by the proposed project;

"(3) documentation prepared by a Federal, State, regional, or local government agency of the natural hazard risk of the area where the proposed project is to be located or potential cybersecurity vulnerability, as applicable, of the area where the proposed project is to be located;

"(4) a description of any recent natural hazard risk of the area where the proposed project is to be located or potential cybersecurity vulnerabilities that have affected the publicly owned treatment works;

"(5) a description of how the proposed project would improve the performance of the publicly owned treatment works under an anticipated natural hazard or natural hazard risk of the area where the proposed project is to be located or a potential cybersecurity vulnerability, as applicable; and

"(6) an explanation of how the proposed project is expected to enhance the resilience of the publicly owned treatment works to a natural hazard risk of the area where the proposed project is to be located or a potential cybersecurity vulnerability, as applicable.

"(e) GRANT AMOUNT AND OTHER FEDERAL REQUIREMENTS.—

"(1) COST SHARE.—Except as provided in paragraph (2), a grant under the program shall not exceed 75 percent of the total cost of the proposed project.

"(2) EXCEPTION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a grant under the program shall not exceed 90 percent of the total cost of the proposed project if the project serves a community that—

"(i) has a population of fewer than 10,000 individuals; or

"(ii) meets the affordability criteria established by the State in which the community is located under section 603(i)(2).

"(B) WAIVER.—At the discretion of the Administrator, a grant for a project described in subparagraph (A) may cover 100 percent of the total cost of the proposed project.

"(3) REQUIREMENTS.—The requirements of section 608 shall apply to a project funded with a grant under the program.

"(f) REPORT.—Not later than 2 years after the date of enactment of this section, the Administrator shall submit to Congress a report that describes the implementation of the program, which shall include an accounting of all grants awarded under the program, including a description of each grant recipient and each project funded using a grant under the program.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2022 through 2026.

"(2) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.".

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SEC. 50206. SMALL AND MEDIUM PUBLICLY OWNED TREATMENT WORKS CIRCUIT RIDER PROGRAM.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) (as amended by section 50205) is amended by adding at the end the following:

"SEC. 224. SMALL AND MEDIUM PUBLICLY OWNED TREATMENT WORKS CIRCUIT RIDER PROGRAM.

"(a) ESTABLISHMENT.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this section, the Administrator shall establish a circuit rider program (referred to in this section as the 'circuit rider program') under which the Administrator shall award grants to qualified nonprofit entities, as determined by the Administrator, to provide assistance to owners and operators of small and medium publicly owned treatment works to carry out the activities described in section 602(b)(13).

"(b) LIMITATION.—A grant provided under the circuit rider program shall be in an amount that is not more than $75,000.

"(c) PRIORITIZATION.—In selecting recipients of grants under the circuit rider program, the Administrator shall give priority to qualified nonprofit entities, as determined by the Administrator, that would serve a community that—

"(1) has a history, for not less than the 10 years prior to the award of the grant, of unresolved wastewater issues, stormwater issues, or a combination of wastewater and stormwater issues;

"(2) is considered financially distressed;

"(3) faces the cumulative burden of stormwater and wastewater overflow issues; or

"(4) has previously failed to access Federal technical assistance due to cost-sharing requirements.

"(d) COMMUNICATION.—Each qualified nonprofit entity that receives funding under this section shall, before using that funding to undertake activities to carry out this section, consult with the State in which the assistance is to be expended or otherwise made available.

"(e) REPORT.—Not later than 2 years after the date on which the Administrator establishes the circuit rider program, and every 2 years thereafter, the Administrator shall submit to Congress a report describing—

"(1) each recipient of a grant under the circuit rider program; and

"(2) a summary of the activities carried out under the circuit rider program.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000 for the period of fiscal years 2022 through 2026.

"(2) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.".

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SEC. 50207. SMALL PUBLICLY OWNED TREATMENT WORKS EFFICIENCY GRANT PROGRAM.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) (as amended by section 50206) is amended by adding at the end the following:

"SEC. 225. SMALL PUBLICLY OWNED TREATMENT WORKS EFFICIENCY GRANT PROGRAM.

"(a) ESTABLISHMENT.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this section, the Administrator shall establish an efficiency grant program (referred to in this section as the 'efficiency grant program') under which the Administrator shall award grants to eligible entities for the replacement or repair of equipment that improves water or energy efficiency of small publicly owned treatment works, as identified in an efficiency audit.

"(b) ELIGIBLE ENTITIES.—The Administrator may award a grant under the efficiency grant program to—

"(1) an owner or operator of a small publicly owned treatment works that serves—

"(A) a population of not more than 10,000 people; or

"(B) a disadvantaged community; or

"(2) a nonprofit organization that seeks to assist a small publicly owned treatment works described in paragraph (1) to carry out the activities described in subsection (a).

"(c) REPORT.—Not later than 2 years after the date on which the Administrator establishes the efficiency grant program, and every 2 years thereafter, the Administrator shall submit to Congress a report describing—

"(1) each recipient of a grant under the efficiency grant program; and

"(2) a summary of the activities carried out under the efficiency grant program.

"(d) USE OF FUNDS.—

"(1) SMALL SYSTEMS.—Of the amounts made available for grants under this section, to the extent that there are sufficient applications, not less than 15 percent shall be used for grants to publicly owned treatment works that serve fewer than 3,300 people.

"(2) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under this section, not more than 2 percent may be used to pay the administrative costs of the Administrator.".

SEC. 50208. GRANTS FOR CONSTRUCTION AND REFURBISHING OF INDIVIDUAL HOUSEHOLD DECENTRALIZED WASTEWATER SYSTEMS FOR INDIVIDUALS WITH LOW OR MODERATE INCOME.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) (as amended by section 50207) is amended by adding at the end the following:

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"SEC. 226. GRANTS FOR CONSTRUCTION AND REFURBISHING OF INDIVIDUAL HOUSEHOLD DECENTRALIZED WASTEWATER SYSTEMS FOR INDIVIDUALS WITH LOW OR MODERATE INCOME.

"(a) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this section, the term 'eligible individual' means a member of a low-income or moderate-income household, the members of which have a combined income (for the most recent 12-month period for which information is available) equal to not more than 50 percent of the median nonmetropolitan household income for the State or territory in which the household is located, according to the most recent decennial census.

"(b) GRANT PROGRAM.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall establish a program under which the Administrator shall provide grants to private nonprofit organizations for the purpose of improving general welfare by providing assistance to eligible individuals—

"(A) for the construction, repair, or replacement of an individual household decentralized wastewater treatment system; or

"(B) for the installation of a larger decentralized wastewater system designed to provide treatment for 2 or more households in which eligible individuals reside, if—

"(i) site conditions at the households are unsuitable for the installation of an individually owned decentralized wastewater system;

"(ii) multiple examples of unsuitable site conditions exist in close geographic proximity to each other; and

"(iii) a larger decentralized wastewater system could be cost-effectively installed.

"(2) APPLICATION.—To be eligible to receive a grant under this subsection, a private nonprofit organization shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator determines to be appropriate.

"(3) PRIORITY.—In awarding grants under this subsection, the Administrator shall give priority to applicants that have substantial expertise and experience in promoting the safe and effective use of individual household decentralized wastewater systems.

"(4) ADMINISTRATIVE EXPENSES.—A private nonprofit organization may use amounts provided under this subsection to pay the administrative expenses associated with the provision of the services described in paragraph (1), as the Administrator determines to be appropriate.

"(c) GRANTS.—

"(1) IN GENERAL.—Subject to paragraph (2), a private nonprofit organization shall use a grant provided under subsection (b) for the services described in paragraph (1) of that subsection.

"(2) APPLICATION.—To be eligible to receive the services described in subsection (b)(1), an eligible individual shall submit to the private nonprofit organization serving the area in which the individual household decentralized wastewater system of the eligible individuals is, or is proposed to be, located an application at such time, in such manner, and containing such

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information as the private nonprofit organization determines to be appropriate.

"(3) PRIORITY.—In awarding grants under this subsection, a private nonprofit organization shall give priority to any eligible individual who does not have access to a sanitary sewage disposal system.

"(d) REPORT.—Not later than 2 years after the date of enactment of this section, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the recipients of grants under the program under this section and the results of the program under this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to the Administrator to carry out this section $50,000,000 for each of fiscal years 2022 through 2026.

"(2) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.".

SEC. 50209. CONNECTION TO PUBLICLY OWNED TREATMENT WORKS.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) (as amended by section 50208) is amended by adding at the end the following:

"SEC. 227. CONNECTION TO PUBLICLY OWNED TREATMENT WORKS.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) an owner or operator of a publicly owned treatment works that assists or is seeking to assist low-income or moderate-income individuals with connecting the household of the individual to the publicly owned treatment works; or

"(B) a nonprofit entity that assists low-income or moderate-income individuals with the costs associated with connecting the household of the individual to a publicly owned treatment works.

"(2) PROGRAM.—The term 'program' means the competitive grant program established under subsection (b).

"(3) QUALIFIED INDIVIDUAL.—The term 'qualified individual' has the meaning given the term 'eligible individual' in section 603(j).

"(b) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a competitive grant program with the purpose of improving general welfare, under which the Administrator awards grants to eligible entities to provide funds to assist qualified individuals in covering the costs incurred by the qualified individual in connecting the household of the qualified individual to a publicly owned treatment works.

"(c) APPLICATION.—

"(1) IN GENERAL.—An eligible entity seeking a grant under the program shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may by regulation require.

"(2) REQUIREMENT.—Not later than 90 days after the date on which the Administrator receives an application from an

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eligible entity under paragraph (1), the Administrator shall notify the eligible entity of whether the Administrator will award a grant to the eligible entity under the program.

"(d) SELECTION CRITERIA.—In selecting recipients of grants under the program, the Administrator shall use the following criteria:

"(1) Whether the eligible entity seeking a grant provides services to, or works directly with, qualified individuals.

"(2) Whether the eligible entity seeking a grant—

"(A) has an existing program to assist in covering the costs incurred in connecting a household to a publicly owned treatment works; or

"(B) seeks to create a program described in subparagraph (A).

"(e) REQUIREMENTS.—

"(1) VOLUNTARY CONNECTION.—Before providing funds to a qualified individual for the costs described in subsection (b), an eligible entity shall ensure that—

"(A) the qualified individual has connected to the publicly owned treatment works voluntarily; and

"(B) if the eligible entity is not the owner or operator of the publicly owned treatment works to which the qualified individual has connected, the publicly owned treatment works to which the qualified individual has connected has agreed to the connection.

"(2) REIMBURSEMENTS FROM PUBLICLY OWNED TREATMENT WORKS.—An eligible entity that is an owner or operator of a publicly owned treatment works may reimburse a qualified individual that has already incurred the costs described in subsection (b) by—

"(A) reducing the amount otherwise owed by the qualified individual to the owner or operator for wastewater or other services provided by the owner or operator; or

"(B) providing a direct payment to the qualified individual.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out the program $40,000,000 for each of fiscal years 2022 through 2026.

"(2) LIMITATIONS ON USE OF FUNDS.—

"(A) SMALL SYSTEMS.—Of the amounts made available for grants under paragraph (1), to the extent that there are sufficient applications, not less than 15 percent shall be used to make grants to—

"(i) eligible entities described in subsection (a)(1)(A) that are owners and operators of publicly owned treatment works that serve fewer than 3,300 people; and

"(ii) eligible entities described in subsection (a)(1)(B) that provide the assistance described in that subsection in areas that are served by publicly owned treatment works that serve fewer than 3,300 people.

"(B) ADMINISTRATIVE COSTS.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.".

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SEC. 50210. CLEAN WATER STATE REVOLVING FUNDS.

(a) USE OF FUNDS.—

(1) IN GENERAL.—Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended—

(A) in subsection (d), in the matter preceding paragraph (1), by inserting "and provided in subsection (k)" after "State law";

(B) in subsection (i)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking ", including forgiveness of principal and negative interest loans" and inserting "(including forgiveness of principal, grants, negative interest loans, other loan forgiveness, and through buying, refinancing, or restructuring debt)"; and

(ii) in paragraph (3), by striking subparagraph (B) and inserting the following:

"(B) TOTAL AMOUNT OF SUBSIDIZATION.—

"(i) IN GENERAL.—For each fiscal year, of the amount of the capitalization grant received by the State under this title, the total amount of additional subsidization made available by a State under paragraph (1)—

"(I) may not exceed 30 percent; and

"(II) to the extent that there are sufficient applications for assistance to communities described in that paragraph, may not be less than 10 percent.

"(ii) EXCLUSION.—A loan from the water pollution control revolving fund of a State with an interest rate equal to or greater than 0 percent shall not be considered additional subsidization for purposes of this subparagraph."; and

(C) by adding at the end the following:

"(k) ADDITIONAL USE OF FUNDS.—A State may use an additional 2 percent of the funds annually awarded to each State under this title for nonprofit organizations (as defined in section 104(w)) or State, regional, interstate, or municipal entities to provide technical assistance to rural, small, and tribal publicly owned treatment works (within the meaning of section 104(b)(8)(B)) in the State.".

(2) TECHNICAL AMENDMENT.—Section 104(w) of the Federal Water Pollution Control Act (33 U.S.C. 1254(w)) is amended by striking "treatments works" and inserting "treatment works".

(b) CAPITALIZATION GRANT REAUTHORIZATION.—Section 607 of the Federal Water Pollution Control Act (33 U.S.C. 1387) is amended to read as follows:

"SEC. 607. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out the purposes of this title—

"(1) $2,400,000,000 for fiscal year 2022;

"(2) $2,750,000,000 for fiscal year 2023;

"(3) $3,000,000,000 for fiscal year 2024; and

"(4) $3,250,000,000 for each of fiscal years 2025 and 2026.".

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SEC. 50211. WATER INFRASTRUCTURE AND WORKFORCE INVESTMENT.

Section 4304 of the America's Water Infrastructure Act of 2018 (42 U.S.C. 300j–19e) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (A), by inserting "Tribal," after "State,"; and

(B) in subparagraph (B), by striking "community-based organizations" and all that follows through the period at the end and inserting the following: "community-based organizations and public works departments or agencies to align water and wastewater utility workforce recruitment efforts, training programs, retention efforts, and community resources with water and wastewater utilities—

"(i) to accelerate career pipelines;

"(ii) to ensure the sustainability of the water and wastewater utility workforce; and

"(iii) to provide access to workforce opportunities.";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (B);

(ii) in subparagraph (A), by striking "; and" at the end and inserting ", which may include—"

(iii) in the matter preceding subparagraph (A), by striking "program—" and all that follows through "to assist" in subparagraph (A) and inserting "program to assist"; and

(iv) by adding at the end the following:

"(A) expanding the use and availability of activities and resources that relate to the recruitment, including the promotion of diversity within that recruitment, of individuals to careers in the water and wastewater utility sector;

"(B) expanding the availability of training opportunities for—

"(i) individuals entering into the water and wastewater utility sector; and

"(ii) individuals seeking to advance careers within the water and wastewater utility sector; and

"(C) expanding the use and availability of activities and strategies, including the development of innovative activities and strategies, that relate to the maintenance and retention of a sustainable workforce in the water and wastewater utility sector.";

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "institutions—" and inserting "institutions, or public works departments and agencies—"; and

(ii) in subparagraph (A)—

(I) by striking clauses (ii) and (iii);

(II) in clause (i), by adding "or" at the end;

(III) by redesignating clause (i) as clause (ii);

(IV) by inserting before clause (ii) (as so redesignated) the following:

"(i) in the development of educational or recruitment materials and activities, including those materials and activities that specifically promote diversity

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within recruitment, for the water and wastewater utility workforce;"; and

(V) by adding at the end the following:

"(iii) developing activities and strategies that relate to the maintenance and retention of a sustainable workforce in the water and wastewater utility sector; and";

(C) in paragraph (3)—

(i) in subparagraph (D)(ii), by inserting "or certification" after "training"; and

(ii) in subparagraph (E), by striking "ensure that incumbent water and waste water utilities workers" and inserting "are designed to retain incumbent water and wastewater utility workforce workers by ensuring that those workers"; and

(D) by striking paragraph (4) and inserting the following:

"(4) WORKING GROUP; REPORT.—

"(A) IN GENERAL.—The Administrator shall establish and coordinate a Federal interagency working group to address recruitment, training, and retention challenges in the water and wastewater utility workforce, which shall include representatives from—

"(i) the Department of Education;

"(ii) the Department of Labor;

"(iii) the Department of Agriculture;

"(iv) the Department of Veterans Affairs; and

"(v) other Federal agencies, as determined to be appropriate by the Administrator.

"(B) REPORT.—Not later than 2 years after the date of enactment of this subparagraph, the Administrator, in coordination with the working group established under subparagraph (A), shall submit to Congress a report describing potential solutions to recruitment, training, and retention challenges in the water and wastewater utility workforce.

"(C) CONSULTATION.—In carrying out the duties of the working group established under subparagraph (A), the working group shall consult with State operator certification programs.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2022 through 2026.";

(3) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(4) by inserting before subsection (b) (as so redesignated) the following:

"(a) DEFINITION OF PUBLIC WORKS DEPARTMENT OR AGENCY.—In this section, the term 'public works department or agency' means a political subdivision of a local, county, or regional government that designs, builds, operates, and maintains water infrastructure, sewage and refuse disposal systems, and other public water systems and facilities.".

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SEC. 50212. GRANTS TO ALASKA TO IMPROVE SANITATION IN RURAL AND NATIVE VILLAGES.

Section 303 of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1263a) is amended—

(1) in subsection (b), by striking "50 percent" and inserting "75 percent"; and

(2) in subsection (e), by striking "this section" and all that follows through the period at the end and inserting the following: "this section—

"(1) $40,000,000 for each of fiscal years 2022 through 2024;

"(2) $50,000,000 for fiscal year 2025; and

"(3) $60,000,000 for fiscal year 2026.".

SEC. 50213. WATER DATA SHARING PILOT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall establish a competitive grant pilot program (referred to in this section as the "pilot program") under which the Administrator may award grants to eligible entities under subsection (b) to establish systems that improve the sharing of information concerning water quality, water infrastructure needs, and water technology, including cybersecurity technology, between States or among counties and other units of local government within a State, which may include—

(A) establishing a website or data hub to exchange water data, including data on water quality or water technology, including new and emerging, but proven, water technology; and

(B) intercounty communications initiatives related to water data.

(2) REQUIREMENTS.—

(A) DATA SHARING.—The Internet of Water principles developed by the Nicholas Institute for Environmental Policy Solutions shall, to the extent practicable, guide any water data sharing efforts under the pilot program.

(B) USE OF EXISTING DATA.—The recipient of a grant under the pilot program to establish a website or data hub described in paragraph (1)(A) shall, to the extent practicable, leverage existing data sharing infrastructure.

(b) ELIGIBLE ENTITIES.—An entity eligible for a grant under the pilot program is—

(1) a State, county, or other unit of local government that—

(A) has a coastal watershed with significant pollution levels;

(B) has a water system with significant pollution levels; or

(C) has significant individual water infrastructure deficits; or

(2) a regional consortium established under subsection (d).

(c) APPLICATIONS.—To be eligible to receive a grant under the pilot program, an eligible entity under subsection (b) shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(d) REGIONAL CONSORTIA.—

(1) ESTABLISHMENT.—States may establish regional consortia in accordance with this subsection.

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(2) REQUIREMENTS.—A regional consortium established under paragraph (1) shall—

(A) include not fewer than 2 States that have entered into a memorandum of understanding—

(i) to exchange water data, including data on water quality; or

(ii) to share information, protocols, and procedures with respect to projects that evaluate, demonstrate, or install new and emerging, but proven, water technology;

(B) carry out projects—

(i) to exchange water data, including data on water quality; or

(ii) that evaluate, demonstrate, or install new and emerging, but proven, water technology; and

(C) develop a regional intended use plan, in accordance with paragraph (3), to identify projects to carry out, including projects using grants received under this section.

(3) REGIONAL INTENDED USE PLAN.—A regional intended use plan of a regional consortium established under paragraph (1)—

(A) shall identify projects that the regional consortium intends to carry out, including projects that meet the requirements of paragraph (2)(B); and

(B) may include—

(i) projects included in an intended use plan of a State prepared under section 606(c) of the Federal Water Pollution Control Act (33 U.S.C. 1386(c)) within the regional consortium; and

(ii) projects not included in an intended use plan of a State prepared under section 606(c) of the Federal Water Pollution Control Act (33 U.S.C. 1386(c)) within the regional consortium.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report that describes the implementation of the pilot program, which shall include—

(1) a description of the use and deployment of amounts made available under the pilot program; and

(2) an accounting of all grants awarded under the program, including a description of each grant recipient and each project funded using a grant under the pilot program.

(f) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the pilot program $15,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

(2) REQUIREMENT.—Of the funds made available under paragraph (1), not more than 35 percent may be used to provide grants to regional consortia established under subsection (d).

SEC. 50214. FINAL RATING OPINION LETTERS.

Section 5028(a)(1)(D)(ii) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3907(a)(1)(D)(ii)) is amended by striking "final rating opinion letters from at least 2 rating agencies" and inserting "a final rating opinion letter from at least 1 rating agency".

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SEC. 50215. WATER INFRASTRUCTURE FINANCING REAUTHORIZATION.

(a) IN GENERAL.—Section 5033 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3912) is amended—

(1) in subsection (a), by adding at the end the following:

"(3) FISCAL YEARS 2022 THROUGH 2026.—There is authorized to be appropriated to the Administrator to carry out this subtitle $50,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.";

(2) in subsection (b)(2)—

(A) in the paragraph heading, by striking "2020 AND 2021" and inserting "AFTER 2019"; and

(B) by striking "2020 and 2021" and inserting "2022 through 2026"; and

(3) in subsection (e)(1), by striking "2020 and 2021" and inserting "2022 through 2026".

(b) OUTREACH PLAN.—The Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) is amended by adding at the end the following:

"SEC. 5036. OUTREACH PLAN.

"(a) DEFINITION OF RURAL COMMUNITY.—In this section, the term 'rural community' means a city, town, or unincorporated area that has a population of not more than 10,000 inhabitants.

"(b) OUTREACH REQUIRED.—Not later than 180 days after the date of enactment of this section, the Administrator, in consultation with relevant Federal agencies, shall develop and begin implementation of an outreach plan to promote financial assistance available under this subtitle to small communities and rural communities.".

SEC. 50216. SMALL AND DISADVANTAGED COMMUNITY ANALYSIS.

(a) ANALYSIS.—Not later than 2 years after the date of enactment of this Act, using environmental justice data of the Environmental Protection Agency, including data from the environmental justice mapping and screening tool of the Environmental Protection Agency, the Administrator shall carry out an analysis under which the Administrator shall assess the programs under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) to identify historical distributions of funds to small and disadvantaged communities and new opportunities and methods to improve on the distribution of funds under those programs to low-income communities, rural communities, minority communities, and communities of indigenous peoples, in accordance with Executive Order 12898 (42 U.S.C. 4321 note; 60 Fed. Reg. 6381; relating to Federal actions to address environmental justice in minority populations and low-income populations).

(b) REQUIREMENT.—The analysis under subsection (a) shall include an analysis, to the extent practicable, of communities in the United States that do not have access to drinking water or wastewater services.

(c) REPORT.—On completion of the analysis under subsection (a), the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committees on Energy and Commerce and Transportation and Infrastructure of the House of Representatives a report describing—

(1) the results of the analysis; and

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(2) the criteria the Administrator used in carrying out the analysis.

SEC. 50217. STORMWATER INFRASTRUCTURE TECHNOLOGY.

(a) DEFINITIONS.—In this section:

(1) CENTER.—The term "center" means a center of excellence for stormwater control infrastructure established under subsection (b)(1).

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State, Tribal, or local government; or

(B) a local, regional, or other public entity that manages stormwater or wastewater resources or other related water infrastructure.

(3) ELIGIBLE INSTITUTION.—The term "eligible institution" means an institution of higher education, a research institution, or a nonprofit organization—

(A) that has demonstrated excellence in researching and developing new and emerging stormwater control infrastructure technologies; and

(B) with respect to a nonprofit organization, the core mission of which includes water management, as determined by the Administrator.

(b) CENTERS OF EXCELLENCE FOR STORMWATER CONTROL INFRASTRUCTURE TECHNOLOGIES.—

(1) ESTABLISHMENT OF CENTERS.—

(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall provide grants, on a competitive basis, to eligible institutions to establish and maintain not less than 3, and not more than 5, centers of excellence for new and emerging stormwater control infrastructure technologies, to be located in various regions throughout the United States.

(B) GENERAL OPERATION.—Each center shall—

(i) conduct research on new and emerging stormwater control infrastructure technologies that are relevant to the geographical region in which the center is located, including stormwater and sewer overflow reduction, other approaches to water resource enhancement, alternative funding approaches, and other environmental, economic, and social benefits, with the goal of improving the effectiveness, cost efficiency, and protection of public safety and water quality;

(ii) maintain a listing of—

(I) stormwater control infrastructure needs; and

(II) an analysis of new and emerging stormwater control infrastructure technologies that are available;

(iii) analyze whether additional financial programs for the implementation of new and emerging, but proven, stormwater control infrastructure technologies would be useful;

(iv) provide information regarding research conducted under clause (i) to the national electronic clearinghouse center for publication on the Internet website established under paragraph (3)(B)(i) to provide to the Federal Government and State, Tribal,

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and local governments and the private sector information regarding new and emerging, but proven, stormwater control infrastructure technologies;

(v) provide technical assistance to State, Tribal, and local governments to assist with the design, construction, operation, and maintenance of stormwater control infrastructure projects that use innovative technologies;

(vi) collaborate with institutions of higher education and private and public organizations, including community-based public-private partnerships and other stakeholders, in the geographical region in which the center is located; and

(vii) coordinate with the other centers to avoid duplication of efforts.

(2) APPLICATION.—To be eligible to receive a grant under this subsection, an eligible institution shall prepare and submit to the Administrator an application at such time, in such form, and containing such information as the Administrator may require.

(3) NATIONAL ELECTRONIC CLEARINGHOUSE CENTER.—Of the centers established under paragraph (1)(A), 1 shall—

(A) be designated as the "national electronic clearinghouse center"; and

(B) in addition to the other functions of that center—

(i) develop, operate, and maintain an Internet website and a public database that contains information relating to new and emerging, but proven, stormwater control infrastructure technologies; and

(ii) post to the website information from all centers.

(4) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2022 through 2026.

(B) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under subparagraph (A), not more than 2 percent may be used to pay the administrative costs of the Administrator.

(c) STORMWATER CONTROL INFRASTRUCTURE PROJECT GRANTS.—

(1) GRANT AUTHORITY.—Subject to the availability of appropriations, the Administrator shall provide grants, on a competitive basis, to eligible entities to carry out stormwater control infrastructure projects that incorporate new and emerging, but proven, stormwater control technologies in accordance with this subsection.

(2) STORMWATER CONTROL INFRASTRUCTURE PROJECTS.—

(A) PLANNING AND DEVELOPMENT GRANTS.—The Administrator may make planning and development grants under this subsection for the following projects:

(i) Planning and designing stormwater control infrastructure projects that incorporate new and emerging, but proven, stormwater control technologies, including engineering surveys, landscape plans, maps, long-term operations and maintenance plans, and implementation plans.

(ii) Identifying and developing standards necessary to accommodate stormwater control infrastructure

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projects, including those projects that incorporate new and emerging, but proven, stormwater control technologies.

(iii) Identifying and developing fee structures to provide financial support for design, installation, and operations and maintenance of stormwater control infrastructure, including new and emerging, but proven, stormwater control infrastructure technologies.

(iv) Developing approaches for community-based public-private partnerships for the financing and construction of stormwater control infrastructure technologies, including feasibility studies, stakeholder outreach, and needs assessments.

(v) Developing and delivering training and educational materials regarding new and emerging, but proven, stormwater control infrastructure technologies for distribution to—

(I) individuals and entities with applicable technical knowledge; and

(II) the public.

(B) IMPLEMENTATION GRANTS.—The Administrator may make implementation grants under this subsection for the following projects:

(i) Installing new and emerging, but proven, stormwater control infrastructure technologies.

(ii) Protecting or restoring interconnected networks of natural areas that protect water quality.

(iii) Monitoring and evaluating the environmental, economic, or social benefits of stormwater control infrastructure technologies that incorporate new and emerging, but proven, stormwater control technology.

(iv) Implementing a best practices standard for stormwater control infrastructure programs.

(3) APPLICATION.—Except as otherwise provided in this section, to be eligible to receive a grant under this subsection, an eligible entity shall prepare and submit to the Administrator an application at such time, in such form, and containing such information as the Administrator may require, including, as applicable—

(A) a description of the stormwater control infrastructure project that incorporates new and emerging, but proven, technologies;

(B) a plan for monitoring the impacts and pollutant load reductions associated with the stormwater control infrastructure project on the water quality and quantity;

(C) an evaluation of other environmental, economic, and social benefits of the stormwater control infrastructure project; and

(D) a plan for the long-term operation and maintenance of the stormwater control infrastructure project and a tracking system, such as asset management practices.

(4) PRIORITY.—In making grants under this subsection, the Administrator shall give priority to applications submitted on behalf of—

(A) a community that—

(i) has municipal combined storm and sanitary sewers in the collection system of the community; or

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(ii) is a small, rural, or disadvantaged community, as determined by the Administrator; or

(B) an eligible entity that will use not less than 15 percent of the grant to provide service to a small, rural, or disadvantaged community, as determined by the Administrator.

(5) MAXIMUM AMOUNTS.—

(A) PLANNING AND DEVELOPMENT GRANTS.—

(i) SINGLE GRANT.—The amount of a single planning and development grant provided under this subsection shall be not more than $200,000.

(ii) AGGREGATE AMOUNT.—The total amount of all planning and development grants provided under this subsection for a fiscal year shall be not more than ⅓ of the total amount made available to carry out this subsection.

(B) IMPLEMENTATION GRANTS.—

(i) SINGLE GRANT.—The amount of a single implementation grant provided under this subsection shall be not more than $2,000,000.

(ii) AGGREGATE AMOUNT.—The total amount of all implementation grants provided under this subsection for a fiscal year shall be not more than ⅔ of the total amount made available to carry out this subsection.

(6) FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the Federal share of a grant provided under this subsection shall not exceed 80 percent of the total project cost.

(B) CREDIT FOR IMPLEMENTATION GRANTS.—The Administrator shall credit toward the non-Federal share of the cost of an implementation project carried out under this subsection the cost of planning, design, and construction work completed for the project using funds other than funds provided under this section.

(C) EXCEPTION.—The Administrator may waive the Federal share limitation under subparagraph (A) for an eligible entity that has adequately demonstrated financial need.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date on which the Administrator first awards a grant under this section, the Administrator shall submit to Congress a report that includes, with respect to the period covered by the report—

(1) a description of all grants provided under this section;

(2) a detailed description of—

(A) the projects supported by those grants; and

(B) the outcomes of those projects;

(3) a description of the improvements in technology, environmental benefits, resources conserved, efficiencies, and other benefits of the projects funded under this section;

(4) recommendations for improvements to promote and support new and emerging, but proven, stormwater control infrastructure, including research into new and emerging technologies, for the centers, grants, and activities under this section; and

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(5) a description of existing challenges concerning the use of new and emerging, but proven, stormwater control infrastructure.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section (except for subsection (b)) $10,000,000 for each of fiscal years 2022 through 2026.

(2) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.

SEC. 50218. WATER REUSE INTERAGENCY WORKING GROUP.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a Water Reuse Interagency Working Group (referred to in this section as the "Working Group").

(b) PURPOSE.—The purpose of the Working Group is to develop and coordinate actions, tools, and resources to advance water reuse across the United States, including through the implementation of the February 2020 National Water Reuse Action Plan, which creates opportunities for water reuse in the mission areas of each of the Federal agencies included in the Working Group under subsection (c) (referred to in this section as the "Action Plan").

(c) CHAIRPERSON; MEMBERSHIP.—The Working Group shall be—

(1) chaired by the Administrator; and

(2) comprised of senior representatives from such Federal agencies as the Administrator determines to be appropriate.

(d) DUTIES OF THE WORKING GROUP.—In carrying out this section, the Working Group shall—

(1) with respect to water reuse, leverage the expertise of industry, the research community, nongovernmental organizations, and government;

(2) seek to foster water reuse as an important component of integrated water resources management;

(3) conduct an assessment of new opportunities to advance water reuse and annually update the Action Plan with new actions, as necessary, to pursue those opportunities;

(4) seek to coordinate Federal programs and policies to support the adoption of water reuse;

(5) consider how each Federal agency can explore and identify opportunities to support water reuse through the programs and activities of that Federal agency; and

(6) consult, on a regular basis, with representatives of relevant industries, the research community, and nongovernmental organizations.

(e) REPORT.—Not less frequently than once every 2 years, the Administrator shall submit to Congress a report on the activities and findings of the Working Group.

(f) SUNSET.—

(1) IN GENERAL.—Subject to paragraph (2), the Working Group shall terminate on the date that is 6 years after the date of enactment of this Act.

(2) EXTENSION.—The Administrator may extend the date of termination of the Working Group under paragraph (1).

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SEC. 50219. ADVANCED CLEAN WATER TECHNOLOGIES STUDY.

(a) IN GENERAL.—Subject to the availability of appropriations, not later than 2 years after the date of enactment of this Act, the Administrator shall carry out a study that examines the state of existing and potential future technology, including technology that could address cybersecurity vulnerabilities, that enhances or could enhance the treatment, monitoring, affordability, efficiency, and safety of wastewater services provided by a treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)).

(b) REPORT.—The Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study under subsection (a).

SEC. 50220. CLEAN WATERSHEDS NEEDS SURVEY.

Title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) is amended by adding at the end the following:

"SEC. 609. CLEAN WATERSHEDS NEEDS SURVEY.

"(a) REQUIREMENT.—Not later than 2 years after the date of enactment of this section, and not less frequently than once every 4 years thereafter, the Administrator shall—

"(1) conduct and complete an assessment of capital improvement needs for all projects that are eligible under section 603(c) for assistance from State water pollution control revolving funds; and

"(2) submit to Congress a report describing the results of the assessment completed under paragraph (1).

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the initial needs survey under subsection (a) $5,000,000, to remain available until expended.".

SEC. 50221. WATER RESOURCES RESEARCH ACT AMENDMENTS.

(a) CLARIFICATION OF RESEARCH ACTIVITIES.—Section 104(b)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(b)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "water-related phenomena" and inserting "water resources"; and

(2) in subparagraph (D), by striking the period at the end and inserting "; and".

(b) COMPLIANCE REPORT.—Section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended by striking subsection (c) and inserting the following:

"(c) GRANTS.—

"(1) IN GENERAL.—From the sums appropriated pursuant to subsection (f), the Secretary shall make grants to each institute to be matched on a basis of no less than 1 non-Federal dollar for every 1 Federal dollar.

"(2) REPORT.—Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate, the Committee on the Budget of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on the Budget of the House of Representatives a report regarding the compliance of each funding recipient with this subsection for the immediately preceding fiscal year.".

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(c) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—Section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended by striking subsection (e) and inserting the following:

"(e) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—

"(1) IN GENERAL.—The Secretary shall conduct a careful and detailed evaluation of each institute at least once every 5 years to determine—

"(A) the quality and relevance of the water resources research of the institute;

"(B) the effectiveness of the institute at producing measured results and applied water supply research; and

"(C) whether the effectiveness of the institute as an institution for planning, conducting, and arranging for research warrants continued support under this section.

"(2) PROHIBITION ON FURTHER SUPPORT.—If, as a result of an evaluation under paragraph (1), the Secretary determines that an institute does not qualify for further support under this section, no further grants to the institute may be provided until the qualifications of the institute are reestablished to the satisfaction of the Secretary.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 104(f)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(f)(1)) is amended by striking "fiscal years 2007 through 2011" and inserting "fiscal years 2022 through 2025".

(e) ADDITIONAL APPROPRIATIONS WHERE RESEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE NATURE.—Section 104(g)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(g)(1)) is amended in the first sentence by striking "$6,000,000 for each of fiscal years 2007 through 2011" and inserting "$3,000,000 for each of fiscal years 2022 through 2025".

SEC. 50222. ENHANCED AQUIFER USE AND RECHARGE.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

"SEC. 124. ENHANCED AQUIFER USE AND RECHARGE.

"(a) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall provide funding to carry out groundwater research on enhanced aquifer use and recharge in support of sole-source aquifers, of which—

"(1) not less than 50 percent shall be used to provide 1 grant to a State, unit of local government, or Indian Tribe to carry out activities that would directly support that research; and

"(2) the remainder shall be provided to 1 appropriate research center.

"(b) COORDINATION.—As a condition of accepting funds under subsection (a), the State, unit of local government, or Indian Tribe and the appropriate research center that receive funds under that subsection shall establish a formal research relationship for the purpose of coordinating efforts under this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section $5,000,000 for each of fiscal years 2022 through 2026.".

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DIVISION F—BROADBAND

TITLE I—BROADBAND GRANTS FOR STATES, DISTRICT OF COLUMBIA, PUERTO RICO, AND TERRITORIES

SEC. 60101. FINDINGS.

Congress finds the following:

(1) Access to affordable, reliable, high-speed broadband is essential to full participation in modern life in the United States.

(2) The persistent "digital divide" in the United States is a barrier to the economic competitiveness of the United States and equitable distribution of essential public services, including health care and education.

(3) The digital divide disproportionately affects communities of color, lower-income areas, and rural areas, and the benefits of broadband should be broadly enjoyed by all.

(4) In many communities across the country, increased competition among broadband providers has the potential to offer consumers more affordable, high-quality options for broadband service.

(5) The 2019 novel coronavirus pandemic has underscored the critical importance of affordable, high-speed broadband for individuals, families, and communities to be able to work, learn, and connect remotely while supporting social distancing.

SEC. 60102. GRANTS FOR BROADBAND DEPLOYMENT.

(a) DEFINITIONS.—

(1) AREAS, LOCATIONS, AND INSTITUTIONS LACKING BROADBAND ACCESS.—In this section:

(A) UNSERVED LOCATION.—The term "unserved location" means a broadband-serviceable location, as determined in accordance with the broadband DATA maps, that—

(i) has no access to broadband service; or

(ii) lacks access to reliable broadband service offered with—

(I) a speed of not less than—

(aa) 25 megabits per second for downloads; and

(bb) 3 megabits per second for uploads; and

(II) a latency sufficient to support real-time, interactive applications.

(B) UNSERVED SERVICE PROJECT.—The term "unserved service project" means a project in which not less than 80 percent of broadband-serviceable locations served by the project are unserved locations.

(C) UNDERSERVED LOCATION.—The term "underserved location" means a location—

(i) that is not an unserved location; and

(ii) as determined in accordance with the broadband DATA maps, lacks access to reliable broadband service offered with—

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(I) a speed of not less than—

(aa) 100 megabits per second for downloads; and

(bb) 20 megabits per second for uploads; and

(II) a latency sufficient to support real-time, interactive applications.

(D) UNDERSERVED SERVICE PROJECT.—The term "underserved service project" means a project in which not less than 80 percent of broadband-serviceable locations served by the project are unserved locations or underserved locations.

(E) ELIGIBLE COMMUNITY ANCHOR INSTITUTION.—The term "eligible community anchor institution" means a community anchor institution that lacks access to gigabit-level broadband service.

(2) OTHER DEFINITIONS.—In this section:

(A) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary of Commerce for Communications and Information.

(B) BROADBAND; BROADBAND SERVICE.—The term "broadband" or "broadband service" has the meaning given the term "broadband internet access service" in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

(C) BROADBAND DATA MAPS.—The term "broadband DATA maps" means the maps created under section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)).

(D) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(E) COMMUNITY ANCHOR INSTITUTION.—The term "community anchor institution" means an entity such as a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization, or community support organization that facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals.

(F) ELIGIBLE ENTITY.—The term "eligible entity" means a State.

(G) HIGH-COST AREA.—

(i) IN GENERAL.—The term "high-cost area" means an unserved area in which the cost of building out broadband service is higher, as compared with the average cost of building out broadband service in unserved areas in the United States (as determined by the Assistant Secretary, in consultation with the Commission), incorporating factors that include—

(I) the remote location of the area;

(II) the lack of population density of the area;

(III) the unique topography of the area;

(IV) a high rate of poverty in the area; or

(V) any other factor identified by the Assistant Secretary, in consultation with the Commission,

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that contributes to the higher cost of deploying broadband service in the area.

(ii) UNSERVED AREA.—For purposes of clause (i), the term "unserved area" means an area in which not less than 80 percent of broadband-serviceable locations are unserved locations.

(H) LOCATION; BROADBAND-SERVICEABLE LOCATION.—The terms "location" and "broadband-serviceable location" have the meanings given those terms by the Commission under rules and guidance that are in effect, as of the date of enactment of this Act.

(I) PRIORITY BROADBAND PROJECT.—The term "priority broadband project" means a project designed to—

(i) provide broadband service that meets speed, latency, reliability, consistency in quality of service, and related criteria as the Assistant Secretary shall determine; and

(ii) ensure that the network built by the project can easily scale speeds over time to—

(I) meet the evolving connectivity needs of households and businesses; and

(II) support the deployment of 5G, successor wireless technologies, and other advanced services.

(J) PROGRAM.—The term "Program" means the Broadband Equity, Access, and Deployment Program established under subsection (b)(1).

(K) PROJECT.—The term "project" means an undertaking by a subgrantee under this section to construct and deploy infrastructure for the provision of broadband service.

(L) RELIABLE BROADBAND SERVICE.—The term "reliable broadband service" means broadband service that meets performance criteria for service availability, adaptability to changing end-user requirements, length of serviceable life, or other criteria, other than upload and download speeds, as determined by the Assistant Secretary in coordination with the Commission.

(M) STATE.—The term "State" has the meaning given the term in section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), except that that definition shall be applied by striking ", and any other territory or possession of the United States".

(N) SUBGRANTEE.—The term "subgrantee" means an entity that receives grant funds from an eligible entity to carry out activities under subsection (f).

(b) BROADBAND EQUITY, ACCESS, AND DEPLOYMENT PROGRAM.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall establish a grant program, to be known as the "Broadband Equity, Access, and Deployment Program", under which the Assistant Secretary makes grants to eligible entities, in accordance with this section, to bridge the digital divide.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Assistant Secretary to carry out the Program $42,450,000,000.

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(3) OBLIGATION TIMELINE.—The Assistant Secretary shall obligate all amounts appropriated pursuant to paragraph (2) in an expedient manner after the Assistant Secretary issues the notice of funding opportunity under subsection (e)(1).

(4) TECHNICAL SUPPORT AND ASSISTANCE.—

(A) PROGRAM ASSISTANCE.—As part of the Program, the Assistant Secretary, in consultation with the Commission, shall provide technical support and assistance to eligible entities to facilitate their participation in the Program, including by assisting eligible entities with—

(i) the development of grant applications under the Program;

(ii) the development of plans and procedures for distribution of funds under the Program; and

(iii) other technical support as determined by the Assistant Secretary.

(B) GENERAL ASSISTANCE.—The Assistant Secretary shall provide technical and other assistance to eligible entities—

(i) to support the expansion of broadband, with priority for—

(I) expansion in rural areas; and

(II) eligible entities that consistently rank below most other eligible entities with respect to broadband access and deployment; and

(ii) regarding cybersecurity resources and programs available through Federal agencies, including the Election Assistance Commission, the Cybersecurity and Infrastructure Security Agency, the Federal Trade Commission, and the National Institute of Standards and Technology.

(c) ALLOCATION.—

(1) ALLOCATION FOR HIGH-COST AREAS.—

(A) IN GENERAL.—On or after the date on which the broadband DATA maps are made public, the Assistant Secretary shall allocate to eligible entities, in accordance with subparagraph (B) of this paragraph, 10 percent of the amount appropriated pursuant to subsection (b)(2).

(B) FORMULA.—The Assistant Secretary shall calculate the amount allocated to an eligible entity under subparagraph (A) by—

(i) dividing the number of unserved locations in high-cost areas in the eligible entity by the total number of unserved locations in high-cost areas in the United States; and

(ii) multiplying the quotient obtained under clause (i) by the amount made available under subparagraph (A).

(2) MINIMUM INITIAL ALLOCATION.—Of the amount appropriated pursuant to subsection (b)(2)—

(A) except as provided in subparagraph (B) of this paragraph, $100,000,000 shall be allocated to each State; and

(B) $100,000,000 shall be allocated to, and divided equally among, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

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(3) ALLOCATION OF REMAINING AMOUNTS.—

(A) IN GENERAL.—On or after the date on which the broadband DATA maps are made public, of the amount appropriated pursuant to subsection (b)(2), the Assistant Secretary shall allocate to eligible entities, in accordance with subparagraph (B) of this paragraph, the amount remaining after compliance with paragraphs (1) and (2) of this subsection.

(B) ALLOCATION.—The amount allocated to an eligible entity under subparagraph (B) shall be calculated by—

(i) dividing the number of unserved locations in the eligible entity by the total number of unserved locations in the United States; and

(ii) multiplying the quotient obtained under clause (i) by the amount made available under subparagraph (A).

(4) AVAILABILITY CONDITIONED ON APPROVAL OF APPLICATIONS.—The availability of amounts allocated under paragraph (1), (2), or (3) to an eligible entity shall be subject to approval by the Assistant Secretary of the letter of intent, initial proposal, or final proposal of the eligible entity, as applicable, under subsection (e).

(5) CONTINGENCY PROCEDURES.—

(A) DEFINITION.—In this paragraph, the term "covered application" means a letter of intent, initial proposal, or final proposal under this section.

(B) POLITICAL SUBDIVISIONS AND CONSORTIA.—

(i) APPLICATION FAILURES.—The Assistant Secretary, in carrying out the Program, shall provide that if an eligible entity fails to submit a covered application by the applicable deadline, or a covered application submitted by an eligible entity is not approved by the applicable deadline, a political subdivision or consortium of political subdivisions of the eligible entity may submit the applicable type of covered application in place of the eligible entity.

(ii) TREATMENT OF POLITICAL SUBDIVISION OR CONSORTIUM AS ELIGIBLE ENTITY.—In the case of a political subdivision or consortium of political subdivisions that submits a covered application under clause (i) that is approved by the Assistant Secretary—

(I) except as provided in subclause (II) of this clause, any reference in this section to an eligible entity shall be deemed to refer to the political subdivision or consortium; and

(II) any reference in this section to an eligible entity in a geographic sense shall be deemed to refer to the eligible entity in whose place the political subdivision or consortium submitted the covered application.

(C) REALLOCATION TO OTHER ELIGIBLE ENTITIES.—

(i) APPLICATION FAILURES.—The Assistant Secretary, in carrying out the Program, shall provide that if an eligible entity fails to submit a covered application by the applicable deadline, or a covered application submitted by an eligible entity is not approved by the applicable deadline, as provided in subparagraph

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(A)), and no political subdivision or consortium of political subdivisions of the eligible entity submits a covered application by the applicable deadline, or no covered application submitted by such a political subdivision or consortium is approved by the applicable deadline, as provided in subparagraph (B), the Assistant Secretary—

(I) shall reallocate the amounts that would have been available to the eligible entity pursuant to that type of covered application to other eligible entities that submitted that type of covered application by the applicable deadline; and

(II) shall reallocate the amounts described in subclause (I) of this clause in accordance with the formula under paragraph (3).

(ii) FAILURE TO USE FULL ALLOCATION.—The Assistant Secretary, in carrying out the Program, shall provide that if an eligible entity fails to use the full amount allocated to the eligible entity under this subsection by the applicable deadline, the Assistant Secretary—

(I) shall reallocate the unused amounts to other eligible entities with approved final proposals; and

(II) shall reallocate the amounts described in subclause (I) in accordance with the formula under paragraph (3).

(d) ADMINISTRATIVE EXPENSES.—

(1) ASSISTANT SECRETARY.—The Assistant Secretary may use not more than 2 percent of amounts appropriated pursuant to subsection (b) for administrative purposes.

(2) ELIGIBLE ENTITIES.—

(A) PRE-DEPLOYMENT PLANNING.—An eligible entity may use not more than 5 percent of the amount allocated to the eligible entity under subsection (c)(2) for the planning and pre-deployment activities under subsection (e)(1)(C).

(B) ADMINISTRATION.—An eligible entity may use not more than 2 percent of the grant amounts made available to the eligible entity under subsection (e) for expenses relating (directly or indirectly) to administration of the grant.

(e) IMPLEMENTATION.—

(1) INITIAL PROGRAM DEPLOYMENT AND PLANNING.—

(A) NOTICE OF FUNDING OPPORTUNITY; PROCESS.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall—

(i) issue a notice of funding opportunity for the Program that—

(I) notifies eligible entities of—

(aa) the establishment of the Program; and

(bb) the amount of the minimum initial allocation to each eligible entity under subsection (c)(2);

(II) invites eligible entities to submit letters of intent under subparagraph (B) in order to—

(aa) participate in the Program; and

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(bb) receive funding for planning and pre-deployment activities under subparagraph (C);

(III) contains details about the Program, including an outline of the requirements for—

(aa) applications for grants under the Program, which shall consist of letters of intent, initial proposals, and final proposals; and

(bb) allowed uses of grant amounts awarded under this section, as provided in subsection (f); and

(IV) includes any other information determined relevant by the Assistant Secretary;

(ii) establish a process, in accordance with subparagraph (C), through which to provide funding to eligible entities for planning and pre-deployment activities;

(iii) develop and make public a standard online application form that an eligible entity may use to submit an initial proposal and final proposal for the grant amounts allocated to the eligible entity under subsection (c);

(iv) publish a template—

(I) initial proposal that complies with paragraph (3)(A); and

(II) final proposal that complies with paragraph (4)(A); and

(v) in consultation with the Commission, establish standards for how an eligible entity shall assess the capabilities and capacities of a prospective subgrantee under subsection (g)(2)(A).

(B) LETTER OF INTENT.—

(i) IN GENERAL.—An eligible entity that wishes to participate in the Program shall file a letter of intent to participate in the Program consistent with this subparagraph.

(ii) FORM AND CONTENTS.—The Assistant Secretary may establish the form and contents required for a letter of intent under this subparagraph, which contents may include—

(I) details of—

(aa) the existing broadband program or office of the eligible entity, including—

(AA) activities that the program or office currently conducts;

(BB) the number of rounds of broadband deployment grants that the eligible entity has awarded, if applicable;

(CC) whether the eligible entity has an eligible entity-wide plan and goal for availability of broadband, and any relevant deadlines, as applicable; and

(DD) the amount of funding that the eligible entity has available for broadband deployment or other broadband-related activities, including data collection and local planning, and the sources of that funding, including whether the funds are

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from the eligible entity or from the Federal Government under the American Rescue Plan Act of 2021 (Public Law 117–2);

(bb) the number of full-time employees and part-time employees of the eligible entity who will assist in administering amounts received under the Program and the duties assigned to those employees;

(cc) relevant contracted support; and

(dd) the goals of the eligible entity for the use of amounts received under the Program, the process that the eligible entity will use to distribute those amounts to subgrantees, the timeline for awarding subgrants, and oversight and reporting requirements that the eligible entity will impose on subgrantees;

(II) the identification of known barriers or challenges to developing and administering a program to administer grants received under the Program, if applicable;

(III) the identification of the additional capacity needed by the eligible entity to implement the requirements under this section, such as—

(aa) enhancing the capacity of the broadband program or office of the eligible entity by receiving technical assistance from Federal entities or other partners, hiring additional employees, or obtaining support from contracted entities; or

(bb) acquiring additional programmatic information or data, such as through surveys or asset inventories;

(IV) an explanation of how the needs described in subclause (III) were identified and how funds may be used to address those needs, including target areas;

(V) details of any relevant partners, such as organizations that may inform broadband deployment and adoption planning; and

(VI) any other information determined relevant by the Assistant Secretary.

(C) PLANNING FUNDS.—

(i) IN GENERAL.—The Assistant Secretary shall establish a process through which an eligible entity, in submitting a letter of intent under subparagraph (B), may request access to not more than 5 percent of the amount allocated to the eligible entity under subsection (c)(2) for use consistent with this subparagraph.

(ii) FUNDING AVAILABILITY.—If the Assistant Secretary approves a request from an eligible entity under clause (i), the Assistant Secretary shall make available to the eligible entity an amount, as determined appropriate by the Assistant Secretary, that is not more than 5 percent of the amount allocated to the eligible entity under subsection (c)(2).

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(iii) ELIGIBLE USE.—The Assistant Secretary shall determine the allowable uses of amounts made available under clause (ii), which may include—

(I) research and data collection, including initial identification of unserved locations and underserved locations;

(II) the development of a preliminary budget for pre-planning activities;

(III) publications, outreach, and communications support;

(IV) providing technical assistance, including through workshops and events;

(V) training for employees of the broadband program or office of the eligible entity or employees of political subdivisions of the eligible entity, and related staffing capacity or consulting or contracted support; and

(VI) with respect to an office that oversees broadband programs and broadband deployment in an eligible entity, establishing, operating, or increasing the capacity of such a broadband office.

(D) ACTION PLAN.—

(i) IN GENERAL.—An eligible entity that receives funding from the Assistant Secretary under subparagraph (C) shall submit to the Assistant Secretary a 5-year action plan, which shall—

(I) be informed by collaboration with local and regional entities; and

(II) detail—

(aa) investment priorities and associated costs;

(bb) alignment of planned spending with economic development, telehealth, and related connectivity efforts.

(ii) REQUIREMENTS OF ACTION PLANS.—The Assistant Secretary shall establish requirements for the 5-year action plan submitted by an eligible entity under clause (i), which may include requirements to—

(I) address local and regional needs in the eligible entity with respect to broadband service;

(II) propose solutions for the deployment of affordable broadband service in the eligible entity;

(III) include localized data with respect to the deployment of broadband service in the eligible entity, including by identifying locations that should be prioritized for Federal support with respect to that deployment;

(IV) ascertain how best to serve unserved locations in the eligible entity, whether through the establishment of cooperatives or public-private partnerships;

(V) identify the technical assistance that would be necessary to carry out the plan; and

(VI) assess the amount of time it would take to build out universal broadband service in the eligible entity.

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(2) NOTICE OF AVAILABLE AMOUNTS; INVITATION TO SUBMIT INITIAL AND FINAL PROPOSALS.—On or after the date on which the broadband DATA maps are made public, the Assistant Secretary, in coordination with the Commission, shall issue a notice to each eligible entity that—

(A) contains the estimated amount available to the eligible entity under subsection (c); and

(B) invites the eligible entity to submit an initial proposal and final proposal for a grant under this section, in accordance with paragraphs (3) and (4) of this subsection.

(3) INITIAL PROPOSAL.—

(A) SUBMISSION.—

(i) IN GENERAL.—After the Assistant Secretary issues the notice under paragraph (2), an eligible entity that wishes to receive a grant under this section shall submit an initial proposal for a grant, using the online application form developed by the Assistant Secretary under paragraph (1)(A)(iii), that—

(I) outlines long-term objectives for deploying broadband, closing the digital divide, and enhancing economic growth and job creation, including—

(aa) information developed by the eligible entity as part of the action plan submitted under paragraph (1)(D), if applicable; and

(bb) information from any comparable strategic plan otherwise developed by the eligible entity, if applicable;

(II)(aa) identifies, and outlines steps to support, local and regional broadband planning processes or ongoing efforts to deploy broadband or close the digital divide; and

(bb) describes coordination with local governments, along with local and regional broadband planning processes;

(III) identifies existing efforts funded by the Federal Government or a State within the jurisdiction of the eligible entity to deploy broadband and close the digital divide;

(IV) includes a plan to competitively award subgrants to ensure timely deployment of broadband;

(V) identifies—

(aa) each unserved location or underserved location under the jurisdiction of the eligible entity; and

(bb) each community anchor institution under the jurisdiction of the eligible entity that is an eligible community anchor institution; and

(VI) certifies the intent of the eligible entity to comply with all applicable requirements under this section, including the reporting requirements under subsection (j)(1).

(ii) LOCAL COORDINATION.—

(I) IN GENERAL.—The Assistant Secretary shall establish local coordination requirements for

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eligible entities to follow, to the greatest extent practicable.

(II) REQUIREMENTS.— The local coordination requirements established under subclause (I) shall include, at minimum, an opportunity for political subdivisions of an eligible entity to—

(aa) submit plans for consideration by the eligible entity; and

(bb) comment on the initial proposal of the eligible entity before the initial proposal is submitted to the Assistant Secretary.

(B) SINGLE INITIAL PROPOSAL.—An eligible entity may submit only 1 initial proposal under this paragraph.

(C) CORRECTIONS TO INITIAL PROPOSAL.—The Assistant Secretary may accept corrections to the initial proposal of an eligible entity after the initial proposal has been submitted.

(D) CONSIDERATION OF INITIAL PROPOSAL.—After receipt of an initial proposal for a grant under this paragraph, the Assistant Secretary—

(i) shall acknowledge receipt;

(ii) if the initial proposal is complete—

(I) shall determine whether the use of funds proposed in the initial proposal—

(aa) complies with subsection (f);

(bb) is in the public interest; and

(cc) effectuates the purposes of this Act;

(II) shall approve or disapprove the initial proposal based on the determinations under subclause (I); and

(III) if the Assistant Secretary approves the initial proposal under clause (ii)(II), shall make available to the eligible entity—

(aa) 20 percent of the grant funds that were allocated to the eligible entity under subsection (c); or

(bb) a higher percentage of the grant funds that were allocated to the eligible entity under subsection (c), at the discretion of the Assistant Secretary; and

(iii) if the initial proposal is incomplete, or is disapproved under clause (ii)(II), shall notify the eligible entity and provide the eligible entity with an opportunity to resubmit the initial proposal.

(E) CONSIDERATION OF RESUBMITTED INITIAL PROPOSAL.—After receipt of a resubmitted initial proposal for a grant under this paragraph, the Assistant Secretary—

(i) shall acknowledge receipt;

(ii) if the initial proposal is complete—

(I) shall determine whether the use of funds proposed in the initial proposal—

(aa) complies with subsection (f);

(bb) is in the public interest; and

(cc) effectuates the purposes of this Act;

(II) shall approve or disapprove the initial proposal based on the determinations under subclause (I); and

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(III) if the Assistant Secretary approves the initial proposal under clause (ii)(II), shall make available to the eligible entity—

(aa) 20 percent of the grant funds that were allocated to the eligible entity under subsection (c); or

(bb) a higher percentage of the grant funds that were allocated to the eligible entity under subsection (c), at the discretion of the Assistant Secretary; and

(iii) if the initial proposal is incomplete, or is disapproved under clause (ii)(II), shall notify the eligible entity and provide the eligible entity with an opportunity to resubmit the initial proposal.

(4) FINAL PROPOSAL.—

(A) SUBMISSION.—

(i) IN GENERAL.—After the Assistant Secretary approvals the initial proposal of an eligible entity under paragraph (3), the eligible entity may submit a final proposal for the remainder of the amount allocated to the eligible entity under subsection (c), using the online application form developed by the Assistant Secretary under paragraph (1)(A)(iii), that includes—

(I) a detailed plan that specifies how the eligible entity will—

(aa) allocate grant funds for the deployment of broadband networks to unserved locations and underserved locations, in accordance with subsection (h)(1)(A)(i); and

(bb) align the grant funds allocated to the eligible entity under subsection (c), where practicable, with the use of other funds that the eligible entity receives from the Federal Government, a State, or a private entity for related purposes;

(II) a timeline for implementation;

(III) processes for oversight and accountability to ensure the proper use of the grant funds allocated to the eligible entity under subsection (c); and

(IV) a description of coordination with local governments, along with local and regional broadband planning processes.

(ii) LOCAL COORDINATION.—

(I) IN GENERAL.—The Assistant Secretary shall establish local coordination requirements for eligible entities to follow, to the greatest extent practicable.

(II) REQUIREMENTS.— The local coordination requirements established under subclause (I) shall include, at minimum, an opportunity for political subdivisions of an eligible entity to—

(aa) submit plans for consideration by the eligible entity; and

(bb) comment on the final proposal of the eligible entity before the final proposal is submitted to the Assistant Secretary.

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(iii) FEDERAL COORDINATION.—To ensure efficient and effective use of taxpayer funds, an eligible entity shall, to the greatest extent practicable, align the use of grant funds proposed in the final proposal under clause (i) with funds available from other Federal programs that support broadband deployment and access.

(B) SINGLE FINAL PROPOSAL.—An eligible entity may submit only 1 final proposal under this paragraph.

(C) CORRECTIONS TO FINAL PROPOSAL.—The Assistant Secretary may accept corrections to the final proposal of an eligible entity after the final proposal has been submitted.

(D) CONSIDERATION OF FINAL PROPOSAL.—After receipt of a final proposal for a grant under this paragraph, the Assistant Secretary—

(i) shall acknowledge receipt;

(ii) if the final proposal is complete—

(I) shall determine whether the use of funds proposed in the final proposal—

(aa) complies with subsection (f);

(bb) is in the public interest; and

(cc) effectuates the purposes of this Act;

(II) shall approve or disapprove the final proposal based on the determinations under subclause (I); and

(III) if the Assistant Secretary approves the final proposal under clause (ii)(II), shall make available to the eligible entity the remainder of the grant funds allocated to the eligible entity under subsection (c); and

(iii) if the final proposal is incomplete, or is disapproved under clause (ii)(II), shall notify the eligible entity and provide the eligible entity with an opportunity to resubmit the final proposal.

(E) CONSIDERATION OF RESUBMITTED FINAL PROPOSAL.—After receipt of a resubmitted final proposal for a grant under this paragraph, the Assistant Secretary—

(i) shall acknowledge receipt;

(ii) if the final proposal is complete—

(I) shall determine whether the use of funds proposed in the final proposal—

(aa) complies with subsection (f);

(bb) is in the public interest; and

(cc) effectuates the purposes of this Act;

(II) shall approve or disapprove the final proposal based on the determinations under subclause (I); and

(III) if the Assistant Secretary approves the final proposal under clause (ii)(II), shall make available to the eligible entity the remainder of the grant funds allocated to the eligible entity under subsection (c); and

(iii) if the final proposal is incomplete, or is disapproved under clause (ii)(II), shall notify the eligible entity and provide the eligible entity with an opportunity to resubmit the final proposal.

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(f) USE OF FUNDS.—An eligible entity may use grant funds received under this section to competitively award subgrants for—

(1) unserved service projects and underserved service projects;

(2) connecting eligible community anchor institutions;

(3) data collection, broadband mapping, and planning;

(4) installing internet and Wi-Fi infrastructure or providing reduced-cost broadband within a multi-family residential building, with priority given to a residential building that—

(A) has a substantial share of unserved households; or

(B) is in a location in which the percentage of individuals with a household income that is at or below 150 percent of the poverty line applicable to a family of the size involved (as determined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) is higher than the national percentage of such individuals;

(5) broadband adoption, including programs to provide affordable internet-capable devices; and

(6) any use determined necessary by the Assistant Secretary to facilitate the goals of the Program.

(g) GENERAL PROGRAM REQUIREMENTS.—

(1) SUBGRANTEE OBLIGATIONS.—A subgrantee, in carrying out activities using amounts received from an eligible entity under this section—

(A) shall adhere to quality-of-service standards, as established by the Assistant Secretary;

(B) shall comply with prudent cybersecurity and supply chain risk management practices, as specified by the Assistant Secretary, in consultation with the Director of the National Institute of Standards and Technology and the Commission;

(C) shall incorporate best practices, as defined by the Assistant Secretary, for ensuring reliability and resilience of broadband infrastructure; and

(D) may not use the amounts to purchase or support—

(i) 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); or

(ii) fiber optic cable and optical transmission equipment manufactured in the People's Republic of China, except that the Assistant Secretary may waive the application of this clause with respect to a project if the eligible entity that awards a subgrant for the project shows that such application would unreasonably increase the cost of the project.

(2) ELIGIBLE ENTITY OBLIGATIONS.—In distributing funds to subgrantees under this section, an eligible entity shall—

(A) ensure that any prospective subgrantee—

(i) is capable of carrying out activities funded by the subgrant in a competent manner in compliance with all applicable Federal, State, and local laws;

(ii) has the financial and managerial capacity to meet—

(I) the commitments of the subgrantee under the subgrant;

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(II) the requirements of the Program; and

(III) such requirements as may be further prescribed by the Assistant Secretary; and

(iii) has the technical and operational capability to provide the services promised in the subgrant in the manner contemplated by the subgrant award;

(B) stipulate, in any contract with a subgrantee for the use of such funds, reasonable provisions for recovery of funds for nonperformance; and

(C)(i) distribute the funds in an equitable and nondiscriminatory manner; and

(ii) ensure, through a stipulation in any contract with a subgrantee for the use of such funds, that each subgrantee uses the funds in an equitable and nondiscriminatory manner.

(3) DEOBLIGATION OF AWARDS; INTERNET DISCLOSURE.—The Assistant Secretary—

(A) shall establish, in coordination with relevant Federal and State partners, appropriate mechanisms to ensure appropriate use of funds made available under this section;

(B) may, in addition to other authority under applicable law—

(i) deobligate grant funds awarded to an eligible entity that—

(I) violates paragraph (2); or

(II) demonstrates an insufficient level of performance, or wasteful or fraudulent spending, as defined in advance by the Assistant Secretary; and

(ii) award grant funds that are deobligated under clause (i) to new or existing applicants consistent with this section; and

(C) shall create and maintain a fully searchable database, accessible on the internet at no cost to the public, that contains information sufficient to allow the public to understand and monitor grants and subgrants awarded under the Program.

(h) BROADBAND NETWORK DEPLOYMENT.—

(1) ORDER OF AWARDS; PRIORITY.—

(A) IN GENERAL.—An eligible entity, in awarding subgrants for the deployment of a broadband network using grant funds received under this section, as authorized under subsection (f)(1)—

(i) shall award funding in a manner that—

(I) prioritizes unserved service projects;

(II) after certifying to the Assistant Secretary that the eligible entity will ensure coverage of broadband service to all unserved locations within the eligible entity, prioritizes underserved service projects; and

(III) after prioritizing underserved service projects, provides funding to connect eligible community anchor institutions;

(ii) in providing funding under subclauses (I), (II), and (III) of clause (i), shall prioritize funding for deployment of broadband infrastructure for priority broadband projects;

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(iii) may not exclude cooperatives, nonprofit organizations, public-private partnerships, private companies, public or private utilities, public utility districts, or local governments from eligibility for such grant funds; and

(iv) shall give priority to projects based on—

(I) deployment of a broadband network to persistent poverty counties or high-poverty areas;

(II) the speeds of the proposed broadband service;

(III) the expediency with which a project can be completed; and

(IV) a demonstrated record of and plans to be in compliance with Federal labor and employment laws.

(B) AUTHORITY OF ASSISTANT SECRETARY.—The Assistant Secretary may provide additional guidance on the prioritization of subgrants awarded for the deployment of a broadband network using grant funds received under this section.

(2) CHALLENGE PROCESS.—

(A) IN GENERAL.—After submitting an initial proposal under subsection (e)(3) and before allocating grant funds received under this section for the deployment of broadband networks, an eligible entity shall ensure a transparent, evidence-based, and expeditious challenge process under which a unit of local government, nonprofit organization, or other broadband service provider can challenge a determination made by the eligible entity in the initial proposal as to whether a particular location or community anchor institution within the jurisdiction of the eligible entity is eligible for the grant funds, including whether a particular location is unserved or underserved.

(B) FINAL IDENTIFICATION; NOTIFICATION OF FUNDING ELIGIBILITY.—After resolving each challenge under subparagraph (A), and not later than 60 days before allocating grant funds received under this section for the deployment of broadband networks, an eligible entity shall provide public notice of the final classification of each unserved location, underserved location, or eligible community anchor institution within the jurisdiction of the eligible entity.

(C) CONSULTATION WITH NTIA.—An eligible entity shall notify the Assistant Secretary of any modification to the initial proposal of the eligible entity submitted under subsection (e)(3) that is necessitated by a successful challenge under subparagraph (A) of this paragraph.

(D) NTIA AUTHORITY.—The Assistant Secretary—

(i) may modify the challenge process required under subparagraph (A) as necessary; and

(ii) may reverse the determination of an eligible entity with respect to the eligibility of a particular location or community anchor institution for grant funds under this section.

(E) EXPEDITING BROADBAND DATA COLLECTION ACTIVITIES.—

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(i) DEADLINE FOR RESOLUTION OF CHALLENGE PROCESS UNDER BROADBAND DATA ACT.—Section 802(b)(5)(C)(i) of the Communications Act of 1934 (47 U.S.C. 642(b)(5)(C)(i)) is amended by striking "challenges" and inserting the following: "challenges, which shall require that the Commission resolve a challenge not later than 90 days after the date on which a final response by a provider to a challenge to the accuracy of a map or information described in subparagraph (A) is complete".

(ii) PAPERWORK REDUCTION ACT EXEMPTION EXPANSION.—Section 806(b) of the Communications Act of 1934 (47 U.S.C. 646(b)) is amended by striking "the initial rule making required under section 802(a)(1)" and inserting "any rule making or other action by the Commission required under this title".

(iii) IMPLEMENTATION.—The Commission shall implement the amendments made by this subparagraph as soon as possible after the date of enactment of this Act.

(3) NON-FEDERAL SHARE OF BROADBAND INFRASTRUCTURE DEPLOYMENT COSTS.—

(A) IN GENERAL.—

(i) MATCHING REQUIREMENT.—In allocating grant funds received under this section for deployment of broadband networks, an eligible entity shall provide, or require a subgrantee to provide, a contribution, derived from non-Federal funds (or funds from a Federal regional commission or authority), except in high-cost areas or as otherwise provided by this Act, of not less than 25 percent of project costs.

(ii) WAIVER.—Upon request by an eligible entity or a subgrantee, the Assistant Secretary may reduce or waive the required matching contribution under clause (i).

(B) SOURCE OF MATCH.—A matching contribution under subparagraph (A)—

(i) may be provided by an eligible entity, a unit of local government, a utility company, a cooperative, a nonprofit organization, a for-profit company, regional planning or governmental organization, a Federal regional commission or authority, or any combination thereof;

(ii) may include in-kind contributions; and

(iii) may include funds that were provided to an eligible entity or a subgrantee—

(I) under—

(aa) the Families First Coronavirus Response Act (Public Law 116–127; 134 Stat. 178);

(bb) the CARES Act (Public Law 116–136; 134 Stat. 281);

(cc) the Consolidated Appropriations Act, 2021 (Public Law 116–260; 134 Stat. 1182);

(dd) the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4); or

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(ee) any amendment made by an Act described in any of items (aa) through (dd); and

(II) for the purpose of deployment of broadband service, as described in the applicable provision of law described in subclause (I).

(C) DEFINITION.—For purposes of this paragraph, the term "Federal regional commission or authority" means—

(i) the Appalachian Regional Commission;

(ii) the Delta Regional Authority;

(iii) the Denali Commission; and

(iv) the Northern Border Regional Commission.

(4) DEPLOYMENT AND PROVISION OF SERVICE REQUIREMENTS.—An entity that receives a subgrant under subsection (f)(1) for the deployment of a broadband network—

(A) in providing broadband service using the network—

(i) shall provide broadband service—

(I) at a speed of not less than 100 megabits per second for downloads and 20 megabits per second for uploads;

(II) with a latency that is sufficiently low to allow reasonably foreseeable, real-time, interactive applications; and

(III) with network outages that do not exceed, on average, 48 hours over any 365-day period; and

(ii) shall provide access to broadband service to each customer served by the project that desires broadband service;

(B) shall offer not less than 1 low-cost broadband service option for eligible subscribers, as those terms are defined in paragraph (5) of this subsection;

(C) shall deploy the broadband network and begin providing broadband service to each customer that desires broadband service not later than 4 years after the date on which the entity receives the subgrant, except that an eligible entity may extend the deadline under this subparagraph if—

(i) the eligible entity has a plan for use of the grant funds;

(ii) the construction project is underway; or

(iii) extenuating circumstances require an extension of time to allow the project to be completed;

(D) for any project that involves laying fiber optic cables or conduit underground or along a roadway, shall include interspersed conduit access points at regular and short intervals;

(E) may use the subgrant to deploy broadband infrastructure in or through any area required to reach interconnection points or otherwise to ensure the technical feasibility and financial sustainability of a project providing broadband service to an unserved location, underserved location, or eligible community anchor institution;

(F) once the network has been deployed, shall provide public notice, online and through other means, of that fact to the locations and areas to which broadband service

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has been provided and share the public notice with the eligible entity that awarded the subgrant;

(G) shall carry out public awareness campaigns in service areas that are designed to highlight the value and benefits of broadband service in order to increase the adoption of broadband service by consumers; and

(H) if the entity is no longer able to provide broadband service to the locations covered by the subgrant at any time, shall sell the network capacity at a reasonable, wholesale rate on a nondiscriminatory basis to other broadband service providers or public sector entities.

(5) LOW-COST BROADBAND SERVICE OPTION.—

(A) DEFINITIONS.—In this paragraph—

(i) the term "eligible subscriber" shall have the meaning given the term by the Assistant Secretary for purposes of this paragraph; and

(ii) the term "low-cost broadband service option" shall be defined by an eligible entity for subgrantees of the eligible entity in accordance with subparagraph (B).

(B) DEFINING "LOW-COST BROADBAND SERVICE OPTION".—

(i) PROPOSAL.—An eligible entity shall submit to the Assistant Secretary for approval, in the final proposal of the eligible entity submitted under subsection (e)(4), a proposed definition of "low-cost broadband service option" that shall apply to subgrantees of the eligible entity for purposes of the requirement under paragraph (4)(B) of this subsection.

(ii) CONSULTATION.—An eligible entity shall consult with the Assistant Secretary and prospective subgrantees regarding a proposed definition of "low-cost broadband service option" before submitting the proposed definition to the Assistant Secretary under clause (i).

(iii) APPROVAL OF ASSISTANT SECRETARY.—

(I) IN GENERAL.—A proposed definition of "low-cost broadband service option" submitted by an eligible entity under clause (i) shall not take effect until the Assistant Secretary approves the final proposal of the eligible entity submitted under subsection (e)(4), including approval of the proposed definition of "low-cost broadband service option".

(II) RESUBMISSION.—If the Assistant Secretary does not approve a proposed definition of "low-cost broadband service option" submitted by an eligible entity under clause (i), the Assistant Secretary shall—

(aa) notify the eligible entity and provide the eligible entity with an opportunity to resubmit the final proposal, as provided in subsection (e)(4), with an improved definition of "low-cost broadband service option"; and

(bb) provide the eligible entity with instructions on how to cure the defects in the proposed definition.

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(iv) PUBLIC DISCLOSURE.—After the Assistant Secretary approves the final proposal of an eligible entity under subsection (e)(4), and before the Assistant Secretary disburses any funds to the eligible entity based on that approval, the Assistant Secretary shall publicly disclose the eligible entity's definition of "low-cost broadband service option".

(C) NONPERFORMANCE.—The Assistant Secretary shall develop procedures under which the Assistant Secretary or an eligible entity may—

(i) evaluate the compliance of a subgrantee with the requirement under paragraph (4)(B); and

(ii) take corrective action, including recoupment of funds from the subgrantee, for noncompliance with the requirement under paragraph (4)(B).

(D) NO REGULATION OF RATES PERMITTED.—Nothing in this title may be construed to authorize the Assistant Secretary or the National Telecommunications and Information Administration to regulate the rates charged for broadband service.

(E) GUIDANCE.—The Assistant Secretary may issue guidance to eligible entities to carry out the purposes of this paragraph.

(6) RETURN OF FUNDS.—An entity that receives a subgrant from an eligible entity under subsection (f) and fails to comply with any requirement under this subsection shall return up to the entire amount of the subgrant to the eligible entity, at the discretion of the eligible entity or the Assistant Secretary.

(i) REGULATIONS.—The Assistant Secretary may 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 those programs, projects, or activities are completed in a timely and effective manner.

(j) REPORTING.—

(1) ELIGIBLE ENTITIES.—

(A) INITIAL REPORT.—Not later than 90 days after receiving grant funds under this section, for the sole purposes of providing transparency and providing information to inform future Federal broadband planning, an eligible entity shall submit to the Assistant Secretary a report that—

(i) describes the planned and actual use of funds;

(ii) describes the planned and actual process of subgranting;

(iii) identifies the establishment of appropriate mechanisms by the eligible entity to ensure that all subgrantees of the eligible entity comply with the eligible uses prescribed under subsection (f); and

(iv) includes any other information required by the Assistant Secretary.

(B) SEMIANNUAL REPORT.—Not later than 1 year after receiving grant funds under this section, and semiannually thereafter until the funds have been expended, an eligible entity shall submit to the Assistant Secretary a report, with respect to the 6-month period immediately preceding the report date, that—

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(i) describes how the eligible entity expended the grant funds;

(ii) describes each service provided with the grant funds;

(iii) describes the number of locations at which broadband service was made available using the grant funds, and the number of those locations at which broadband service was utilized; and

(iv) certifies that the eligible entity complied with the requirements of this section and with any additional reporting requirements prescribed by the Assistant Secretary.

(C) FINAL REPORT.—Not later than 1 year after an eligible entity has expended all grant funds received under this section, the eligible entity shall submit to the Assistant Secretary a report that—

(i) describes how the eligible entity expended the funds;

(ii) describes each service provided with the grant funds;

(iii) describes the number of locations at which broadband service was made available using the grant funds, and the number of those locations at which broadband service was utilized;

(iv) includes each report that the eligible entity received from a subgrantee under paragraph (2); and

(v) certifies that the eligible entity complied with the requirements of this section and with any additional reporting requirements prescribed by the Assistant Secretary.

(D) PROVISION TO FCC AND USDA.—Subject to section 904(b)(2) of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260) (relating to an interagency agreement), the Assistant Secretary shall coordinate with the Commission and the Department of Agriculture, including providing the final reports received under subparagraph (C) to the Commission and the Department of Agriculture to be used when determining whether to award funds for the deployment of broadband under any program administered by those agencies.

(E) FEDERAL AGENCY REPORTING REQUIREMENT.—

(i) DEFINITIONS.—In this subparagraph, the terms "agency" and "Federal broadband support program" have the meanings given those terms in section 903 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260) (also known as the "ACCESS BROADBAND Act").

(ii) REQUIREMENT.—An agency that offers a Federal broadband support program shall provide data to the Assistant Secretary, in a manner and format prescribed by the Assistant Secretary, to promote coordination of efforts to track construction and use of broadband infrastructure.

(2) SUBGRANTEES.—

(A) SEMIANNUAL REPORT.—The recipient of a subgrant from an eligible entity under this section shall submit to the eligible entity a semiannual report for the duration

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of the subgrant to track the effectiveness of the use of funds provided.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall—

(i) describe each type of project carried out using the subgrant and the duration of the subgrant;

(ii) in the case of a broadband infrastructure project—

(I) include a list of addresses or locations that constitute the service locations that will be served by the broadband infrastructure to be constructed;

(II) identify whether each address or location described in subclause (I) is residential, commercial, or a community anchor institution;

(III) describe the types of facilities that have been constructed and installed;

(IV) describe the peak and off-peak actual speeds of the broadband service being offered;

(V) describe the maximum advertised speed of the broadband service being offered;

(VI) describe the non-promotional prices, including any associated fees, charged for different tiers of broadband service being offered;

(VII) include any other data that would be required to comply with the data and mapping collection standards of the Commission under section 1.7004 of title 47, Code of Federal Regulations, or any successor regulation, for broadband infrastructure projects; and

(VIII) comply with any other reasonable reporting requirements determined by the eligible entity or the Assistant Secretary; and

(iii) certify that the information in the report is accurate.

(3) STANDARDIZATION AND COORDINATION.—The Assistant Secretary and the Commission shall collaborate to—

(A) standardize and coordinate reporting of locations at which broadband service was provided using grant funds received under this section in accordance with title VIII of the Communications Act of 1934 (47 U.S.C. 641 et seq.); and

(B) provide a standardized methodology to recipients of grants and subgrantees under this section for reporting the information described in subparagraph (A).

(4) INFORMATION ON BROADBAND SUBSIDIES AND LOW-INCOME PLANS.—

(A) ESTABLISHMENT OF WEBSITE.—Not later than 2 years after the date of enactment of this Act, the Assistant Secretary, in consultation with the Commission, shall establish a publicly available website that—

(i) allows a consumer to determine, based on financial information entered by the consumer, whether the consumer is eligible—

(I) to receive a Federal or State subsidy with respect to broadband service; or

(II) for a low-income plan with respect to broadband service; and

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(ii) contains information regarding how to apply for the applicable benefit described in clause (i).

(B) PROVISION OF DATA.—A Federal entity, State entity receiving Federal funds, or provider of broadband service that offers a subsidy or low-income plan, as applicable, with respect to broadband service shall provide data to the Assistant Secretary in a manner and format as established by the Assistant Secretary as necessary for the Assistant Secretary to carry out subparagraph (A).

(k) RELATION TO OTHER PUBLIC FUNDING.—Notwithstanding any other provision of law—

(1) an entity that has received amounts from the Federal Government or a State or local government for the purpose of expanding access to broadband service may receive a subgrant under subsection (f) in accordance with this section; and

(2) the receipt of a subgrant under subsection (f) by an entity described in paragraph (1) of this subsection shall not affect the eligibility of the entity to receive the amounts from the Federal Government or a State or local government described in that paragraph.

(l) SUPPLEMENT NOT SUPPLANT.—Grant funds awarded to an eligible entity under this section shall be used to supplement, and not supplant, the amounts that the eligible entity would otherwise make available for the purposes for which the grant funds may be used.

(m) SENSE OF CONGRESS REGARDING FEDERAL AGENCY COORDINATION.—It is the sense of Congress that Federal agencies responsible for supporting broadband deployment, including the Commission, the Department of Commerce, and the Department of Agriculture, to the extent possible, should align the goals, application and reporting processes, and project requirements with respect to broadband deployment supported by those agencies.

(n) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States District Court for the District of Columbia shall have exclusive jurisdiction to review a decision of the Assistant Secretary made under this section.

(2) STANDARD OF REVIEW.—In carrying out any review described in paragraph (1), the court shall affirm the decision of the Assistant Secretary unless—

(A) the decision was procured by corruption, fraud, or undue means;

(B) there was actual partiality or corruption in the Assistant Secretary; or

(C) the Assistant Secretary was guilty of—

(i) misconduct in refusing to review the administrative record; or

(ii) any other misbehavior by which the rights of any party have been prejudiced.

(o) EXEMPTION FROM CERTAIN LAWS.—Any action taken or decision made by the Assistant Secretary under this section shall be exempt from the requirements of—

(1) section 3506 of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act");

(2) chapter 5 or 7 of title 5, United States Code (commonly referred to as the "Administrative Procedures Act"); and

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(3) chapter 6 of title 5, United States Code (commonly referred to as the "Regulatory Flexibility Act").

SEC. 60103. BROADBAND DATA MAPS.

(a) DEFINITION.—In this section, the term "Commission" means the Federal Communications Commission.

(b) PROVISION OF INFORMATION.—A broadband provider shall provide the Commission with any information, in the format, type, or specification requested by the Commission, necessary to augment the collection of data by the Commission under—

(1) title VIII of the Communications Act of 1934 (47 U.S.C. 641 et seq.); or

(2) the Form 477 data collection program.

(c) NOTICE OF INITIAL BROADBAND DATA COLLECTION FILING DEADLINE.—The Commission—

(1) shall provide notice to broadband providers not later than 60 days before the initial deadline for submission of data under section 802(a)(1)(A) of the Communications Act of 1934 (47 U.S.C. 642(a)(1)(A)); and

(2) notwithstanding any prior decision of the Commission to the contrary, shall not be required to provide notice not later than 6 months before the initial deadline described in paragraph (1).

(d) AVAILABILITY OF CENSUS DATA.—

(1) IN GENERAL.—Section 802(b)(1) of the Communications Act of 1934 (47 U.S.C. 802(b)(1)) is amended by adding at the end the following:

"(D) AVAILABILITY OF CENSUS DATA.—The Secretary of Commerce shall submit to the Commission, for inclusion in the Fabric, a count of the aggregate number of housing units in each census block, as collected by the Bureau of the Census.".

(2) PROVISION OF UPDATED 2020 CENSUS DATA.—Not later than 30 days after receiving a request from the Commission, the Secretary of Commerce, in implementing the amendment made by paragraph (1), shall provide the Commission with a count of the aggregate number of housing units in each census block, as collected during the 2020 decennial census of population.

(e) PUBLICATION OF BROADBAND DATA MAPS ON INTERNET.—Section 802(c)(6) of the Communications Act of 1934 (47 U.S.C. 642(c)(6)) is amended, in the matter preceding paragraph (6), by inserting ", including on a publicly available website," after "make public".

SEC. 60104. REPORT ON FUTURE OF UNIVERSAL SERVICE FUND.

(a) DEFINITIONS.—In this section—

(1) the term "Commission" means the Federal Communications Commission; and

(2) the term "universal service goals for broadband" means the statutorily mandated goals of universal service for advanced telecommunications capability under section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302).

(b) EVALUATION.—Not later than 30 days after the date of enactment of this Act, the Commission shall commence a proceeding to evaluate the implications of this Act and the amendments made by this Act on how the Commission should achieve the universal service goals for broadband.

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(c) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Commission shall submit to Congress a report on the options of the Commission for improving its effectiveness in achieving the universal service goals for broadband in light of this Act and the amendments made by this Act, and other legislation that addresses those goals.

(2) RECOMMENDATIONS.—In the report submitted under paragraph (1), the Commission may make recommendations for Congress on further actions the Commission and Congress could take to improve the ability of the Commission to achieve the universal service goals for broadband.

(3) SCOPE OF UNIVERSAL SERVICE.—In submitting the report under paragraph (1), the Commission—

(A) may not in any way reduce the congressional mandate to achieve the universal service goals for broadband; and

(B) may provide recommendations for Congress to expand the universal service goals for broadband, if the Commission believes such an expansion is in the public interest.

SEC. 60105. BROADBAND DEPLOYMENT LOCATIONS MAP.

(a) DEFINITIONS.—In this section:

(1) BROADBAND INFRASTRUCTURE.—The term "broadband infrastructure" means any cables, fiber optics, wiring, or other permanent (integral to the structure) infrastructure, including wireless infrastructure, that—

(A) is capable of providing access to internet connections in individual locations; and

(B) is an advanced telecommunications capability, as defined in section 706(d) of the Telecommunications Act of 1996 (47 U.S.C. 1302(d)).

(2) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(3) DEPLOYMENT LOCATIONS MAP.—The term "Deployment Locations Map" means the mapping tool required to be established under subsection (b).

(b) ESTABLISHMENT OF DEPLOYMENT LOCATIONS MAP.—Not later than 18 months after the date of enactment of this Act, the Commission shall, in consultation with all relevant Federal agencies, establish an online mapping tool to provide a locations overview of the overall geographic footprint of each broadband infrastructure deployment project funded by the Federal Government.

(c) REQUIREMENTS.—The Deployment Locations Map shall be—

(1) the centralized, authoritative source of information on funding made available by the Federal Government for broadband infrastructure deployment in the United States; and

(2) made publicly available on the website of the Commission.

(d) FUNCTIONS.—In establishing the Deployment Locations Map, the Commission shall ensure that the Deployment Locations Map—

(1) compiles data related to Federal funding for broadband infrastructure deployment provided by the Commission, the National Telecommunications and Information Administration,

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the Department of Agriculture, the Department of Health and Human Services, the Department of the Treasury, the Department of Housing and Urban Development, the Institute of Museum and Library Sciences, and any other Federal agency that provides such data relating to broadband infrastructure deployment funding to the Commission, including funding under—

(A) this Act;

(B) the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136);

(C) the Consolidated Appropriations Act, 2021 (Public Law 116–260);

(D) American Rescue Plan Act of 2021 (Public Law 117–2); or

(E) any Federal amounts appropriated or any Federal program authorized after the date of enactment of this Act to fund broadband infrastructure deployment;

(2) contains data, with respect to each broadband infrastructure deployment program, relating to—

(A) the Federal agency of jurisdiction;

(B) the program title; and

(C) the network type, including wired, terrestrial fixed, wireless, mobile, and satellite broadband infrastructure deployment;

(3) allows users to manipulate the Deployment Locations Map to identify, search, and filter broadband infrastructure deployment projects by—

(A) company name;

(B) duration timeline, including the dates of a project's beginning and ending, or anticipated beginning or ending date;

(C) total number of locations to which a project makes service available; and

(D) relevant download and upload speeds; and

(4) incorporates broadband service availability data as depicted in the Broadband Map created under section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)).

(e) PERIODIC UPDATES.—

(1) IN GENERAL.—The Commission shall, in consultation with relevant Federal agencies, ensure the Deployment Locations Map is maintained and up to date on a periodic basis, but not less frequently than once every 180 days.

(2) OTHER FEDERAL AGENCIES.—Each Federal agency providing funding for broadband infrastructure deployment shall report relevant data to the Commission on a periodic basis.

(f) NO EFFECT ON PROGRAMMATIC MISSIONS.—Nothing in this section shall be construed to affect the programmatic missions of Federal agencies providing funding for broadband infrastructure development.

(g) NONDUPLICATION.—The requirements in this section shall be consistent with and avoid duplication with the provisions of section 903 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

(h) FUNDING.—Of the amounts appropriated to carry out this division under this Act, $10,000,000 shall be made available to carry out this section.

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TITLE II—TRIBAL CONNECTIVITY TECHNICAL AMENDMENTS.

SEC. 60201. TRIBAL CONNECTIVITY TECHNICAL AMENDMENTS.

Section 905 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) is amended—

(1) in subsection (c)—

(A) in paragraph (1)(B), by striking "during the COVID–19 pandemic";

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i), by striking "180 days after receiving grant funds" and inserting "18 months after receiving an allocation of funds pursuant to a specific grant award"; and

(II) in clause (ii), by striking "revert to the general fund of the Treasury" and inserting "be made available to other eligible entities for the purposes provided in this subsection";

(ii) in subparagraph (B)—

(I) in clause (i), by striking "1 year after receiving grant funds" and inserting "4 years after receiving an allocation of funds pursuant to a specific grant award";

(II) by redesignating clause (iii) as clause (iv); and

(III) by inserting after clause (ii) the following:

"(iii) EXTENSIONS FOR OTHER PROJECTS.—The Assistant Secretary may, for good cause shown, extend the period under clause (i) for an eligible entity that proposes to use the grant funds for an eligible use other than construction of broadband infrastructure, based on a detailed showing by the eligible entity of the need for an extension."; and

(iii) by adding at the end the following:

"(C) MULTIPLE GRANT AWARDS.—If the Assistant Secretary awards multiple grants to an eligible entity under this subsection, the deadlines under subparagraphs (A) and (B) shall apply individually to each grant award."; and

(C) by striking paragraph (6) and inserting the following:

"(6) ADMINISTRATIVE EXPENSES OF ELIGIBLE ENTITIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an eligible entity may use not more than 2 percent of grant funds received under this subsection for administrative purposes.

"(B) BROADBAND INFRASTRUCTURE PROJECTS.—An eligible entity that proposes to use grant funds for the construction of broadband infrastructure may use an amount of the grant funds equal to not more than 2.5 percent of the total project cost for planning, feasibility, and sustainability studies related to the project."; and

(2) in subsection (e), by adding at the end the following:

"(6) ADDITIONAL APPROPRIATIONS FOR TRIBAL BROADBAND CONNECTIVITY PROGRAM.—

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"(A) DEFINITION.—In this paragraph, the term 'initial round of funding'—

"(i) means the allocation under paragraph (2)(E) of funds appropriated under subsection (b)(1); and

"(ii) does not include any reallocation of funds under paragraph (2)(F).

"(B) NEW FUNDING.—If Congress appropriates additional funds for grants under subsection (c) after the date of enactment of this Act, the Assistant Secretary—

"(i) may use a portion of the funds to fully fund any grants under that subsection for which the Assistant Secretary received an application and which the Assistant Secretary did not fully fund during the initial round of funding; and

"(ii) shall allocate any remaining funds through subsequent funding rounds consistent with the requirements of this section, except as provided in subparagraph (C) of this paragraph.

"(C) EXCEPTIONS.—If Congress appropriates additional funds for grants under subsection (c) after the date of enactment of this Act—

"(i) the Assistant Secretary shall not be required to issue an additional notice under paragraph (1) of this subsection, but shall inform eligible entities that additional funding has been made available for grants under subsection (c) and describe the changes made to the Tribal Broadband Connectivity Program under that subsection by section 60201 of the Infrastructure Investment and Jobs Act;

"(ii) the requirement under paragraph (2)(C) of this subsection shall be applied individually to each round of funding for grants under subsection (c);

"(iii) paragraph (2)(A) of this subsection shall be applied by substituting '180-day period beginning on the date on which the Assistant Secretary informs eligible entities that additional funding has been made available for grants under subsection (c)' for '90-day period beginning on the date on which the Assistant Secretary issues the notice under paragraph (1)'; and

"(iv) notwithstanding paragraph (2)(F) of this subsection, in the case of funds appropriated under subsection (b)(1) that were not allocated during the initial round of funding, the Assistant Secretary may elect to allocate the funds during any subsequent round of funding for grants under subsection (c).".

TITLE III—DIGITAL EQUITY ACT OF 2021

SEC. 60301. SHORT TITLE.

This title may be cited as the "Digital Equity Act of 2021".

SEC. 60302. DEFINITIONS.

In this title:

(1) ADOPTION OF BROADBAND.—The term "adoption of broadband" means the process by which an individual obtains daily access to the internet—

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(A) at a speed, quality, and capacity—

(i) that is necessary for the individual to accomplish common tasks; and

(ii) such that the access qualifies as an advanced telecommunications capability;

(B) with the digital skills that are necessary for the individual to participate online; and

(C) on a—

(i) personal device; and

(ii) secure and convenient network.

(2) ADVANCED TELECOMMUNICATIONS CAPABILITY.—The term "advanced telecommunications capability" has the meaning given the term in section 706(d) of the Telecommunications Act of 1996 (47 U.S.C. 1302(d)).

(3) AGING INDIVIDUAL.—The term "aging individual" has the meaning given the term "older individual" in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(4) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Appropriations of the Senate;

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

(C) the Committee on Appropriations of the House of Representatives; and

(D) the Committee on Energy and Commerce of the House of Representatives.

(5) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary of Commerce for Communications and Information.

(6) COMMUNITY ANCHOR INSTITUTION.—The term "community anchor institution" means a public school, a public or multi-family housing authority, a library, a medical or healthcare provider, a community college or other institution of higher education, a State library agency, and any other nonprofit or governmental community support organization.

(7) COVERED HOUSEHOLD.—The term "covered household" means a household, the income of which for the most recently completed year is not more than 150 percent of an amount equal to the poverty level, as determined by using criteria of poverty established by the Bureau of the Census.

(8) COVERED POPULATIONS.—The term "covered populations" means—

(A) individuals who live in covered households;

(B) aging individuals;

(C) incarcerated individuals, other than individuals who are incarcerated in a Federal correctional facility;

(D) veterans;

(E) individuals with disabilities;

(F) individuals with a language barrier, including individuals who—

(i) are English learners; and

(ii) have low levels of literacy;

(G) individuals who are members of a racial or ethnic minority group; and

(H) individuals who primarily reside in a rural area.

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(9) COVERED PROGRAMS.—The term "covered programs" means the State Digital Equity Capacity Grant Program established under section 60304 and the Digital Equity Competitive Grant Program established under section 60305.

(10) DIGITAL EQUITY.—The term "digital equity" means the condition in which individuals and communities have the information technology capacity that is needed for full participation in the society and economy of the United States.

(11) DIGITAL INCLUSION.—The term "digital inclusion"—

(A) means the activities that are necessary to ensure that all individuals in the United States have access to, and the use of, affordable information and communication technologies, such as—

(i) reliable fixed and wireless broadband internet service;

(ii) internet-enabled devices that meet the needs of the user; and

(iii) applications and online content designed to enable and encourage self-sufficiency, participation, and collaboration; and

(B) includes—

(i) obtaining access to digital literacy training;

(ii) the provision of quality technical support; and

(iii) obtaining basic awareness of measures to ensure online privacy and cybersecurity.

(12) DIGITAL LITERACY.—The term "digital literacy" means the skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information.

(13) DISABILITY.—The term "disability" has the meaning given the term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(14) ELIGIBLE STATE.—The term "eligible State" means—

(A) with respect to planning grants made available under section 60304(c)(3), a State with respect to which the Assistant Secretary has approved an application submitted to the Assistant Secretary under section 60304(c)(3)(C); and

(B) with respect to capacity grants awarded under section 60304(d), a State with respect to which the Assistant Secretary has approved an application submitted to the Assistant Secretary under section 60304(d)(2), including approval of the State Digital Equity Plan developed by the State under section 60304(c).

(15) GENDER IDENTITY.—The term "gender identity" has the meaning given the term in section 249(c) of title 18, United States Code.

(16) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

(17) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education"—

(A) has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

(B) includes a postsecondary vocational institution.

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(18) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 8101(30) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(30)).

(19) POSTSECONDARY VOCATIONAL INSTITUTION.—The term "postsecondary vocational institution" has the meaning given the term in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c)).

(20) RURAL AREA.—The term "rural area" has the meaning given the term in section 601(b)(3) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(b)(3)).

(21) STATE.—The term "State" means—

(A) any State of the United States;

(B) the District of Columbia; and

(C) the Commonwealth of Puerto Rico.

(22) VETERAN.—The term "veteran" has the meaning given the term in section 101 of title 38, United States Code.

(23) WORKFORCE DEVELOPMENT PROGRAM.—The term "workforce development program" has the meaning given the term in section 3(66) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102(66)).

SEC. 60303. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) a broadband connection and digital literacy are increasingly critical to how individuals—

(A) participate in the society, economy, and civic institutions of the United States; and

(B) access health care and essential services, obtain education, and build careers;

(2) digital exclusion—

(A) carries a high societal and economic cost;

(B) materially harms the opportunity of an individual with respect to the economic success, educational achievement, positive health outcomes, social inclusion, and civic engagement of that individual; and

(C) exacerbates existing wealth and income gaps, especially those experienced by covered populations;

(3) achieving digital equity for all people of the United States requires additional and sustained investment and research efforts;

(4) the Federal Government, as well as State, tribal, territorial, and local governments, have made social, legal, and economic obligations that necessarily extend to how the citizens and residents of those governments access and use the internet; and

(5) achieving digital equity is a matter of social and economic justice and is worth pursuing.

SEC. 60304. STATE DIGITAL EQUITY CAPACITY GRANT PROGRAM.

(a) ESTABLISHMENT; PURPOSE.—

(1) IN GENERAL.—The Assistant Secretary shall establish in the Department of Commerce the State Digital Equity Capacity Grant Program (referred to in this section as the "Program")—

(A) the purpose of which is to promote the achievement of digital equity, support digital inclusion activities, and

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build capacity for efforts by States relating to the adoption of broadband by residents of those States;

(B) through which the Assistant Secretary shall make grants to States in accordance with the requirements of this section; and

(C) which shall ensure that States have the capacity to promote the achievement of digital equity and support digital inclusion activities.

(2) CONSULTATION WITH OTHER FEDERAL AGENCIES; NO CONFLICT.—In establishing the Program under paragraph (1), the Assistant Secretary shall—

(A) consult with—

(i) the Secretary of Agriculture;

(ii) the Secretary of Housing and Urban Development;

(iii) the Secretary of Education;

(iv) the Secretary of Labor;

(v) the Secretary of Health and Human Services;

(vi) the Secretary of Veterans Affairs;

(vii) the Secretary of the Interior;

(viii) the Federal Communications Commission;

(ix) the Federal Trade Commission;

(x) the Director of the Institute of Museum and Library Services;

(xi) the Administrator of the Small Business Administration;

(xii) the Federal Co-Chair of the Appalachian Regional Commission; and

(xiii) the head of any other agency that the Assistant Secretary determines to be appropriate; and

(B) ensure that the Program complements and enhances, and does not conflict with, other Federal broadband initiatives and programs.

(b) ADMINISTERING ENTITY.—

(1) SELECTION; FUNCTION.—The governor (or equivalent official) of a State that wishes to be awarded a grant under this section shall, from among entities that are eligible under paragraph (2), select an administering entity for that State, which shall—

(A) serve as the recipient of, and administering agent for, any grant awarded to the State under this section;

(B) develop, implement, and oversee the State Digital Equity Plan for the State described in subsection (c);

(C) make subgrants to any entity described in subsection (c)(1)(D) that is located in the State in support of—

(i) the State Digital Equity Plan for the State; and

(ii) digital inclusion activities in the State generally; and

(D) serve as—

(i) an advocate for digital equity policy and digital inclusion activities; and

(ii) a repository of best practice materials regarding the policies and activities described in clause (i).

(2) ELIGIBLE ENTITIES.—Any of the following entities may serve as the administering entity for a State for the purposes

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of this section if the entity has demonstrated a capacity to administer the Program on a statewide level:

(A) The State, a political subdivision, agency, or instrumentality of the State, an Indian Tribe located in the State, an Alaska Native entity located in the State, or a Native Hawaiian organization located in the State.

(B) A foundation, corporation, institution, association, or coalition that is—

(i) a not-for-profit entity;

(ii) providing services in the State; and

(iii) not a school.

(C) A community anchor institution, other than a school, that is located in the State.

(D) A local educational agency that is located in the State.

(E) An entity located in the State that carries out a workforce development program.

(F) An agency of the State that is responsible for administering or supervising adult education and literacy activities in the State.

(G) A public or multi-family housing authority that is located in the State.

(H) A partnership between any of the entities described in subparagraphs (A) through (G).

(c) STATE DIGITAL EQUITY PLAN.—

(1) DEVELOPMENT; CONTENTS.—A State that wishes to be awarded a grant under subsection (d) shall develop a State Digital Equity Plan for the State, which shall include—

(A) the identification of the barriers to digital equity faced by covered populations in the State;

(B) measurable objectives for documenting and promoting, among each group described in subparagraphs (A) through (H) of section 60302(8) located in that State—

(i) the availability of, and affordability of access to, fixed and wireless broadband technology;

(ii) the online accessibility and inclusivity of public resources and services;

(iii) digital literacy;

(iv) awareness of, and the use of, measures to secure the online privacy of, and cybersecurity with respect to, an individual; and

(v) the availability and affordability of consumer devices and technical support for those devices;

(C) an assessment of how the objectives described in subparagraph (B) will impact and interact with the State's—

(i) economic and workforce development goals, plans, and outcomes;

(ii) educational outcomes;

(iii) health outcomes;

(iv) civic and social engagement; and

(v) delivery of other essential services;

(D) in order to achieve the objectives described in subparagraph (B), a description of how the State plans to collaborate with key stakeholders in the State, which may include—

(i) community anchor institutions;

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(ii) county and municipal governments;
(iii) local educational agencies;
(iv) where applicable, Indian Tribes, Alaska Native entities, or Native Hawaiian organizations;
(v) nonprofit organizations;
(vi) organizations that represent—
(I) individuals with disabilities, including organizations that represent children with disabilities;
(II) aging individuals;
(III) individuals with language barriers, including—
(aa) individuals who are English learners; and
(bb) individuals who have low levels of literacy;
(IV) veterans; and
(V) individuals in that State who are incarcerated in facilities other than Federal correctional facilities;
(vii) civil rights organizations;
(viii) entities that carry out workforce development programs;
(ix) agencies of the State that are responsible for administering or supervising adult education and literacy activities in the State;
(x) public housing authorities in the State; and
(xi) a partnership between any of the entities described in clauses (i) through (x); and
(E) a list of organizations with which the administering entity for the State collaborated in developing and implementing the Plan.
(2) PUBLIC AVAILABILITY.—
(A) IN GENERAL.—The administering entity for a State shall make the State Digital Equity Plan of the State available for public comment for a period of not less than 30 days before the date on which the State submits an application to the Assistant Secretary under subsection (d)(2).
(B) CONSIDERATION OF COMMENTS RECEIVED.—The administering entity for a State shall, with respect to an application submitted to the Assistant Secretary under subsection (d)(2)—
(i) before submitting the application—
(I) consider all comments received during the comment period described in subparagraph (A) with respect to the application (referred to in this subparagraph as the "comment period"); and
(II) make any changes to the plan that the administering entity determines to be worthwhile; and
(ii) when submitting the application—
(I) describe any changes pursued by the administering entity in response to comments received during the comment period; and
(II) include a written response to each comment received during the comment period.

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(3) PLANNING GRANTS.—

(A) IN GENERAL.—Beginning in the first fiscal year that begins after the date of enactment of this Act, the Assistant Secretary shall, in accordance with the requirements of this paragraph, award planning grants to States for the purpose of developing the State Digital Equity Plans of those States under this subsection.

(B) ELIGIBILITY.—In order to be awarded a planning grant under this paragraph, a State—

(i) shall submit to the Assistant Secretary an application under subparagraph (C); and

(ii) may not have been awarded, at any time, a planning grant under this paragraph.

(C) APPLICATION.—A State that wishes to be awarded a planning grant under this paragraph shall, not later than 60 days after the date on which the notice of funding availability with respect to the grant is released, submit to the Assistant Secretary an application, in a format to be determined by the Assistant Secretary, that contains the following materials:

(i) A description of the entity selected to serve as the administering entity for the State, as described in subsection (b).

(ii) A certification from the State that, not later than 1 year after the date on which the Assistant Secretary awards the planning grant to the State, the administering entity for that State shall develop a State Digital Equity Plan under this subsection, which—

(I) the administering entity shall submit to the Assistant Secretary; and

(II) shall comply with the requirements of this subsection, including the requirement under paragraph (2)(B).

(iii) The assurances required under subsection (e).

(D) AWARDS.—

(i) AMOUNT OF GRANT.—A planning grant awarded to an eligible State under this paragraph shall be determined according to the formula under subsection (d)(3)(A)(i).

(ii) DURATION.—

(I) IN GENERAL.—Except as provided in subclause (II), with respect to a planning grant awarded to an eligible State under this paragraph, the State shall expend the grant funds during the 1-year period beginning on the date on which the State is awarded the grant funds.

(II) EXCEPTION.—The Assistant Secretary may grant an extension of not longer than 180 days with respect to the requirement under subclause (I).

(iii) CHALLENGE MECHANISM.—The Assistant Secretary shall ensure that any eligible State to which a planning grant is awarded under this paragraph may appeal or otherwise challenge in a timely fashion the amount of the grant awarded to the State, as determined under clause (i).

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(E) USE OF FUNDS.—An eligible State to which a planning grant is awarded under this paragraph shall, through the administering entity for that State, use the grant funds only for the following purposes:

(i) To develop the State Digital Equity Plan of the State under this subsection.

(ii)(I) Subject to subclause (II), to make subgrants to any of the entities described in paragraph (1)(D) to assist in the development of the State Digital Equity Plan of the State under this subsection.

(II) If the administering entity for a State makes a subgrant described in subclause (I), the administering entity shall, with respect to the subgrant, provide to the State the assurances required under subsection (e).

(d) STATE CAPACITY GRANTS.—

(1) IN GENERAL.—Beginning not later than 2 years after the date on which the Assistant Secretary begins awarding planning grants under subsection (c)(3), the Assistant Secretary shall each year award grants to eligible States to support—

(A) the implementation of the State Digital Equity Plans of those States; and

(B) digital inclusion activities in those States.

(2) APPLICATION.—A State that wishes to be awarded a grant under this subsection shall, not later than 60 days after the date on which the notice of funding availability with respect to the grant is released, submit to the Assistant Secretary an application, in a format to be determined by the Assistant Secretary, that contains the following materials:

(A) A description of the entity selected to serve as the administering entity for the State, as described in subsection (b).

(B) The State Digital Equity Plan of that State, as described in subsection (c).

(C) A certification that the State, acting through the administering entity for the State, shall—

(i) implement the State Digital Equity Plan of the State; and

(ii) make grants in a manner that is consistent with the aims of the Plan described in clause (i).

(D) The assurances required under subsection (e).

(E) In the case of a State to which the Assistant Secretary has previously awarded a grant under this subsection, any amendments to the State Digital Equity Plan of that State, as compared with the State Digital Equity Plan of the State previously submitted.

(3) AWARDS.—

(A) AMOUNT OF GRANT.—

(i) FORMULA.—Subject to clauses (ii), (iii), and (iv), the Assistant Secretary shall calculate the amount of a grant awarded to an eligible State under this subsection in accordance with the following criteria, using the best available data for all States for the fiscal year in which the grant is awarded:

(I) 50 percent of the total grant amount shall be based on the population of the eligible State

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in proportion to the total population of all eligible States.

(II) 25 percent of the total grant amount shall be based on the number of individuals in the eligible State who are members of covered populations in proportion to the total number of individuals in all eligible States who are members of covered populations.

(III) 25 percent of the total grant amount shall be based on the comparative lack of availability and adoption of broadband in the eligible State in proportion to the lack of availability and adoption of broadband of all eligible States, which shall be determined according to data collected from—

(aa) the annual inquiry of the Federal Communications Commission conducted under section 706(b) of the Telecommunications Act of 1996 (47 U.S.C. 1302(b));

(bb) the American Community Survey or, if necessary, other data collected by the Bureau of the Census;

(cc) the NTIA Internet Use Survey, which is administered as the Computer and Internet Use Supplement to the Current Population Survey of the Bureau of the Census; and

(dd) any other source that the Assistant Secretary, after appropriate notice and opportunity for public comment, determines to be appropriate.

(ii) MINIMUM AWARD.—The amount of a grant awarded to an eligible State under this subsection in a fiscal year shall be not less than 0.5 percent of the total amount made available to award grants to eligible States for that fiscal year.

(iii) ADDITIONAL AMOUNTS.—If, after awarding planning grants to States under subsection (c)(3) and capacity grants to eligible States under this subsection in a fiscal year, there are amounts remaining to carry out this section, the Assistant Secretary shall distribute those amounts—

(I) to eligible States to which the Assistant Secretary has awarded grants under this subsection for that fiscal year; and

(II) in accordance with the formula described in clause (i).

(iv) DATA UNAVAILABLE.—If, in a fiscal year, the Commonwealth of Puerto Rico (referred to in this clause as "Puerto Rico") is an eligible State and specific data for Puerto Rico is unavailable for a factor described in subclause (I), (II), or (II) of clause (i), the Assistant Secretary shall use the median data point with respect to that factor among all eligible States and assign it to Puerto Rico for the purposes of making any calculation under that clause for that fiscal year.

(B) DURATION.—With respect to a grant awarded to an eligible State under this subsection, the eligible State shall expend the grant funds during the 5-year period

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beginning on the date on which the eligible State is awarded the grant funds.

(C) CHALLENGE MECHANISM.—The Assistant Secretary shall ensure that any eligible State to which a grant is awarded under this subsection may appeal or otherwise challenge in a timely fashion the amount of the grant awarded to the State, as determined under subparagraph (A).

(D) USE OF FUNDS.—The administering entity for an eligible State to which a grant is awarded under this subsection shall use the grant amounts for the following purposes:

(i)(I) Subject to subclause (II), to update or maintain the State Digital Equity Plan of the State.

(II) An administering entity for an eligible State to which a grant is awarded under this subsection may use not more than 20 percent of the amount of the grant for the purpose described in subclause (I).

(ii) To implement the State Digital Equity Plan of the State.

(iii)(I) Subject to subclause (II), to award a grant to any entity that is described in section 60305(b) and is located in the eligible State in order to—

(aa) assist in the implementation of the State Digital Equity Plan of the State;

(bb) pursue digital inclusion activities in the State consistent with the State Digital Equity Plan of the State; and

(cc) report to the State regarding the digital inclusion activities of the entity.

(II) Before an administering entity for an eligible State may award a grant under subclause (I), the administering entity shall require the entity to which the grant is awarded to certify that—

(aa) the entity shall carry out the activities required under items (aa), (bb), and (cc) of that subclause;

(bb) the receipt of the grant shall not result in unjust enrichment of the entity; and

(cc) the entity shall cooperate with any evaluation—

(AA) of any program that relates to a grant awarded to the entity; and

(BB) that is carried out by or for the administering entity, the Assistant Secretary, or another Federal official.

(iv)(I) Subject to subclause (II), to evaluate the efficacy of the efforts funded by grants made under clause (iii).

(II) An administering entity for an eligible State to which a grant is awarded under this subsection may use not more than 5 percent of the amount of the grant for a purpose described in subclause (I).

(v)(I) Subject to subclause (II), for the administrative costs incurred in carrying out the activities described in clauses (i) through (iv).

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(II) An administering entity for an eligible State to which a grant is awarded under this subsection may use not more than 3 percent of the amount of the grant for a purpose described in subclause (I).

(e) ASSURANCES.—When applying for a grant under this section, a State shall include in the application for that grant assurances that—

(1) if an entity described in section 60305(b) is awarded grant funds under this section (referred to in this subsection as a "covered recipient"), provide that—

(A) the covered recipient shall use the grant funds in accordance with any applicable statute, regulation, and application procedure;

(B) the administering entity for that State shall adopt and use proper methods of administering any grant that the covered recipient is awarded, including by—

(i) enforcing any obligation imposed under law on any agency, institution, organization, or other entity that is responsible for carrying out the program to which the grant relates;

(ii) correcting any deficiency in the operation of a program to which the grant relates, as identified through an audit or another monitoring or evaluation procedure; and

(iii) adopting written procedures for the receipt and resolution of complaints alleging a violation of law with respect to a program to which the grant relates; and

(C) the administering entity for that State shall cooperate in carrying out any evaluation—

(i) of any program that relates to a grant awarded to the covered recipient; and

(ii) that is carried out by or for the Assistant Secretary or another Federal official;

(2) the administering entity for that State shall—

(A) use fiscal control and fund accounting procedures that ensure the proper disbursement of, and accounting for, any Federal funds that the State is awarded under this section;

(B) submit to the Assistant Secretary any reports that may be necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under this section;

(C) maintain any records and provide any information to the Assistant Secretary, including those records, that the Assistant Secretary determines is necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under this section; and

(D) with respect to any significant proposed change or amendment to the State Digital Equity Plan for the State, make the change or amendment available for public comment in accordance with subsection (c)(2); and

(3) the State, before submitting to the Assistant Secretary the State Digital Equity Plan of the State, has complied with the requirements of subsection (c)(2).

(f) TERMINATION OF GRANT.—

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(1) IN GENERAL.—The Assistant Secretary shall terminate a grant awarded to an eligible State under this section if, after notice to the State and opportunity for a hearing, the Assistant Secretary—

(A) presents to the State a rationale and supporting information that clearly demonstrates that—

(i) the grant funds are not contributing to the development or execution of the State Digital Equity Plan of the State, as applicable; and

(ii) the State is not upholding assurances made by the State to the Assistant Secretary under subsection (e); and

(B) determines that the grant is no longer necessary to achieve the original purpose for which Assistant Secretary awarded the grant.

(2) REDISTRIBUTION.—If the Assistant Secretary, in a fiscal year, terminates a grant under paragraph (1), the Assistant Secretary shall redistribute the unspent grant amounts—

(A) to eligible States to which the Assistant Secretary has awarded grants under subsection (d) for that fiscal year; and

(B) in accordance with the formula described in subsection (d)(3)(A)(i).

(g) REPORTING AND INFORMATION REQUIREMENTS; INTERNET DISCLOSURE.—The Assistant Secretary—

(1) shall—

(A) require any entity to which a grant, including a subgrant, is awarded under this section to publicly report, for each year during the period described in subsection (c)(3)(D)(ii) or (d)(3)(B), as applicable, with respect to the grant, and in a format specified by the Assistant Secretary, on—

(i) the use of that grant by the entity;

(ii) the progress of the entity towards fulfilling the objectives for which the grant was awarded; and

(iii) the implementation of the State Digital Equity Plan of the State;

(B) establish appropriate mechanisms to ensure that each eligible State to which a grant is awarded under this section—

(i) uses the grant amounts in an appropriate manner; and

(ii) complies with all terms with respect to the use of the grant amounts; and

(C) create and maintain a fully searchable database, which shall be accessible on the internet at no cost to the public, that contains, at a minimum—

(i) the application of each State that has applied for a grant under this section;

(ii) the status of each application described in clause (i);

(iii) each report submitted by an entity under subparagraph (A);

(iv) a record of public comments made regarding the State Digital Equity Plan of a State, as well as any written responses to or actions taken as a result of those comments; and

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(v) any other information that is sufficient to allow the public to understand and monitor grants awarded under this section; and

(2) may establish additional reporting and information requirements for any recipient of a grant under this section.

(h) SUPPLEMENT NOT SUPPLANT.—A grant or subgrant awarded under this section shall supplement, not supplant, other Federal or State funds that have been made available to carry out activities described in this section.

(i) SET ASIDES.—From amounts made available in a fiscal year to carry out the Program, the Assistant Secretary shall reserve—

(1) not more than 5 percent for the implementation and administration of the Program, which shall include—

(A) providing technical support and assistance, including ensuring consistency in data reporting;

(B) providing assistance to—

(i) States, or administering entities for States, to prepare the applications of those States; and

(ii) administering entities with respect to grants awarded under this section; and

(C) developing the report required under section 60306(a);

(2) not less than 5 percent to award grants to, or enter into contracts or cooperative agreements with, Indian Tribes, Alaska Native entities, and Native Hawaiian organizations to allow those tribes, entities, and organizations to carry out the activities described in this section; and

(3) not less than 1 percent to award grants to, or enter into contracts or cooperative agreements with, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States that is not a State to enable those entities to carry out the activities described in this section.

(j) RULES.—The Assistant Secretary may prescribe such rules as may be necessary to carry out this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $60,000,000 for the award of grants under subsection (c)(3), which shall remain available until expended;

(2) for the award of grants under subsection (d)—

(A) $240,000,000 for fiscal year 2022; and

(B) $300,000,000 for each of fiscal years 2023 through 2026; and

(3) such sums as may be necessary to carry out this section for each fiscal year after the end of the 5-fiscal year period described in paragraph (2).

SEC. 60305. DIGITAL EQUITY COMPETITIVE GRANT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 30 days after the date on which the Assistant Secretary begins awarding grants under section 60304(d), and not before that date, the Assistant Secretary shall establish in the Department of Commerce the Digital Equity Competitive Grant Program (referred to in this section as the "Program"), the purpose of which is to award grants to support efforts to achieve digital equity, promote

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digital inclusion activities, and spur greater adoption of broadband among covered populations.

(2) CONSULTATION; NO CONFLICT.—In establishing the Program under paragraph (1), the Assistant Secretary—

(A) may consult a State with respect to—

(i) the identification of groups described in subparagraphs (A) through (H) of section 60302(8) located in that State; and

(ii) the allocation of grant funds within that State for projects in or affecting the State; and

(B) shall—

(i) consult with—

(I) the Secretary of Agriculture;

(II) the Secretary of Housing and Urban Development;

(III) the Secretary of Education;

(IV) the Secretary of Labor;

(V) the Secretary of Health and Human Services;

(VI) the Secretary of Veterans Affairs;

(VII) the Secretary of the Interior;

(VIII) the Federal Communications Commission;

(IX) the Federal Trade Commission;

(X) the Director of the Institute of Museum and Library Services;

(XI) the Administrator of the Small Business Administration;

(XII) the Federal Co-Chair of the Appalachian Regional Commission; and

(XIII) the head of any other agency that the Assistant Secretary determines to be appropriate; and

(ii) ensure that the Program complements and enhances, and does not conflict with, other Federal broadband initiatives and programs.

(b) ELIGIBILITY.—The Assistant Secretary may award a grant under the Program to any of the following entities if the entity is not serving, and has not served, as the administering entity for a State under section 60304(b):

(1) A political subdivision, agency, or instrumentality of a State, including an agency of a State that is responsible for administering or supervising adult education and literacy activities, or for providing public housing, in the State.

(2) An Indian Tribe, an Alaska Native entity, or a Native Hawaiian organization.

(3) A foundation, corporation, institution, or association that is—

(A) a not-for-profit entity; and

(B) not a school.

(4) A community anchor institution.

(5) A local educational agency.

(6) An entity that carries out a workforce development program.

(7) A partnership between any of the entities described in paragraphs (1) through (6).

(8) A partnership between—

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(A) an entity described in any of paragraphs (1) through (6); and

(B) an entity that—

(i) the Assistant Secretary, by rule, determines to be in the public interest; and

(ii) is not a school.

(c) APPLICATION.—An entity that wishes to be awarded a grant under the Program shall submit to the Assistant Secretary an application—

(1) at such time, in such form, and containing such information as the Assistant Secretary may require; and

(2) that—

(A) provides a detailed explanation of how the entity will use any grant amounts awarded under the Program to carry out the purposes of the Program in an efficient and expeditious manner;

(B) identifies the period in which the applicant will expend the grant funds awarded under the Program;

(C) includes—

(i) a justification for the amount of the grant that the applicant is requesting; and

(ii) for each fiscal year in which the applicant will expend the grant funds, a budget for the activities that the grant funds will support;

(D) demonstrates to the satisfaction of the Assistant Secretary that the entity—

(i) is capable of carrying out—

(I) the project or function to which the application relates; and

(II) the activities described in subsection (h)—

(aa) in a competent manner; and

(bb) in compliance with all applicable Federal, State, and local laws; and

(ii) if the applicant is an entity described in subsection (b)(1), shall appropriate or otherwise unconditionally obligate from non-Federal sources funds that are necessary to meet the requirements of subsection (e);

(E) discloses to the Assistant Secretary the source and amount of other Federal, State, or outside funding sources from which the entity receives, or has applied for, funding for activities or projects to which the application relates; and

(F) provides—

(i) the assurances that are required under subsection (f); and

(ii) an assurance that the entity shall follow such additional procedures as the Assistant Secretary may require to ensure that grant funds are used and accounted for in an appropriate manner.

(d) AWARD OF GRANTS.—

(1) FACTORS CONSIDERED IN AWARD OF GRANTS.—In deciding whether to award a grant under the Program, the Assistant Secretary shall, to the extent practicable, consider—

(A) whether an application shall, if approved—

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(i) increase internet access and the adoption of broadband among covered populations to be served by the applicant; and

(ii) not result in unjust enrichment;

(B) the comparative geographic diversity of the application in relation to other eligible applications; and

(C) the extent to which an application may duplicate or conflict with another program.

(2) USE OF FUNDS.—

(A) IN GENERAL.—In addition to the activities required under subparagraph (B), an entity to which the Assistant Secretary awards a grant under the Program shall use the grant amounts to support not less than 1 of the following activities:

(i) To develop and implement digital inclusion activities that benefit covered populations.

(ii) To facilitate the adoption of broadband by covered populations in order to provide educational and employment opportunities to those populations.

(iii) To implement, consistent with the purposes of this title—

(I) training programs for covered populations that cover basic, advanced, and applied skills; or

(II) other workforce development programs.

(iv) To make available equipment, instrumentation, networking capability, hardware and software, or digital network technology for broadband services to covered populations at low or no cost.

(v) To construct, upgrade, expend, or operate new or existing public access computing centers for covered populations through community anchor institutions.

(vi) To undertake any other project and activity that the Assistant Secretary finds to be consistent with the purposes for which the Program is established.

(B) EVALUATION.—

(i) IN GENERAL.—An entity to which the Assistant Secretary awards a grant under the Program shall use not more than 10 percent of the grant amounts to measure and evaluate the activities supported with the grant amounts.

(ii) SUBMISSION TO ASSISTANT SECRETARY.—An entity to which the Assistant Secretary awards a grant under the Program shall submit to the Assistant Secretary each measurement and evaluation performed under clause (i)—

(I) in a manner specified by the Assistant Secretary;

(II) not later than 15 months after the date on which the entity is awarded the grant amounts; and

(III) annually after the submission described in subclause (II) for any year in which the entity expends grant amounts.

(C) ADMINISTRATIVE COSTS.—An entity to which the Assistant Secretary awards a grant under the Program may use not more than 10 percent of the amount of the

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grant for administrative costs in carrying out any of the activities described in subparagraph (A).

(D) TIME LIMITATIONS.—With respect to a grant awarded to an entity under the Program, the entity—

(i) except as provided in clause (ii), shall expend the grant amounts during the 4-year period beginning on the date on which the entity is awarded the grant amounts; and

(ii) during the 1-year period beginning on the date that is 4 years after the date on which the entity is awarded the grant amounts, may continue to measure and evaluate the activities supported with the grant amounts, as required under subparagraph (B).

(e) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of any project for which the Assistant Secretary awards a grant under the Program may not exceed 90 percent.

(2) EXCEPTION.—The Assistant Secretary may grant a waiver with respect to the limitation on the Federal share of a project described in paragraph (1) if—

(A) the applicant with respect to the project petitions the Assistant Secretary for the waiver; and

(B) the Assistant Secretary determines that the petition described in subparagraph (A) demonstrates financial need.

(f) ASSURANCES.—When applying for a grant under this section, an entity shall include in the application for that grant assurances that the entity shall—

(1) use any grant funds that the entity is awarded—

(A) in accordance with any applicable statute, regulation, and application procedure; and

(B) to the extent required under applicable law;

(2) adopt and use proper methods of administering any grant that the entity is awarded, including by—

(A) enforcing any obligation imposed under law on any agency, institution, organization, or other entity that is responsible for carrying out a program to which the grant relates;

(B) correcting any deficiency in the operation of a program to which the grant relates, as identified through an audit or another monitoring or evaluation procedure; and

(C) adopting written procedures for the receipt and resolution of complaints alleging a violation of law with respect to a program to which the grant relates;

(3) cooperate with respect to any evaluation—

(A) of any program that relates to a grant awarded to the entity; and

(B) that is carried out by or for the Assistant Secretary or another Federal official;

(4) use fiscal control and fund accounting procedures that ensure the proper disbursement of, and accounting for, any Federal funds that the entity is awarded under the Program;

(5) submit to the Assistant Secretary any reports that may be necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under the Program; and

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(6) maintain any records and provide any information to the Assistant Secretary, including those records, that the Assistant Secretary determines is necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under the Program.

(g) DEOBLIGATION OR TERMINATION OF GRANT.—In addition to other authority under applicable law, the Assistant Secretary may—

(1) deobligate or terminate a grant awarded to an entity under this section if, after notice to the entity and opportunity for a hearing, the Assistant Secretary—

(A) presents to the entity a rationale and supporting information that clearly demonstrates that—

(i) the grant funds are not being used in a manner that is consistent with the application with respect to the grant submitted by the entity under subsection (c); and

(ii) the entity is not upholding assurances made by the entity to the Assistant Secretary under subsection (f); and

(B) determines that the grant is no longer necessary to achieve the original purpose for which Assistant Secretary awarded the grant; and

(2) with respect to any grant funds that the Assistant Secretary deobligates or terminates under paragraph (1), competitively award the grant funds to another applicant, consistent with the requirements of this section.

(h) REPORTING AND INFORMATION REQUIREMENTS; INTERNET DISCLOSURE.—The Assistant Secretary—

(1) shall—

(A) require any entity to which the Assistant Secretary awards a grant under the Program to, for each year during the period described in subsection (d)(2)(D) with respect to the grant, submit to the Assistant Secretary a report, in a format specified by the Assistant Secretary, regarding—

(i) the amount of the grant;

(ii) the use by the entity of the grant amounts; and

(iii) the progress of the entity towards fulfilling the objectives for which the grant was awarded;

(B) establish mechanisms to ensure appropriate use of, and compliance with respect to all terms regarding, grant funds awarded under the Program;

(C) create and maintain a fully searchable database, which shall be accessible on the internet at no cost to the public, that contains, at a minimum—

(i) a list of each entity that has applied for a grant under the Program;

(ii) a description of each application described in clause (i), including the proposed purpose of each grant described in that clause;

(iii) the status of each application described in clause (i), including whether the Assistant Secretary has awarded a grant with respect to the application and, if so, the amount of the grant;

(iv) each report submitted by an entity under subparagraph (A); and

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(v) any other information that is sufficient to allow the public to understand and monitor grants awarded under the Program; and

(D) ensure that any entity with respect to which an award is deobligated or terminated under subsection (g) may, in a timely manner, appeal or otherwise challenge that deobligation or termination, as applicable; and

(2) may establish additional reporting and information requirements for any recipient of a grant under the Program.

(i) SUPPLEMENT NOT SUPPLANT.—A grant awarded to an entity under the Program shall supplement, not supplant, other Federal or State funds that have been made available to the entity to carry out activities described in this section.

(j) SET ASIDES.—From amounts made available in a fiscal year to carry out the Program, the Assistant Secretary shall reserve—

(1) 5 percent for the implementation and administration of the Program, which shall include—

(A) providing technical support and assistance, including ensuring consistency in data reporting;

(B) providing assistance to entities to prepare the applications of those entities with respect to grants awarded under this section;

(C) developing the report required under section 60306(a); and

(D) conducting outreach to entities that may be eligible to be awarded a grant under the Program regarding opportunities to apply for such a grant;

(2) 5 percent to award grants to, or enter into contracts or cooperative agreements with, Indian Tribes, Alaska Native entities, and Native Hawaiian organizations to allow those tribes, entities, and organizations to carry out the activities described in this section; and

(3) 1 percent to award grants to, or enter into contracts or cooperative agreements with, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States that is not a State to enable those entities to carry out the activities described in this section.

(k) RULES.—The Assistant Secretary may prescribe such rules as may be necessary to carry out this section.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $250,000,000 for each of the first 5 fiscal years in which funds are made available to carry out this section; and

(2) such sums as may be necessary for each fiscal year after the end of the 5-fiscal year period described in paragraph (1).

SEC. 60306. POLICY RESEARCH, DATA COLLECTION, ANALYSIS AND MODELING, EVALUATION, AND DISSEMINATION.

(a) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Assistant Secretary begins awarding grants under section 60304(d)(1), and annually thereafter, the Assistant Secretary shall—

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(A) submit to the appropriate committees of Congress a report that documents, for the year covered by the report—

(i) the findings of each evaluation conducted under subparagraph (B);

(ii) a list of each grant awarded under each covered program, which shall include—

(I) the amount of each such grant;

(II) the recipient of each such grant; and

(III) the purpose for which each such grant was awarded;

(iii) any deobligation, termination, or modification of a grant awarded under the covered programs, which shall include a description of the subsequent usage of any funds to which such an action applies; and

(iv) each challenge made by an applicant for, or a recipient of, a grant under the covered programs and the outcome of each such challenge; and

(B) conduct evaluations of the activities carried out under the covered programs, which shall include an evaluation of—

(i) whether eligible States to which grants are awarded under the program established under section 60304 are—

(I) abiding by the assurances made by those States under subsection (e) of that section;

(II) meeting, or have met, the stated goals of the Digital Equity Plans developed by the States under subsection (c) of that section;

(III) satisfying the requirements imposed by the Assistant Secretary on those States under subsection (g) of that section; and

(IV) in compliance with any other rules, requirements, or regulations promulgated by the Assistant Secretary in implementing that program; and

(ii) whether entities to which grants are awarded under the program established under section 60305 are—

(I) abiding by the assurances made by those entities under subsection (f) of that section;

(II) meeting, or have met, the stated goals of those entities with respect to the use of the grant amounts;

(III) satisfying the requirements imposed by the Assistant Secretary on those States under subsection (h) of that section; and

(IV) in compliance with any other rules, requirements, or regulations promulgated by the Assistant Secretary in implementing that program.

(2) PUBLIC AVAILABILITY.—The Assistant Secretary shall make each report submitted under paragraph (1)(A) publicly available in an online format that—

(A) facilitates access and ease of use;

(B) is searchable; and

(C) is accessible—

(i) to individuals with disabilities; and

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(ii) in languages other than English.

(b) AUTHORITY TO CONTRACT AND ENTER INTO OTHER ARRANGEMENTS.—The Assistant Secretary may award grants and enter into contracts, cooperative agreements, and other arrangements with Federal agencies, public and private organizations, and other entities with expertise that the Assistant Secretary determines appropriate in order to—

(1) evaluate the impact and efficacy of activities supported by grants awarded under the covered programs; and

(2) develop, catalog, disseminate, and promote the exchange of best practices, both with respect to and independent of the covered programs, in order to achieve digital equity.

(c) CONSULTATION AND PUBLIC ENGAGEMENT.—In carrying out subsection (a), and to further the objectives described in paragraphs (1) and (2) of subsection (b), the Assistant Secretary shall conduct ongoing collaboration and consult with—

(1) the Secretary of Agriculture;

(2) the Secretary of Housing and Urban Development;

(3) the Secretary of Education;

(4) the Secretary of Labor;

(5) the Secretary of Health and Human Services;

(6) the Secretary of Veterans Affairs;

(7) the Secretary of the Interior;

(8) the Federal Communications Commission;

(9) the Federal Trade Commission;

(10) the Director of the Institute of Museum and Library Services;

(11) the Administrator of the Small Business Administration;

(12) the Federal Co-Chair of the Appalachian Regional Commission;

(13) State agencies and governors of States (or equivalent officials);

(14) entities serving as administering entities for States under section 60304(b);

(15) national, State, tribal, and local organizations that provide digital inclusion, digital equity, or digital literacy services;

(16) researchers, academics, and philanthropic organizations; and

(17) other agencies, organizations (including international organizations), entities (including entities with expertise in the fields of data collection, analysis and modeling, and evaluation), and community stakeholders, as determined appropriate by the Assistant Secretary.

(d) TECHNICAL SUPPORT AND ASSISTANCE.—The Assistant Secretary shall provide technical support and assistance, assistance to entities to prepare the applications of those entities with respect to grants awarded under the covered programs, and other resources, to the extent practicable, to ensure consistency in data reporting and to meet the objectives of this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section, which shall remain available until expended.

SEC. 60307. GENERAL PROVISIONS.

(a) NONDISCRIMINATION.—

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(1) IN GENERAL.—No individual in the United States may, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, age, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that is funded in whole or in part with funds made available to carry out this title.

(2) ENFORCEMENT.—The Assistant Secretary shall effectuate paragraph (1) with respect to any program or activity described in that paragraph by issuing regulations and taking actions consistent with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1).

(3) JUDICIAL REVIEW.—Judicial review of an action taken by the Assistant Secretary under paragraph (2) shall be available to the extent provided in section 603 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2).

(b) TECHNOLOGICAL NEUTRALITY.—The Assistant Secretary shall, to the extent practicable, carry out this title in a technologically neutral manner.

(c) AUDIT AND OVERSIGHT.—Beginning in the first fiscal year in which amounts are made available to carry out an activity authorized under this title, and in each of the 4 fiscal years thereafter, there is authorized to be appropriated to the Office of Inspector General for the Department of Commerce $1,000,000 for audits and oversight of funds made available to carry out this title, which shall remain available until expended.

TITLE IV—ENABLING MIDDLE MILE BROADBAND INFRASTRUCTURE

SEC. 60401. ENABLING MIDDLE MILE BROADBAND INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) ANCHOR INSTITUTION.—The term "anchor institution" means a school, library, medical or healthcare provider, community college or other institution of higher education, or other community support organization or entity.

(2) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary of Commerce for Communications and Information.

(3) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(4) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State, political subdivision of a State, Tribal government, technology company, electric utility, utility cooperative, public utility district, telecommunications company, telecommunications cooperative, nonprofit foundation, nonprofit corporation, nonprofit institution, nonprofit association, regional planning counsel, Native entity, or economic development authority; or

(B) a partnership of 2 or more entities described in subparagraph (A).

(5) FCC FIXED BROADBAND MAP.—The term "FCC fixed broadband map" means the map created by the Commission under section 802(c)(1)(B) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)(B)).

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(6) 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)).

(7) INTERCONNECT.—The term "interconnect" means the physical linking of 2 networks for the mutual exchange of traffic on non-discriminatory terms and conditions.

(8) INTERNET EXCHANGE FACILITY.—The term "internet exchange facility" means physical infrastructure through which internet service providers and content delivery networks exchange internet traffic between their networks.

(9) MIDDLE MILE INFRASTRUCTURE.—The term "middle mile infrastructure"—

(A) means any broadband infrastructure that does not connect directly to an end-user location, including an anchor institution; and

(B) includes—

(i) leased dark fiber, interoffice transport, backhaul, carrier-neutral internet exchange facilities, carrier-neutral submarine cable landing stations, undersea cables, transport connectivity to data centers, special access transport, and other similar services; and

(ii) wired or private wireless broadband infrastructure, including microwave capacity, radio tower access, and other services or infrastructure for a private wireless broadband network, such as towers, fiber, and microwave links.

(10) MIDDLE MILE GRANT.—The term "middle mile grant" means a grant awarded under subsection (c).

(11) NATIVE ENTITY.—The term "Native entity" means—

(A) an Indian Tribe;

(B) an Alaska Native Corporation;

(C) a Native Hawaiian organization (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517));

(D) the Department of Hawaiian Home Lands; and

(E) the Office of Hawaiian Affairs.

(12) STATE.—The term "State" has the meaning given the term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(13) SUBMARINE CABLE LANDING STATION.—The term "submarine cable landing station" means a cable landing station, as that term is used in section 1.767(a)(5) of title 47, Code of Federal Regulations (or any successor regulation), that can be utilized to land a submarine cable by an entity that has obtained a license under the first section of the Act entitled "An Act relating to the landing and operation of submarine cables in the United States", approved May 27, 1921 (47 U.S.C. 34) (commonly known as the "Cable Landing Licensing Act").

(14) TRIBAL GOVERNMENT.—The term "Tribal government" means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

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(15) TRUST LAND.—The term "trust land" has the meaning given the term in section 3765 of title 38, United States Code.

(16) UNDERSERVED.—The term "underserved", with respect to an area, means an area—

(A) that is designated as a Tribally underserved area through the process described in subsection (g); or

(B) that—

(i) is of a standard size not larger than a census block, as established by the Commission;

(ii) is not an unserved area; and

(iii) as determined in accordance with the FCC fixed broadband map, does not have access to broadband service with—

(I) except as provided in subclause (II)—

(aa) a download speed of not less than 100 megabits per second; and

(bb) an upload speed of not less than 20 megabits per second; or

(II) minimum download and upload speeds established as benchmarks by the Commission for purposes of this Act after the date of enactment of this Act, if those minimum speeds are higher than the minimum speeds required under subclause (I).

(17) UNSERVED.—The term "unserved", with respect to an area, means an area—

(A) that is designated as a Tribally underserved area through the process described in subsection (g); or

(B) that—

(i) is of a standard size not larger than a census block, as established by the Commission; and

(ii) as determined in accordance with the FCC fixed broadband map, does not have access to broadband service with—

(I) except as provided in subclause (II)—

(aa) a download speed of not less than 25 megabits per second; and

(bb) an upload speed of not less than 3 megabits per second; or

(II) minimum download and upload speeds established as benchmarks by the Commission for purposes of this Act after the date of enactment of this Act, if those minimum speeds are higher than the minimum speeds required under subclause (I).

(b) PURPOSE; SENSE OF CONGRESS.—

(1) PURPOSE.—The purposes of this section are—

(A) to encourage the expansion and extension of middle mile infrastructure to reduce the cost of connecting unserved and underserved areas to the backbone of the internet (commonly referred to as the "last mile"); and

(B) to promote broadband connection resiliency through the creation of alternative network connection paths that can be designed to prevent single points of failure on a broadband network.

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

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(A) in awarding middle mile grants, the Assistant Secretary should give priority to—

(i) projects that leverage existing rights-of-way, assets, and infrastructure to minimize financial, regulatory, and permitting challenges;

(ii) projects in which the eligible entity designs the route of the middle mile infrastructure to enable the connection of unserved anchor institutions, including Tribal anchor institutions; and

(iii) projects that facilitate the development of carrier-neutral interconnection facilities; and

(iv) projects that—

(I) improve the redundancy and resiliency of existing middle mile infrastructure; and

(II) reduce regulatory and permitting barriers to promote the construction of new middle mile infrastructure; and

(B) a regulated utility should use funds received from a middle mile grant as a supplement to the core utility capital investment plan of the regulated utility to—

(i) facilitate increased broadband resiliency or redundancy of existing middle mile infrastructure; or

(ii) provide connectivity to unserved areas and underserved areas within the service territory of the utility and nearby communities.

(c) MIDDLE MILE GRANTS.—The Assistant Secretary shall establish a program under which the Assistant Secretary makes grants on a technology-neutral, competitive basis to eligible entities for the construction, improvement, or acquisition of middle mile infrastructure.

(d) APPLICATIONS FOR GRANTS.—

(1) IN GENERAL.—The Assistant Secretary shall establish an application process for middle mile grants in accordance with this subsection.

(2) EVALUATION OF APPLICATIONS.—In establishing an application process for middle mile grants under paragraph (1), the Assistant Secretary shall give priority to an application from an eligible entity that satisfies 2 or more of the following conditions:

(A) The eligible entity adopts fiscally sustainable middle mile strategies.

(B) The eligible entity commits to offering non-discriminatory interconnect to terrestrial and wireless last mile broadband providers and any other party making a bona fide request.

(C) The eligible entity identifies specific terrestrial and wireless last mile broadband providers that have—

(i) expressed written interest in interconnecting with middle mile infrastructure planned to be deployed by the eligible entity; and

(ii) demonstrated sustainable business plans or adequate funding sources with respect to the interconnect described in clause (i).

(D) The eligible entity has identified supplemental investments or in-kind support (such as waived franchise or permitting fees) that will accelerate the completion of the planned project.

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(E) The eligible entity has demonstrated that the middle mile infrastructure will benefit national security interests of the United States and the Department of Defense.

(3) GRANT APPLICATION COMPETENCE.—The Assistant Secretary shall include in the application process established under paragraph (1) a requirement that an eligible entity provide evidence that the eligible entity is capable of carrying out a proposed project in a competent manner, including by demonstrating that the eligible entity has the financial, technical, and operational capability to carry out the proposed project and operate the resulting middle mile broadband network.

(e) ELIGIBILITY.—

(1) PRIORITIZATION.—To be eligible to obtain a middle mile grant, an eligible entity shall agree, in the application submitted through the process established under subsection (d), to prioritize—

(A) connecting middle mile infrastructure to last mile networks that provide or plan to provide broadband service to households in unserved areas;

(B) connecting non-contiguous trust lands; or

(C) the offering of wholesale broadband service at reasonable rates on a carrier-neutral basis.

(2) BUILDOUT TIMELINE.—Subject to paragraph (5), to be eligible to obtain a middle mile grant, an eligible entity shall agree, in the application submitted through the process established under subsection (d), to complete buildout of the middle mile infrastructure described in the application by not later than 5 years after the date on which amounts from the grant are made available to the eligible entity.

(3) PROJECT ELIGIBILITY REQUIREMENTS.—

(A) CAPABILITY TO SUPPORT RETAIL BROADBAND SERVICE.—A project shall be eligible for a middle mile grant if, at the time of the application, the Assistant Secretary determines that the proposed middle mile broadband network will be capable of supporting retail broadband service.

(B) MAPPING DATA.—

(i) USE OF MOST RECENT DATA.—In mapping out gaps in broadband coverage, an eligible entity that uses a middle mile grant to build out terrestrial or fixed wireless middle mile infrastructure shall use the most recent broadband mapping data available from one of the following sources:

(I) The FCC fixed broadband map.

(II) The State in which the area that will be served by the middle mile infrastructure is located, or the Tribal government with jurisdiction over the area that will be served by the middle mile infrastructure (if applicable).

(III) Speed and usage surveys of existing broadband service that—

(aa) demonstrate that more than 25 percent of the respondents display a broadband service speed that is slower than the speeds required for an area to qualify as unserved; and

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(bb) are conducted by—

(AA) the eligible entity;

(BB) the State in which the area that will be served by the middle mile infrastructure is located; or

(CC) the Tribal government with jurisdiction over the area that will be served by the middle mile infrastructure (if applicable).

(ii) SHARING FACILITY LOCATIONS.—

(I) DEFINITION.—In this clause, the term "covered recipient", with respect to an eligible entity, means—

(aa) the Assistant Secretary;

(bb) the Commission;

(cc) the Tribal government with jurisdiction over the area that will be served by the middle mile infrastructure (if applicable); and

(dd) the State broadband office for the State in which the area that will be served by the middle mile infrastructure is located.

(II) PROVISION OF INFORMATION.—Subject to subclauses (III) and (IV), an eligible entity that constructs, improves, or acquires middle mile infrastructure using a middle mile grant shall share with each covered recipient the location of all the middle mile broadband infrastructure.

(III) FORMAT.—An eligible entity shall provide the information required under subclause (II) to each covered recipient in a uniform format determined by the Assistant Secretary.

(IV) PROTECTION OF INFORMATION.—

(aa) IN GENERAL.—The information provided by an eligible entity under subclause (II) may only be used for purposes of carrying out the grant program under subsection (c) and any reporting related thereto.

(bb) LEGAL DEFENSES.—

(AA) IN GENERAL.—A covered recipient may not receive information under subclause (II) unless the covered recipient agrees in writing to assert all available legal defenses to the disclosure of the information if a person or entity seeks disclosure from the covered recipient under any Federal, State, or local public disclosure law.

(BB) RULE OF CONSTRUCTION.—Nothing in subitem (AA) is intended to be or shall be construed as a waiver of Tribal sovereign immunity.

(C) CONNECTION TO ANCHOR INSTITUTIONS.—To the extent feasible, an eligible entity that receives a middle mile grant to build middle mile infrastructure using fiber optic technology shall—

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(i) ensure that the proposed middle mile broadband network will be capable of providing broadband to an anchor institution at a speed of not less than—

(I) 1 gigabit per second for downloads; and

(II) 1 gigabit per second for uploads to an anchor institution; and

(ii) include direct interconnect facilities that will facilitate the provision of broadband service to anchor institutions located within 1,000 feet of the middle mile infrastructure.

(D) INTERCONNECTION AND NONDISCRIMINATION.—

(i) IN GENERAL.—An eligible entity that receives a middle mile grant to build a middle mile project using fiber optic technology shall offer interconnection in perpetuity, where technically feasible without exceeding current or reasonably anticipated capacity limitations, on reasonable rates and terms to be negotiated with requesting parties.

(ii) NATURE OF INTERCONNECTION.—The interconnection required to be offered under clause (i) includes both the ability to connect to the public internet and physical interconnection for the exchange of traffic.

(iii) INCLUSION IN APPLICATION.—An applicant for a middle mile grant shall disclose the applicant's proposed interconnection, nondiscrimination, and network management practices in the application submitted through the process established under subsection (d).

(4) ACCOUNTABILITY.—The Assistant Secretary shall—

(A) establish sufficient transparency, accountability, reporting, and oversight measures for the grant program established under subsection (c) to deter waste, fraud, and abuse of program funds; and

(B) establish—

(i) buildout requirements for each eligible entity that receives a middle mile grant, which shall require the completion of a certain percentage of project miles by a certain date; and

(ii) penalties, which may include rescission of funds, for grantees that do not meet requirements described in clause (i) or the deadline under paragraph (2).

(5) EXTENSIONS.—

(A) IN GENERAL.—At the request of an eligible entity, the Assistant Secretary may extend the buildout deadline under paragraph (2) by not more than 1 year if the eligible entity certifies that—

(i) the eligible entity has a plan for use of the middle mile grant;

(ii) the project to build out middle mile infrastructure is underway; or

(iii) extenuating circumstances require an extension of time to allow completion of the project to build out middle mile infrastructure.

(B) EFFECT ON INTERIM BUILDOUT REQUIREMENTS.—If the Assistant Secretary grants an extension under subparagraph (A), the Assistant Secretary shall modify

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any buildout requirements established under paragraph (4)(B)(i) as necessary.

(f) FEDERAL SHARE.—The amount of a middle mile grant awarded to an eligible entity may not exceed 70 percent of the total project cost.

(g) SPECIAL RULES FOR TRIBAL GOVERNMENTS.—

(1) WAIVERS; ALTERNATIVE REQUIREMENTS.—The Assistant Secretary, in consultation with Tribal governments and Native entities, may waive, or specify alternative requirements for, any provision of subsections (c) through (f) if the Assistant Secretary finds that the waiver or alternative requirement is necessary—

(A) for the effective delivery and administration of middle mile grants to Tribal governments; or

(B) the construction, improvement, or acquisition of middle mile infrastructure on trust land.

(2) TRIBALLY UNSERVED AREAS; TRIBALLY UNDERSERVED AREAS.—The Assistant Secretary, in consultation with Tribal governments and Native entities, shall develop a process for designating Tribally unserved areas and Tribally underserved areas for purposes of this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000,000 for fiscal years 2022 through 2026.

TITLE V—BROADBAND AFFORDABILITY

SEC. 60501. DEFINITIONS.

In this title—

(1) the term "broadband internet access service" has the meaning given the term in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation; and

(2) the term "Commission" means the Federal Communications Commission.

SEC. 60502. BROADBAND AFFORDABILITY.

(a) EXTENSION AND MODIFICATION OF EMERGENCY BROADBAND BENEFIT.—

(1) EXTENSION.—Section 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) is amended—

(A) in the heading, by striking "**DURING EMERGENCY PERIOD RELATING TO COVID–19**";

(B) in subsection (a)—

(i) by striking paragraph (8); and

(ii) by redesignating paragraphs (9) through (13) as paragraphs (8) through (12), respectively; and

(C) in subsection (b)—

(i) in paragraph (1), by striking "during the emergency period";

(ii) in paragraph (4), by striking "during the emergency period"; and

(iii) in paragraph (5), by striking "during the emergency period,".

(2) CHANGE TO PROGRAM NAME.—Section 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law

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116–260), as amended by paragraph (1) of this subsection, is amended—

(A) in subsection (a)(7), in the heading, by striking "EMERGENCY BROADBAND" and inserting "AFFORDABLE CONNECTIVITY";

(B) in subsection (b), in the heading, by striking "EMERGENCY BROADBAND BENEFIT" and inserting "AFFORDABLE CONNECTIVITY";

(C) in subsection (i), in the heading, by striking "EMERGENCY BROADBAND" and inserting "AFFORDABLE";

(D) by striking "Emergency Broadband Benefit" each place the term appears and inserting "Affordable Connectivity";

(E) by striking "Emergency Broadband" each place the term appears and inserting "Affordable"; and

(F) by striking "emergency broadband" each place the term appears and inserting "affordable connectivity".

(3) OTHER INITIAL MODIFICATIONS.—Section 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), as amended by paragraph (2) of this subsection, is amended—

(A) in subsection (a)(7)—

(i) by striking "The term" and inserting the following:

"(A) IN GENERAL.—Subject to subparagraph (B), the term"; and

(ii) by adding at the end the following:

"(B) HIGH-COST AREAS.—The Commission shall, by regulation, establish a mechanism by which a participating provider in a high-cost area (as defined in section 60102(a)(2) of the Infrastructure Investment and Jobs Act) may provide an affordable connectivity benefit in an amount up to the amount specified in subparagraph (A) for an internet service offering provided on Tribal land upon a showing that the applicability of the lower limit under subparagraph (A) to the provision of the affordable connectivity benefit by the provider would cause particularized economic hardship to the provider such that the provider may not be able to maintain the operation of part or all of its broadband network.";

(B) in subsection (b)—

(i) by redesignating paragraphs (7) through (10) as paragraphs (12) through (15), respectively;

(ii) by inserting after paragraph (6) the following:

"(7) REQUIREMENT TO ALLOW CUSTOMERS TO APPLY AFFORDABLE CONNECTIVITY BENEFIT TO ANY INTERNET SERVICE OFFERING.—

"(A) IN GENERAL.—A participating provider—

"(i) shall allow an eligible household to apply the affordable connectivity benefit to any internet service offering of the participating provider at the same terms available to households that are not eligible households; and

"(ii) may not require the eligible household to submit to a credit check in order to apply the affordable connectivity benefit to an internet service offering of the participating provider.

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"(B) NONPAYMENT.—Nothing in subparagraph (A) shall prevent a participating provider from terminating the provision of broadband internet access service to a subscriber after 90 days of nonpayment.

"(8) PUBLIC AWARENESS.—A participating provider, in collaboration with the applicable State agencies, public interest groups, and non-profit organizations, in order to increase the adoption of broadband internet access service by consumers, shall carry out public awareness campaigns in service areas that are designed to highlight—

"(A) the value and benefits of broadband internet access service; and

"(B) the existence of the Affordable Connectivity Program.

"(9) OVERSIGHT.—The Commission—

"(A) shall establish a dedicated complaint process for consumers who participate in the Affordable Connectivity Program to file complaints about the compliance of participating providers with, including with respect to the quality of service received under, the Program;

"(B) shall require a participating provider to supply information about the existence of the complaint process described in subparagraph (A) to subscribers who participate in the Affordable Connectivity Program;

"(C)(i) shall act expeditiously to investigate potential violations of and enforce compliance with this section, including under clause (ii) of this subparagraph; and

"(ii) in enforcing compliance with this section, may impose forfeiture penalties under section 503 of the Communications Act of 1934 (47 U.S.C. 503); and

"(D) shall regularly issue public reports about complaints regarding the compliance of participating providers with the Affordable Connectivity Program.

"(10) INFORMATION ON AFFORDABLE CONNECTIVITY PROGRAM.—

"(A) PARTICIPATING PROVIDERS.—When a customer subscribes to, or renews a subscription to, an internet service offering of a participating provider, the participating provider shall notify the customer about the existence of the Affordable Connectivity Program and how to enroll in the Program.

"(B) FEDERAL AGENCIES.—The Commission shall collaborate with relevant Federal agencies, including to ensure relevant Federal agencies update their System of Records Notices, to ensure that a household that participates in any program that qualifies the household for the Affordable Connectivity Program is provided information about the Program, including how to enroll in the Program.

"(C) COMMISSION OUTREACH.—

"(i) IN GENERAL.—The Commission may conduct outreach efforts to encourage eligible households to enroll in the Affordable Connectivity Program.

"(ii) ACTIVITIES.—In carrying out clause (i), the Commission may—

"(I) facilitate consumer research;

"(II) conduct focus groups;

"(III) engage in paid media campaigns;

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"(IV) provide grants to outreach partners; and

"(V) provide an orderly transition for participating providers and consumers from the Emergency Broadband Benefit Program established under paragraph (1) (as that paragraph was in effect on the day before the date of enactment of the Infrastructure Investment and Jobs Act) to the Affordable Connectivity Program.

"(11) CONSUMER PROTECTION ISSUES.—

"(A) IN GENERAL.—The Commission shall, after providing notice and opportunity for comment in accordance with section 553 of title 5, United States Code, promulgate rules to protect consumers who participate in, or seek to participate in, the Affordable Connectivity Program from—

"(i) inappropriate upselling or downselling by a participating provider;

"(ii) inappropriate requirements that a consumer opt in to an extended service contract as a condition of participating in the Affordable Connectivity Program;

"(iii) inappropriate restrictions on the ability of a consumer to switch internet service offerings or otherwise apply support from the Affordable Connectivity Program to a different internet service offering with a participating provider;

"(iv) inappropriate restrictions on the ability of a consumer to switch participating providers, other than a requirement that the customer return any customer premises equipment provided by a participating provider; and

"(v) similar restrictions that amount to unjust and unreasonable acts or practices that undermine the purpose, intent, or integrity of the Affordable Connectivity Program.

"(B) EXCEPTIONS.—In complying with this paragraph, the Commission may take advantage of the exceptions set forth in subsections (e) and (f).''; and

(iii) in paragraph (14), as so redesignated, by striking "paragraph (7)" and inserting "paragraph (12)".

(b) DELAYED AMENDMENTS TO AFFORDABLE CONNECTIVITY PROGRAM.—

(1) IN GENERAL.—Effective on the date on which the Commission submits the certification required under paragraph (4), or December 31, 2021, whichever is earlier, section 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), as amended by subsection (a) of this section, is amended—

(A) in subsection (a)—

(i) in paragraph (6)—

(I) in subparagraph (A), by inserting before the semicolon at the end the following: "except that such subsection (a), including for purposes of such subsection (b), shall be applied by substituting '200 percent' for '135 percent' ";

(II) by striking subparagraph (C);

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(III) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively;

(IV) in subparagraph (C), as so redesignated, by striking "or" at the end;

(V) in subparagraph (D), as so redesignated—

(aa) by striking "or COVID–19"; and

(bb) by striking the period at the end and inserting "; or"; and

(VI) by adding at the end the following:

"(E) at least one member of the household receives assistance through the special supplemental nutritional program for women, infants, and children established by section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786).";

(ii) in paragraph (7)—

(I) by striking "which shall be no more than the standard rate for an internet service offering and associated equipment,"; and

(II) by striking "$50" and inserting "$30";

(iii) in paragraph (8), as so redesignated by subsection (a) of this section, by striking ", offered in the same manner, and on the same terms, as described in any of such provider's offerings for broadband internet access service to such household, as on December 1, 2020"; and

(iv) by striking paragraph (12), as so redesignated by subsection (a) of this section; and

(B) in subsection (b)(6)—

(i) by striking subparagraph (A);

(ii) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively; and

(iii) in subparagraph (A), as so redesignated—

(I) by striking clause (i); and

(II) by redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively.

(2) APPLICABILITY OF AMENDMENT TO ELIGIBILITY.— A household that qualified for the Affordable Connectivity Program under section 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) before the effective date in paragraph (1) and, as of that effective date, would, but for this subparagraph, see a reduction in the amount of the affordable connectivity benefit under the Program, shall, during the 60-day period beginning on that effective date, be eligible for the affordable connectivity benefit in the amount in effect with respect to that household, as of the day before that effective date.

(3) TRANSITION.—After the effective date under paragraph (1), an eligible household that was participating in the Emergency Broadband Benefit Program under section 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) on the day before the date of enactment of this Act and qualifies for the Affordable Connectivity Program established under that section (as amended by this section) shall continue to have access to an affordable service offering.

(4) CERTIFICATION REQUIRED.—On the date on which the amounts appropriated under section 904(i)(2) of division N of

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the Consolidated Appropriations Act, 2021 (Public Law 116–260) have been fully expended, the Commission shall submit to Congress a certification regarding that fact.

(c) BROADBAND TRANSPARENCY RULES.—

(1) RULES.—Not later than 1 year after the date of enactment of this Act, the Commission shall issue final rules regarding the annual collection by the Commission of data relating to the price and subscription rates of each internet service offering of a participating provider under the Affordable Connectivity Program established under section 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) (as amended by this section) to which an eligible household subscribes.

(2) UPDATES.—Not later than 180 days after the date on which rules are issued under paragraph (1), and when determined to be necessary by the Commission thereafter, the Commission shall revise the rules to verify the accuracy of data submitted pursuant to the rules.

(3) REDUNDANCY AVOIDANCE.—Nothing in this subsection shall be construed to require the Commission, in order to meet a requirement of this subsection, to duplicate an activity that the Commission is undertaking as of the date of enactment of this Act, if—

(A) the Commission refers to the activity in the rules issued under paragraph (1);

(B) the activity meets the requirements of this subsection; and

(C) the Commission discloses the activity to the public.

(4) AVAILABILITY OF DATA.—

(A) PUBLIC AVAILABILITY.—The Commission shall make data relating to broadband internet access service collected under the rules issued under paragraph (1) available to the public in a commonly used electronic format without risking the disclosure of personally identifiable information or proprietary information, consistent with section 0.459 of title 47, Code of Federal Regulations (or any successor regulation).

(B) DETERMINATION OF PERSONALLY IDENTIFIABLE INFORMATION.—The Commission—

(i) shall define the term "personally identifiable information", for purposes of subparagraph (A) through notice and comment rulemaking; and

(ii) may not make any data available to the public under subparagraph (A) before completing the rulemaking under clause (i) of this subparagraph.

(d) GUIDANCE.—The Commission may issue such guidance, forms, instructions, or publications, or provide such technical assistance, as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section and the amendments made by this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.

(e) COORDINATION.—The Secretary of Agriculture, the Secretary of Education, and the Secretary of Health and Human Services shall—

(1) not later than 60 days after the date of enactment of this Act, enter into a memorandum of understanding with

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the Universal Service Administrative Company to provide for the expeditious sharing of data through the National Verifier (as that term is defined in section 54.400 of title 47, Code of Federal Regulations, or any successor regulation), or any successor system, for the purposes of verifying consumer eligibility for the program established under section 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), as amended by this section; and

(2) not later than 90 days after the date of enactment of this Act, begin to share data under the memorandum of understanding described in paragraph (1) for the purposes described in that paragraph.

SEC. 60503. COORDINATION WITH CERTAIN OTHER FEDERAL AGENCIES.

Section 804(b)(2) of the Communications Act of 1934 (47 U.S.C. 644(b)(2)), as added by section 2 of the Broadband DATA Act (Public Law 116–130), is amended—

(1) in subparagraph (A), by adding "and" at the end; and

(2) by striking subparagraphs (B) and (C) and inserting the following:

"(B) coordinate with the Postmaster General, the heads of other Federal agencies that operate delivery fleet vehicles, and the Director of the Bureau of the Census for assistance with data collection whenever coordination could feasibly yield more specific geographic data.".

SEC. 60504. ADOPTION OF CONSUMER BROADBAND LABELS.

(a) FINAL RULE.—Not later than 1 year after the date of enactment of this Act, the Commission shall promulgate regulations to require the display of broadband consumer labels, as described in the Public Notice of the Commission issued on April 4, 2016 (DA 16–357), to disclose to consumers information regarding broadband internet access service plans.

(b) INTRODUCTORY RATE INFORMATION.—

(1) IN GENERAL.—The broadband consumer label required under subsection (a) shall also include information regarding whether the offered price is an introductory rate and, if so, the price the consumer will be required to pay following the introductory period.

(2) USE IN BROADBAND DATA COLLECTION.—The Commission shall rely on the price information displayed on the broadband consumer label required under subsection (a) for any collection of data relating to the price and subscription rates of each covered broadband internet access service under section 60502(c).

(c) HEARINGS.—In issuing the final rule under subsection (a), the Commission shall conduct a series of public hearings to assess, at the time of the proceeding—

(1) how consumers evaluate broadband internet access service plans; and

(2) whether disclosures to consumers of information regarding broadband internet access service plans, including the disclosures required under section 8.1 of title 47, Code of Federal Regulations, are available, effective, and sufficient.

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SEC. 60505. GAO REPORT.

(a) DEFINITIONS.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on Appropriations of the House of Representatives;

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

(4) the Committee on Environment and Public Works of the Senate;

(5) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(6) the Committee on Energy and Commerce of the House of Representatives;

(7) the Committee on Agriculture of the House of Representatives; and

(8) the Committee on Transportation and Infrastructure of the House of the Representatives.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that evaluates the process used by the Commission for establishing, reviewing, and updating the upload and download speed thresholds for broadband internet access service, including—

(1) how the Commission reviews and updates broadband internet access speed thresholds;

(2) whether the Commission should consider future broadband internet access service speed needs when establishing broadband internet access service speed thresholds, including whether the Commission considers the need, or the anticipated need, for higher upload or download broadband internet access service speeds in the 5-year period and the 10-year period after the date on which a broadband internet access service speed threshold is to be established; and

(3) whether the Commission should consider the impacts of changing uses of the internet in establishing, reviewing, or updating broadband internet access service speed thresholds, including—

(A) the proliferation of internet-based business;

(B) working remotely and running a business from home;

(C) video teleconferencing;

(D) distance learning;

(E) in-house web hosting; and

(F) cloud data storage.

SEC. 60506. DIGITAL DISCRIMINATION.

(a) STATEMENT OF POLICY.—It is the policy of the United States that, insofar as technically and economically feasible—

(1) subscribers should benefit from equal access to broadband internet access service within the service area of a provider of such service;

(2) the term "equal access", for purposes of this section, means the equal opportunity to subscribe to an offered service that provides comparable speeds, capacities, latency, and other quality of service metrics in a given area, for comparable terms and conditions; and

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(3) the Commission should take steps to ensure that all people of the United States benefit from equal access to broadband internet access service.

(b) ADOPTION OF RULES.—Not later than 2 years after the date of enactment of this Act, the Commission shall adopt final rules to facilitate equal access to broadband internet access service, taking into account the issues of technical and economic feasibility presented by that objective, including—

(1) preventing digital discrimination of access based on income level, race, ethnicity, color, religion, or national origin; and

(2) identifying necessary steps for the Commissions to take to eliminate discrimination described in paragraph (1).

(c) FEDERAL POLICIES.—The Commission and the Attorney General shall ensure that Federal policies promote equal access to robust broadband internet access service by prohibiting deployment discrimination based on—

(1) the income level of an area;

(2) the predominant race or ethnicity composition of an area; or

(3) other factors the Commission determines to be relevant based on the findings in the record developed from the rulemaking under subsection (b).

(d) MODEL STATE AND LOCAL POLICIES.—The Commission shall develop model policies and best practices that can be adopted by States and localities to ensure that broadband internet access service providers do not engage in digital discrimination.

(e) COMPLAINTS.—The Commission shall revise its public complaint process to accept complaints from consumers or other members of the public that relate to digital discrimination.

TITLE VI—TELECOMMUNICATIONS INDUSTRY WORKFORCE

SEC. 60601. SHORT TITLE.

This title may be cited as the "Telecommunications Skilled Workforce Act".

SEC. 60602. TELECOMMUNICATIONS INTERAGENCY WORKING GROUP.

(a) IN GENERAL.—Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

"SEC. 344. TELECOMMUNICATIONS INTERAGENCY WORKING GROUP.

"(a) DEFINITION.—In this section, the term 'telecommunications interagency working group' means the interagency working group established under subsection (b)(1).

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Chairman of the Commission, in partnership with the Secretary of Labor, shall establish within the Commission an interagency working group to develop recommendations to address the workforce needs of the telecommunications industry, including the safety of that workforce.

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"(2) DATE OF ESTABLISHMENT.—The telecommunications interagency working group shall be considered established on the date on which a majority of the members of the working group have been appointed, consistent with subsection (d).

"(c) DUTIES.—In developing recommendations under subsection (b), the telecommunications interagency working group shall—

"(1) determine whether, and if so how, any Federal laws, regulations, guidance, policies, or practices, or any budgetary constraints, may be amended to strengthen the ability of institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or for-profit businesses to establish, adopt, or expand programs intended to address the workforce needs of the telecommunications industry, including the workforce needed to build and maintain the 5G wireless infrastructure necessary to support 5G wireless technology;

"(2) identify potential policies and programs that could encourage and improve coordination among Federal agencies, between Federal agencies and States, and among States, on telecommunications workforce needs;

"(3) identify ways in which existing Federal programs, including programs that help facilitate the employment of veterans and military personnel transitioning into civilian life, could be leveraged to help address the workforce needs of the telecommunications industry;

"(4) identify ways to improve recruitment in workforce development programs in the telecommunications industry;

"(5) identify Federal incentives that could be provided to institutions of higher education, for-profit businesses, State workforce development boards established under section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111), or other relevant stakeholders to establish or adopt new programs, expand current programs, or partner with registered apprenticeship programs, to address the workforce needs of the telecommunications industry, including such needs in rural areas;

"(6) identify ways to improve the safety of telecommunications workers, including tower climbers; and

"(7) identify ways that trends in wages, benefits, and working conditions in the telecommunications industry impact recruitment of employees in the sector.

"(d) MEMBERS.—The telecommunications interagency working group shall be composed of the following representatives of Federal agencies and relevant non-Federal industry and labor stakeholder organizations:

"(1) A representative of the Department of Education, appointed by the Secretary of Education.

"(2) A representative of the National Telecommunications and Information Administration, appointed by the Assistant Secretary of Commerce for Communications and Information.

"(3) A representative of the Commission, appointed by the Chairman of the Commission.

"(4) A representative of a registered apprenticeship program in construction or maintenance, appointed by the Secretary of Labor.

"(5) A representative of a telecommunications industry association, appointed by the Chairman of the Commission.

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"(6) A representative of an Indian Tribe or Tribal organization, appointed by the Chairman of the Commission.

"(7) A representative of a rural telecommunications carrier, appointed by the Chairman of the Commission.

"(8) A representative of a telecommunications contractor firm, appointed by the Chairman of the Commission.

"(9) A representative of an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)), appointed by the Secretary of Education.

"(10) A public interest advocate for tower climber safety, appointed by the Secretary of Labor.

"(11) A representative of the Directorate of Construction of the Occupational Safety and Health Administration, appointed by the Secretary of Labor.

"(12) A representative of a labor organization representing the telecommunications workforce, appointed by the Secretary of Labor.

"(e) NO COMPENSATION.—A member of the telecommunications interagency working group shall serve without compensation.

"(f) OTHER MATTERS.—

"(1) CHAIR AND VICE CHAIR.—The telecommunications interagency working group shall name a chair and a vice chair, who shall be responsible for organizing the business of the working group.

"(2) SUBGROUPS.—The chair and vice chair of the telecommunications interagency working group, in consultation with the other members of the telecommunications interagency working group, may establish such subgroups as necessary to help conduct the work of the telecommunications interagency working group.

"(3) SUPPORT.—The Commission and the Secretary of Labor may detail employees of the Commission and the Department of Labor, respectively, to assist and support the work of the telecommunications interagency working group, though such a detailee shall not be considered to be a member of the working group.

"(g) REPORT TO CONGRESS.—

"(1) REPORT TO CONGRESS.—Not later than 1 year after the date on which the telecommunications interagency working group is established, the working group shall submit a report containing its recommendations to address the workforce needs of the telecommunications industry to—

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

"(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

"(C) the Committee on Energy and Commerce of the House of Representatives;

"(D) the Committee on Education and Labor of the House of Representatives;

"(E) the Department of Labor; and

"(F) the Commission.

"(2) MAJORITY SUPPORT.—The telecommunications interagency working group may not submit the report under paragraph (1) unless the report has the support of not less than the majority of the members of the working group.

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"(3) VIEWS.—The telecommunications interagency working group shall—

"(A) include with the report submitted under paragraph (1) any concurring or dissenting view offered by a member of the working group; and

"(B) identify each member to whom each concurring or dissenting view described in subparagraph (A) should be attributed.

"(4) PUBLIC POSTING.—The Commission and the Secretary of Labor shall make a copy of the report submitted under paragraph (1) available to the public on the websites of the Commission and the Department of Labor, respectively.

"(h) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the telecommunications interagency working group.".

(b) SUNSET.—Section 344 of the Communications Act of 1934, as added by subsection (a), shall be repealed on the day after the date on which the interagency working group established under subsection (b)(1) of that section submits the report to Congress under subsection (g) of that section.

SEC. 60603. TELECOMMUNICATIONS WORKFORCE GUIDANCE.

Not later than 1 year after the date of enactment of this Act, the Secretary of Labor, in partnership with the Chairman of the Federal Communications Commission, shall establish and issue guidance on how States can address the workforce needs and safety of the telecommunications industry, including guidance on how a State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111) can—

(1) utilize Federal resources available to States to meet the workforce needs of the telecommunications industry;

(2) promote and improve recruitment in workforce development programs in the telecommunications industry; and

(3) ensure the safety of the telecommunications workforce, including tower climbers.

SEC. 60604. GAO ASSESSMENT OF WORKFORCE NEEDS OF THE TELECOMMUNICATIONS INDUSTRY.

(a) DEFINITIONS.—In this section, the term "appropriate congressional committees" means—

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

(2) the Committee on Health, Education, Labor, and Pensions of the Senate;

(3) the Committee on Energy and Commerce of the House of Representatives; and

(4) the Committee on Education and Labor of the House of Representatives.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that estimates the number of skilled telecommunications workers that will be required to build and maintain—

(1) broadband infrastructure in rural areas, including estimates based on—

(A) current need; and

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(B) projected need, if Congress enacts legislation that accelerates broadband infrastructure construction in the United States; and

(2) the wireless infrastructure needed to support 5G wireless technology.

DIVISION G—OTHER AUTHORIZATIONS

TITLE I—INDIAN WATER RIGHTS SETTLEMENT COMPLETION FUND

SEC. 70101. INDIAN WATER RIGHTS SETTLEMENT COMPLETION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Indian Water Rights Settlement Completion Fund" (referred to in this section as the "Fund").

(b) DEPOSITS.—

(1) IN GENERAL.—On the later of October 1, 2021, and the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall deposit in the Fund $2,500,000,000, to remain available until expended.

(2) AVAILABILITY.—Amounts deposited in the Fund under paragraph (1) shall be available to the Secretary of the Interior, without further appropriation or fiscal year limitation, for the uses described in subsection (c).

(c) USES.—Subject to subsection (d), amounts deposited in the Fund under subsection (b) shall be used by the Secretary of the Interior for transfers to funds or accounts authorized to receive discretionary appropriations, or to satisfy other obligations identified by the Secretary of the Interior, under an Indian water settlement approved and authorized by an Act of Congress before the date of enactment of this Act.

(d) SCOPE OF TRANSFERS.—

(1) IN GENERAL.—Transfers authorized under subsection (c) shall be made in such amounts as are determined by the Secretary of the Interior to be appropriate to satisfy the obligations of the United States, including appropriate indexing, pursuant to the applicable Indian water settlement.

(2) SEQUENCE AND TIMING.—The Secretary of the Interior shall have the discretion to determine the sequence and timing of transfers from the Fund under subsection (c) in order to substantially complete the eligible Indian water settlements as expeditiously as practicable.

TITLE II—WILDFIRE MITIGATION

SEC. 70201. SHORT TITLE.

This title may be cited as the "Wildland Fire Mitigation and Management Commission Act of 2021".

SEC. 70202. DEFINITIONS.

In this title:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

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(A) the Committee on Energy and Natural Resources of the Senate;

(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Appropriations of the Senate;

(E) the Committee on Environment and Public Works of the Senate;

(F) the Committee on Natural Resources of the House of Representatives;

(G) the Committee on Agriculture of the House of Representatives;

(H) the Committee on Homeland Security of the House of Representatives;

(I) the Committee on Appropriations of the House of Representatives;

(J) the Committee on Ways and Means of the House of Representatives; and

(K) the Committee on Natural Resources of the House of Representatives.

(2) COMMISSION.—The term "Commission" means the commission established under section 70203(a).

(3) HIGH-RISK INDIAN TRIBAL GOVERNMENT.—The term "high-risk Indian tribal government" means an Indian tribal government, during not fewer than 4 of the 5 years preceding the date of enactment of this Act—

(A) that received fire management assistance under section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187); or

(B) land of which included an area for which the President declared a major disaster for fire in accordance with section 401 of that Act (42 U.S.C. 5170).

(4) HIGH-RISK STATE.—The term "high-risk State" means a State that, during not fewer than 4 of the 5 years preceding the date of enactment of this Act—

(A) received fire management assistance under section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187); or

(B) included an area for which the President declared a major disaster for fire in accordance with section 401 of that Act (42 U.S.C. 5170).

(5) INDIAN TRIBAL GOVERNMENT.—The term "Indian tribal government" has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(6) SECRETARIES.—The term "Secretaries" means—

(A) the Secretary of the Interior;

(B) the Secretary of Agriculture; and

(C) the Secretary of Homeland Security, acting through the Administrator of the Federal Emergency Management Agency.

(7) STATE.—The term "State" has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(8) WILDLAND-URBAN INTERFACE.—The term "wildland-urban interface" has the meaning given the term in section

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101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

SEC. 70203. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Secretaries shall jointly establish a commission to study and make recommendations to improve Federal policies relating to—

(1) the prevention, mitigation, suppression, and management of wildland fires in the United States; and

(2) the rehabilitation of land in the United States devastated by wildland fires.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of—

(A) each of the Secretaries (or designees), who shall jointly serve as the co-chairpersons of the Commission;

(B) 9 representatives of Federal departments or agencies, to be appointed by the Secretaries, including—

(i) not fewer than 1 representative from each of—

(I) the Bureau of Land Management;

(II) the National Park Service;

(III) the Bureau of Indian Affairs;

(IV) the United States Fish and Wildlife Service; and

(V) the Forest Service;

(ii) a representative of or liaison to the Mitigation Framework Leadership Group of the Federal Emergency Management Agency;

(iii) a representative to the National Interagency Coordination Center, which is part of the National Wildfire Coordination Group;

(iv) a representative from 1 of the coordinating agencies of the Recovery Support Function Leadership Group; and

(v) if the Secretaries determine it to be appropriate, a representative of any other Federal department or agency, such as the Department of Energy, the Environmental Protection Agency, or the Department of Defense; and

(C) 18 non-Federal stakeholders with expertise in wildland fire preparedness, mitigation, suppression, or management, who collectively have a combination of backgrounds, experiences, and viewpoints and are representative of rural, urban, and suburban areas, to be appointed by the Secretaries, including—

(i) not fewer than 1 State hazard mitigation officer of a high-risk State (or a designee);

(ii) with preference given to representatives from high-risk States and high-risk Indian tribal governments, not fewer than 1 representative from each of—

(I) a State department of natural resources, forestry, or agriculture or a similar State agency;

(II) a State department of energy or a similar State agency;

(III) a county government, with preference given to counties at least a portion of which is in the wildland-urban interface; and

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(IV) a municipal government, with preference given to municipalities at least a portion of which is in the wildland-urban interface;

(iii) with preference given to representatives from high-risk States and high-risk Indian tribal governments, not fewer than 1 representative from each of—

(I) the public utility industry;

(II) the property development industry;

(III) Indian tribal governments;

(IV) wildland firefighters; and

(V) an organization—

(aa) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code; and

(bb) with expertise in forest management and environmental conservation;

(iv) not greater than 2 other appropriate non-Federal stakeholders, which may include the private sector; and

(v) any other appropriate non-Federal stakeholders, which may include the private sector, with preference given to non-Federal stakeholders from high-risk States and high-risk Indian tribal governments.

(2) STATE LIMITATION.—Each member of the Commission appointed under clauses (i) and (ii) of paragraph (1)(C) shall represent a different State.

(3) DATE.—The appointments of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) IN GENERAL.—A member of the Commission shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment.

(d) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the first meeting of the Commission.

(2) FREQUENCY.—The Commission shall meet not less frequently than once every 30 days.

(3) TYPE.—The Commission may hold meetings, and a member of the Commission may participate in a meeting, remotely through teleconference, video conference, or similar means.

(4) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 70204. DUTIES OF COMMISSION.

(a) REPORT ON RECOMMENDATIONS TO MITIGATE AND MANAGE WILDLAND FIRES.—

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(1) IN GENERAL.—Not later than 1 year after the date of the first meeting of the Commission, the Commission shall submit to the appropriate committees of Congress a report describing recommendations to prevent, mitigate, suppress, and manage wildland fires, including—

(A) policy recommendations, including recommendations—

(i) to maximize the protection of human life, community water supplies, homes, and other essential structures, which may include recommendations to expand the use of initial attack strategies;

(ii) to facilitate efficient short- and long-term forest management in residential and nonresidential at-risk areas, which may include a review of community wildfire protection plans;

(iii) to manage the wildland-urban interface;

(iv) to manage utility corridors;

(v) to rehabilitate land devastated by wildland fire; and

(vi) to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects;

(B) policy recommendations described in subparagraph (A) with respect to any recommendations for—

(i) categorical exclusions from the requirement to prepare an environmental impact statement or analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(ii) additional staffing or resources that may be necessary to more expeditiously prepare an environmental impact statement or analysis under that Act;

(C) policy recommendations for modernizing and expanding the use of technology, including satellite technology, remote sensing, unmanned aircraft systems, and any other type of emerging technology, to prevent, mitigate, suppress, and manage wildland fires, including any recommendations with respect to—

(i) the implementation of section 1114 of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (43 U.S.C. 1748b–1); or

(ii) improving early wildland fire detection;

(D) an assessment of Federal spending on wildland fire-related disaster management, including—

(i) a description and assessment of Federal grant programs for States and units of local government for pre- and post-wildland fire disaster mitigation and recovery, including—

(I) the amount of funding provided under each program;

(II) the effectiveness of each program with respect to long-term forest management and maintenance; and

(III) recommendations to improve the effectiveness of each program, including with respect to—

(aa) the conditions on the use of funds received under the program; and

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(bb) the extent to which additional funds are necessary for the program;

(ii) an evaluation, including recommendations to improve the effectiveness in mitigating wildland fires, which may include authorizing prescribed fires, of—

(I) the Building Resilient Infrastructure and Communities program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133);

(II) the Pre-Disaster Mitigation program under that section (42 U.S.C. 5133);

(III) the Hazard Mitigation Grant Program under section 404 of that Act (42 U.S.C. 5170c);

(IV) Hazard Mitigation Grant Program post-fire assistance under sections 404 and 420 of that Act (42 U.S.C. 5170c, 5187); and

(V) such other programs as the Commission determines to be appropriate;

(iii) an assessment of the definition of "small impoverished community" under section 203(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(a)), specifically—

(I) the exclusion of the percentage of land owned by an entity other than a State or unit of local government; and

(II) any related economic impact of that exclusion; and

(iv) recommendations for Federal budgeting for wildland fires and post-wildfire recovery;

(E) any recommendations for matters under subparagraph (A), (B), (C), or (D) specific to—

(i) forest type, vegetation type, or forest and vegetation type; or

(ii) State land, Tribal land, or private land;

(F)(i) a review of the national strategy described in the report entitled "The National Strategy: The Final Phase in the Development of the National Cohesive Wildland Fire Management Strategy" and dated April 2014; and

(ii) any recommendations for changes to that national strategy to improve its effectiveness; and

(G)(i) an evaluation of coordination of response to, and suppression of, wildfires occurring on Federal, Tribal, State, and local land among Federal, Tribal, State, and local agencies with jurisdiction over that land; and

(ii) any recommendations to improve the coordination described in clause (i).

(2) SPECIFIC POLICY RECOMMENDATIONS.—To the maximum extent practicable, the report described in paragraph (1) shall include detailed short- and long-term policy recommendations, including any recommendations for Federal legislation.

(3) INTERIM REPORTS.—Before the submission of the report under paragraph (1), on approval of all members of the Commission, the Commission may submit to the appropriate committees of Congress 1 or more interim reports, as the Commission determines to be appropriate, relating to any matters described in paragraph (1).

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(b) REPORT ON AERIAL WILDLAND FIREFIGHTING EQUIPMENT STRATEGY AND INVENTORY ASSESSMENT.—

(1) SUBMISSION OF INVENTORY TO THE COMMISSION.—Not later than 45 days after the date on which the Commission holds the first meeting of the Commission, the Secretary of Defense and the heads of other relevant Federal departments and agencies shall submit to the Commission an inventory of surplus cargo and passenger aircraft and excess common-use aircraft parts that may be used for wildland firefighting purposes, excluding any aircraft or aircraft parts that are—

(A) reasonably anticipated to be necessary for military operations, readiness, or fleet management in the future; or

(B) already obligated for purposes other than fighting wildland fires.

(2) SUBMISSION OF REPORT TO CONGRESS.—Not later than 90 days after the date on which the Commission receives the inventory described in paragraph (1), the Commission shall submit to the appropriate committees of Congress a report outlining a strategy to meet aerial firefighting equipment needs through 2030 in the most cost-effective manner, including—

(A) an assessment of the expected number of aircraft and aircraft parts needed to fight wildland fires through 2030;

(B) an assessment of existing authorities of the Secretary of Defense and the heads of other relevant Federal departments and agencies to provide or sell surplus aircraft or aircraft parts to Federal, State, or local authorities for wildland firefighting use, including—

(i) a description of the current use of each existing authority; and

(ii) a description of any additional authorities that are needed for the Secretary of Defense and the heads of other relevant Federal departments and agencies to provide or sell surplus aircraft or aircraft parts to Federal, State, or local authorities for wildland firefighting use; and

(C) recommendations to ensure the availability of aircraft and aircraft parts that the Commission expects will be necessary to fight wildland fires through 2030 in the most cost-effective manner.

(3) CONSIDERATIONS FOR ACCESSING AIRCRAFT AND AIRCRAFT PARTS.—In developing the strategy in the report required under paragraph (2) and the recommendations under paragraph (2)(C), the Commission shall consider all private and public sector options for accessing necessary aircraft and aircraft parts, including procurement, contracting, retrofitting, and public-private partnerships.

(4) UNCLASSIFIED REPORT.—The inventory and report submitted under paragraphs (1) and (2), respectively—

(A) shall be unclassified; but

(B) may include a classified annex.

(c) MAJORITY REQUIREMENT.—Not less than ⅔ of the members of the Commission shall approve the recommendations contained in each report submitted under subsection (a) or (b)(2).

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SEC. 70205. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal department or agency such information as the Commission considers necessary to carry out this title.

(2) FURNISHING INFORMATION.—On request of the Chairpersons of the Commission, the head of the department or agency shall furnish the information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of such gifts or donations of services or property as the Commission considers necessary to carry out this title.

SEC. 70206. COMMISSION PERSONNEL MATTERS.

(a) NO COMPENSATION.—A member of the Commission shall serve without compensation.

(b) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairpersons of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties, except that the employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairpersons of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—A Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairpersons of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

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SEC. 70207. TERMINATION OF COMMISSION.

The Commission shall terminate on the date that is 180 days after the date on which the Commission has submitted the reports under subsections (a) and (b) of section 70204.

TITLE III—REFORESTATION

SEC. 70301. SHORT TITLE.

This title may be cited as the "Repairing Existing Public Land by Adding Necessary Trees Act" or the "REPLANT Act".

SEC. 70302. REFORESTATION FOLLOWING WILDFIRES AND OTHER UNPLANNED EVENTS.

(a) FOREST AND RANGELAND RENEWABLE RESOURCES PLANNING ACT OF 1974.—

(1) NATIONAL FOREST COVER POLICY.—

(A) IN GENERAL.—Section 3 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601) is amended—

(i) by redesignating subsection (e) as subsection (f);

(ii) by redesignating the second subsection (d) (relating to the policy of Congress regarding forested land in the National Forest System) as subsection (e); and

(iii) in subsection (e) (as so redesignated)—

(I) in paragraph (2)—

(aa) in the first sentence—

(AA) by striking "9 of this Act, the Secretary shall annually for eight years following the enactment of this subsection" and inserting "9, the Secretary shall, annually during each of the 10 years beginning after the date of enactment of the REPLANT Act"; and

(BB) by striking "eight-year" and inserting "10-year";

(bb) in the second sentence, by striking "such eight-year period" and inserting "the 10-year period"; and

(cc) in the third sentence, by striking "1978" and inserting "2021";

(II) in paragraph (3), in the first sentence, by striking "subsection (d)" and inserting "subsection"; and

(III) by adding at the end the following:

"(4) REFORESTATION REQUIREMENTS.—

"(A) DEFINITIONS.—In this paragraph:

"(i) NATURAL REGENERATION.—

"(I) IN GENERAL.—The term 'natural regeneration' means the establishment of a tree or tree age class from natural seeding, sprouting, or suckering in accordance with the management objectives of an applicable land management plan.

"(II) INCLUSION.—The term 'natural regeneration' may include any site preparation activity to

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enhance the success of regeneration to the desired species composition and structure.

"(ii) PRIORITY LAND.—The term 'priority land' means National Forest System land that, due to an unplanned event—

"(I) does not meet the conditions for appropriate forest cover described in paragraph (1);

"(II) requires reforestation to meet the objectives of an applicable land management plan; and

"(III) is unlikely to experience natural regeneration without assistance.

"(iii) REFORESTATION.—The term 'reforestation' means the act of renewing tree cover, taking into consideration species composition and resilience, by establishing young trees through—

"(I) natural regeneration;

"(II) natural regeneration with site preparation; or

"(III) planting or direct seeding.

"(iv) SECRETARY.—The term 'Secretary' means the Secretary, acting through the Chief of the Forest Service.

"(v) UNPLANNED EVENT.—

"(I) IN GENERAL.—The term 'unplanned event' means any unplanned disturbance that—

"(aa) disrupts ecosystem or forest structure or composition; or

"(bb) changes resources, substrate availability, or the physical environment.

"(II) INCLUSIONS.—The term 'unplanned event' may include—

"(aa) a wildfire;

"(bb) an infestation of insects or disease;

"(cc) a weather event; and

"(dd) animal damage.

"(B) REQUIREMENT.—Each reforestation activity under this section shall be carried out in accordance with applicable Forest Service management practices and definitions, including definitions relating to silvicultural practices and forest management.

"(C) REFORESTATION PRIORITY.—

"(i) IN GENERAL.—In carrying out this subsection, the Secretary shall give priority to projects on the priority list described in clause (ii).

"(ii) PRIORITY LIST.—

"(I) IN GENERAL.—The Secretary shall, based on recommendations from regional foresters, create a priority list of reforestation projects that—

"(aa) primarily take place on priority land;

"(bb) promote effective reforestation following unplanned events; and

"(cc) may include activities to ensure adequate and appropriate seed availability.

"(II) RANKING.—The Secretary shall rank projects on the priority list under subclause (I) based on—

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"(aa) documentation of an effective reforestation project plan;

"(bb) the ability to measure the progress and success of the project; and

"(cc) the ability of a project to provide benefits relating to forest function and health, soil health and productivity, wildlife habitat, improved air and water quality, carbon sequestration potential, resilience, job creation, and enhanced recreational opportunities.".

(B) CONFORMING AMENDMENT.—Section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105) is amended, in the undesignated matter following paragraph (5) of subsection (g)—

(i) by striking "section 3(d)" and inserting "subsection (e) of section 3"; and

(ii) by striking "1601(d)" and inserting "1601".

(2) NATIONAL FOREST SYSTEM PROGRAM ELEMENTS.—Section 9 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1607) is amended, in the second sentence, by striking "2000" and inserting "2030".

(b) REFORESTATION TRUST FUND.—Section 303 of Public Law 96–451 (16 U.S.C. 1606a) is amended—

(1) in subsection (b)—

(A) by striking paragraph (2);

(B) in paragraph (3)—

(i) in the second sentence, by striking "Proper adjustment" and inserting the following:

"(3) ADJUSTMENT OF ESTIMATES.—Proper adjustment"; and

(ii) by striking "(3) The amounts" and inserting the following:

"(2) FREQUENCY.—The amounts"; and

(C) by striking the subsection designation and all that follows through "the Secretary" in paragraph (1) and inserting the following:

"(b) TRANSFERS TO TRUST FUND.—

"(1) IN GENERAL.—The Secretary"; and

(2) in subsection (d)(1)—

(A) by striking "section 3(d)" and inserting "subsection (e) of section 3"; and

(B) by striking "1601(d)" and inserting "1601".

SEC. 70303. REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Agriculture shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives, and make publicly available on the website of the Forest Service, a report that describes, with respect to the preceding year—

(1) an evaluation of the degree to which the Secretary has achieved compliance with the requirements contained in the amendments made by this title, including, as a result of those amendments, the number of acres covered by reforestation projects that follow unplanned events (such as wildfires);

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(2) the total number of acres of land reforested under each authority of the Secretary under which reforestation projects have been carried out;

(3) the number of acres of National Forest System land affected by, and the substance of reforestation needs on that land resulting from, unplanned events; and

(4) the number of acres in need of reforestation under subsection (e)(1) of section 3 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601).

TITLE IV—RECYCLING PRACTICES

SEC. 70401. BEST PRACTICES FOR BATTERY RECYCLING AND LABELING GUIDELINES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) BATTERY.—The term "battery" means a device that—

(A) consists of 1 or more electrochemical cells that are electrically connected; and

(B) is designed to store and deliver electric energy.

(3) RECYCLING.—The term "recycling" means the series of activities—

(A) during which recyclable materials are processed into specification-grade commodities, and consumed as raw-material feedstock, in lieu of virgin materials, in the manufacturing of new products;

(B) that may include collection, processing, and brokering; and

(C) that result in subsequent consumption by a materials manufacturer, including for the manufacturing of new products.

(b) BEST PRACTICES FOR COLLECTION OF BATTERIES TO BE RECYCLED.—

(1) IN GENERAL.—The Administrator shall develop best practices that may be implemented by State, Tribal, and local governments with respect to the collection of batteries to be recycled in a manner that—

(A) to the maximum extent practicable, is technically and economically feasible for State, Tribal, and local governments;

(B) is environmentally sound and safe for waste management workers; and

(C) optimizes the value and use of material derived from recycling of batteries.

(2) CONSULTATION.—The Administrator shall develop the best practices described in paragraph (1) in coordination with State, Tribal, and local governments and relevant nongovernmental and private sector entities.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the best practices developed under paragraph (1).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this

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subsection $10,000,000 for fiscal year 2022, to remain available until September 30, 2026.

(c) VOLUNTARY LABELING GUIDELINES.—

(1) IN GENERAL.—There is established within the Environmental Protection Agency a program (referred to in this subsection as the "program") to promote battery recycling through the development of—

(A) voluntary labeling guidelines for batteries; and

(B) other forms of communication materials for battery producers and consumers about the reuse and recycling of critical materials from batteries.

(2) PURPOSES.—The purposes of the program are to improve battery collection and reduce battery waste, including by—

(A) identifying battery collection locations and increasing accessibility to those locations;

(B) promoting consumer education about battery collection and recycling; and

(C) reducing safety concerns relating to the improper disposal of batteries.

(3) OTHER STANDARDS AND LAW.—The Administrator shall make every reasonable effort to ensure that voluntary labeling guidelines and other forms of communication materials developed under the program are consistent with—

(A) international battery labeling standards; and

(B) the Mercury-Containing and Rechargeable Battery Management Act (42 U.S.C. 14301 et seq.).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection $15,000,000 for fiscal year 2022, to remain available until September 30, 2026.

SEC. 70402. CONSUMER RECYCLING EDUCATION AND OUTREACH GRANT PROGRAM; FEDERAL PROCUREMENT.

(a) DEFINITION OF ADMINISTRATOR.—In this section, the term "Administrator" means the Administrator of the Environmental Protection Agency.

(b) CONSUMER RECYCLING EDUCATION AND OUTREACH GRANT PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish a program (referred to in this subsection as the "grant program") to award competitive grants to eligible entities to improve the effectiveness of residential and community recycling programs through public education and outreach.

(2) CRITERIA.—The Administrator shall award grants under the grant program for projects that, by using one or more eligible activities described in paragraph (5)—

(A) inform the public about residential or community recycling programs;

(B) provide information about the recycled materials that are accepted as part of a residential or community recycling program that provides for the separate collection of residential solid waste from recycled material; and

(C) increase collection rates and decrease contamination in residential and community recycling programs.

(3) ELIGIBLE ENTITIES.—

(A) IN GENERAL.—An entity that is eligible to receive a grant under the grant program is—

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(i) a State;
(ii) a unit of local government;
(iii) an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));
(iv) a Native Hawaiian organization (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517));
(v) the Department of Hawaiian Home Lands;
(vi) the Office of Hawaiian Affairs;
(vii) a nonprofit organization; or
(viii) a public-private partnership.

(B) COORDINATION OF ACTIVITIES.—2 or more entities described in subparagraph (A) may receive a grant under the grant program to coordinate the provision of information to residents that may access 2 or more residential recycling programs, including programs that accept different recycled materials, to provide to the residents information regarding differences among those residential recycling programs.

(4) REQUIREMENT.—

(A) IN GENERAL.—To receive a grant under the grant program, an eligible entity shall demonstrate to the Administrator that the grant funds will be used to encourage the collection of recycled materials that are sold to an existing or developing market.

(B) BUSINESS PLANS AND FINANCIAL DATA.—

(i) IN GENERAL.—An eligible entity may make a demonstration under subparagraph (A) through the submission to the Administrator of appropriate business plans and financial data.

(ii) CONFIDENTIALITY.—The Administrator shall treat any business plans or financial data received under clause (i) as confidential information.

(5) ELIGIBLE ACTIVITIES.—An eligible entity that receives a grant under the grant program may use the grant funds for activities including—

(A) public service announcements;
(B) a door-to-door education and outreach campaign;
(C) social media and digital outreach;
(D) an advertising campaign on recycling awareness;
(E) the development and dissemination of—

(i) a toolkit for a municipal and commercial recycling program;

(ii) information on the importance of quality in the recycling stream;

(iii) information on the economic and environmental benefits of recycling; and

(iv) information on what happens to materials after the materials are placed into a residential or community recycling program;

(F) businesses recycling outreach;
(G) bin, cart, and other receptacle labeling and signs; and

(H) such other activities that the Administrator determines are appropriate to carry out the purposes of this subsection.

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(6) PROHIBITION ON USE OF FUNDS.—No funds may be awarded under the grant program for a residential recycling program that—

(A) does not provide for the separate collection of residential solid waste (as defined in section 246.101 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act)) from recycled material (as defined in that section), unless the funds are used to promote a transition to a system that separately collects recycled materials; or

(B) promotes the establishment of, or conversion to, a residential collection system that does not provide for the separate collection of residential solid waste from recycled material (as those terms are defined under subparagraph (A)).

(7) MODEL RECYCLING PROGRAM TOOLKIT.—

(A) IN GENERAL.—In carrying out the grant program, the Administrator, in consultation with other relevant Federal agencies, States, Indian Tribes, units of local government, nonprofit organizations, and the private sector, shall develop a model recycling program toolkit for States, Indian Tribes, and units of local government that includes, at a minimum—

(i) a standardized set of terms and examples that may be used to describe materials that are accepted by a residential recycling program;

(ii) information that the Administrator determines can be widely applied across residential recycling programs, taking into consideration the differences in recycled materials accepted by residential recycling programs;

(iii) educational principles on best practices for the collection and processing of recycled materials;

(iv) a community self-assessment guide to identify gaps in existing recycling programs;

(v) training modules that enable States and nonprofit organizations to provide technical assistance to units of local government;

(vi) access to consumer educational materials that States, Indian Tribes, and units of local government can adapt and use in recycling programs; and

(vii) a guide to measure the effectiveness of a grant received under the grant program, including standardized measurements for recycling rates and decreases in contamination.

(B) REQUIREMENT.—In developing the standardized set of terms and examples under subparagraph (A)(i), the Administrator may not establish any requirements for—

(i) what materials shall be accepted by a residential recycling program; or

(ii) the labeling of products.

(8) SCHOOL CURRICULUM.—The Administrator shall provide assistance to the educational community, including nonprofit organizations, such as an organization the science, technology, engineering, and mathematics program of which incorporates recycling, to promote the introduction of recycling principles and best practices into public school curricula.

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(9) REPORTS.—

(A) TO THE ADMINISTRATOR.—Not earlier than 180 days, and not later than 2 years, after the date on which a grant under the grant program is awarded to an eligible entity, the eligible entity shall submit to the Administrator a report describing, by using the guide developed under paragraph (7)(A)(vii)—

(i) the change in volume of recycled material collected through the activities funded with the grant;

(ii) the change in participation rate of the recycling program funded with the grant;

(iii) the reduction of contamination in the recycling stream as a result of the activities funded with the grant; and

(iv) such other information as the Administrator determines to be appropriate.

(B) TO CONGRESS.—The Administrator shall submit to Congress an annual report describing—

(i) the effectiveness of residential recycling programs awarded funds under the grant program, including statistics comparing the quantity and quality of recycled materials collected by those programs, as described in the reports submitted to the Administrator under subparagraph (A); and

(ii) recommendations on additional actions to improve residential recycling.

(c) FEDERAL PROCUREMENT.—Section 6002 of the Solid Waste Disposal Act (42 U.S.C. 6962) is amended—

(1) in subsection (e), in the matter preceding paragraph (1), by striking "and from time to time, revise" and inserting "review not less frequently than once every 5 years, and, if appropriate, revise, in consultation with recyclers and manufacturers of products containing recycled content, not later than 2 years after the completion of the initial review after the date of enactment of the Infrastructure Investment and Jobs Act and thereafter, as appropriate"; and

(2) by adding at the end the following:

"(j) CONSULTATION AND PROVISION OF INFORMATION BY ADMINISTRATOR.—The Administrator shall—

"(1) consult with each procuring agency, including contractors of the procuring agency, to clarify the responsibilities of the procuring agency under this section; and

"(2) provide to each procuring agency information on the requirements under this section and the responsibilities of the procuring agency under this section.

"(k) REPORTS.—The Administrator, in consultation with the Administrator of General Services, shall submit to Congress an annual report describing—

"(1) the quantity of federally procured recycled products listed in the guidelines under subsection (e); and

"(2) with respect to the products described in paragraph (1), the percentage of recycled material in each product.".

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Administrator to carry out this section and the amendments made by this section $15,000,000 for each of fiscal years 2022 through 2026.

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(2) REQUIREMENT.—Of the amount made available under paragraph (1) for a fiscal year, not less than 20 percent shall be allocated to—

(A) low-income communities;

(B) rural communities; and

(C) communities identified as Native American pursuant to section 2(9) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001(9)).

TITLE V—BIOPRODUCT PILOT PROGRAM

SEC. 70501. PILOT PROGRAM ON USE OF AGRICULTURAL COMMODITIES IN CONSTRUCTION AND CONSUMER PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) CONSTRUCTION PRODUCT.—The term "construction product" means any article, or component part thereof, produced or distributed for use during the construction, maintenance, or preservation of a highway, road, street, bridge, building, dam, port, or airport construction project.

(2) CONSUMER PRODUCT.—The term "consumer product" means—

(A) any article, or component part thereof, produced or distributed—

(i) for sale to a consumer for use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise; or

(ii) for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation, or otherwise; and

(B) any product or product category described in subparagraphs (A) through (I) of section 3(a)(5) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(5)).

(3) COVERED AGRICULTURAL COMMODITY.—The term "covered agricultural commodity" means any agricultural commodity, food, feed, fiber, livestock, oil, or a derivative thereof, that the Secretary determines to have been used in the production of materials that have demonstrated market viability and benefits (as described in paragraphs (1) through (7) of subsection (b)) as of the date of enactment of this Act.

(4) QUALIFIED INSTITUTION.—The term "qualified institution" means a bioproducts research facility that—

(A) is funded, in part, by a State;

(B) is located within a reasonable distance, not to exceed 3 miles, of the primary residence hall of an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

(C) provides students opportunities to engage in research activities; and

(D) provides opportunities for an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) to collaborate with private enterprise.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

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(b) ESTABLISHMENT.—The Secretary shall carry out a pilot program under which the Secretary shall partner with not less than 1 qualified institution to study the benefits of using materials derived from covered agricultural commodities in the production of construction products and consumer products, including—

(1) cost savings relative to other commonly used alternative materials;

(2) greenhouse gas emission reductions and other environmental benefits relative to other commonly used alternative materials;

(3) life-cycle and longevity-extending characteristics relative to other commonly used alternative materials;

(4) life-cycle and longevity-reducing characteristics relative to other commonly used alternative materials;

(5) landfill quantity and waste management cost reductions;

(6) product development and production scale-up; and

(7) any other benefits that the Secretary determines to be appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $2,000,000 for each of fiscal years 2022 through 2023.

TITLE VI—CYBERSECURITY

Subtitle A—Cyber Response and Recovery Act

SEC. 70601. SHORT TITLE.

This subtitle may be cited as the "Cyber Response and Recovery Act".

SEC. 70602. DECLARATION OF A SIGNIFICANT INCIDENT.

(a) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:

"Subtitle C—Declaration of a Significant Incident

"SEC. 2231. SENSE OF CONGRESS.

"It is the sense of Congress that—

"(1) the purpose of this subtitle is to authorize the Secretary to declare that a significant incident has occurred and to establish the authorities that are provided under the declaration to respond to and recover from the significant incident; and

"(2) the authorities established under this subtitle are intended to enable the Secretary to provide voluntary assistance to non-Federal entities impacted by a significant incident.

"SEC. 2232. DEFINITIONS.

"For the purposes of this subtitle:

"(1) ASSET RESPONSE ACTIVITY.—The term 'asset response activity' means an activity to support an entity impacted by

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an incident with the response to, remediation of, or recovery from, the incident, including—

"(A) furnishing technical and advisory assistance to the entity to protect the assets of the entity, mitigate vulnerabilities, and reduce the related impacts;

"(B) assessing potential risks to the critical infrastructure sector or geographic region impacted by the incident, including potential cascading effects of the incident on other critical infrastructure sectors or geographic regions;

"(C) developing courses of action to mitigate the risks assessed under subparagraph (B);

"(D) facilitating information sharing and operational coordination with entities performing threat response activities; and

"(E) providing guidance on how best to use Federal resources and capabilities in a timely, effective manner to speed recovery from the incident.

"(2) DECLARATION.—The term 'declaration' means a declaration of the Secretary under section 2233(a)(1).

"(3) DIRECTOR.—The term 'Director' means the Director of the Cybersecurity and Infrastructure Security Agency.

"(4) FEDERAL AGENCY.—The term 'Federal agency' has the meaning given the term 'agency' in section 3502 of title 44, United States Code.

"(5) FUND.—The term 'Fund' means the Cyber Response and Recovery Fund established under section 2234(a).

"(6) INCIDENT.—The term 'incident' has the meaning given the term in section 3552 of title 44, United States Code.

"(7) RENEWAL.—The term 'renewal' means a renewal of a declaration under section 2233(d).

"(8) SIGNIFICANT INCIDENT.—The term 'significant incident'—

"(A) means an incident or a group of related incidents that results, or is likely to result, in demonstrable harm to—

"(i) the national security interests, foreign relations, or economy of the United States; or

"(ii) the public confidence, civil liberties, or public health and safety of the people of the United States; and

"(B) does not include an incident or a portion of a group of related incidents that occurs on—

"(i) a national security system (as defined in section 3552 of title 44, United States Code); or

"(ii) an information system described in paragraph (2) or (3) of section 3553(e) of title 44, United States Code.

"SEC. 2233. DECLARATION.

"(a) IN GENERAL.—

"(1) DECLARATION.—The Secretary, in consultation with the National Cyber Director, may make a declaration of a significant incident in accordance with this section for the purpose of enabling the activities described in this subtitle if the Secretary determines that—

"(A) a specific significant incident—

"(i) has occurred; or

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"(ii) is likely to occur imminently; and

"(B) otherwise available resources, other than the Fund, are likely insufficient to respond effectively to, or to mitigate effectively, the specific significant incident described in subparagraph (A).

"(2) PROHIBITION ON DELEGATION.—The Secretary may not delegate the authority provided to the Secretary under paragraph (1).

"(b) ASSET RESPONSE ACTIVITIES.—Upon a declaration, the Director shall coordinate—

"(1) the asset response activities of each Federal agency in response to the specific significant incident associated with the declaration; and

"(2) with appropriate entities, which may include—

"(A) public and private entities and State and local governments with respect to the asset response activities of those entities and governments; and

"(B) Federal, State, local, and Tribal law enforcement agencies with respect to investigations and threat response activities of those law enforcement agencies; and

"(3) Federal, State, local, and Tribal emergency management and response agencies.

"(c) DURATION.—Subject to subsection (d), a declaration shall terminate upon the earlier of—

"(1) a determination by the Secretary that the declaration is no longer necessary; or

"(2) the expiration of the 120-day period beginning on the date on which the Secretary makes the declaration.

"(d) RENEWAL.—The Secretary, without delegation, may renew a declaration as necessary.

"(e) PUBLICATION.—

"(1) IN GENERAL.—Not later than 72 hours after a declaration or a renewal, the Secretary shall publish the declaration or renewal in the Federal Register.

"(2) PROHIBITION.—A declaration or renewal published under paragraph (1) may not include the name of any affected individual or private company.

"(f) ADVANCE ACTIONS.—

"(1) IN GENERAL.—The Secretary—

"(A) shall assess the resources available to respond to a potential declaration; and

"(B) may take actions before and while a declaration is in effect to arrange or procure additional resources for asset response activities or technical assistance the Secretary determines necessary, which may include entering into standby contracts with private entities for cybersecurity services or incident responders in the event of a declaration.

"(2) EXPENDITURE OF FUNDS.—Any expenditure from the Fund for the purpose of paragraph (1)(B) shall be made from amounts available in the Fund, and amounts available in the Fund shall be in addition to any other appropriations available to the Cybersecurity and Infrastructure Security Agency for such purpose.

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"SEC. 2234. CYBER RESPONSE AND RECOVERY FUND.

"(a) IN GENERAL.—There is established a Cyber Response and Recovery Fund, which shall be available for—

"(1) the coordination of activities described in section 2233(b);

"(2) response and recovery support for the specific significant incident associated with a declaration to Federal, State, local, and Tribal, entities and public and private entities on a reimbursable or non-reimbursable basis, including through asset response activities and technical assistance, such as—

"(A) vulnerability assessments and mitigation;

"(B) technical incident mitigation;

"(C) malware analysis;

"(D) analytic support;

"(E) threat detection and hunting; and

"(F) network protections;

"(3) as the Director determines appropriate, grants for, or cooperative agreements with, Federal, State, local, and Tribal public and private entities to respond to, and recover from, the specific significant incident associated with a declaration, such as—

"(A) hardware or software to replace, update, improve, harden, or enhance the functionality of existing hardware, software, or systems; and

"(B) technical contract personnel support; and

"(4) advance actions taken by the Secretary under section 2233(f)(1)(B).

"(b) DEPOSITS AND EXPENDITURES.—

"(1) IN GENERAL.—Amounts shall be deposited into the Fund from—

"(A) appropriations to the Fund for activities of the Fund; and

"(B) reimbursement from Federal agencies for the activities described in paragraphs (1), (2), and (4) of subsection (a), which shall only be from amounts made available in advance in appropriations Acts for such reimbursement.

"(2) EXPENDITURES.—Any expenditure from the Fund for the purposes of this subtitle shall be made from amounts available in the Fund from a deposit described in paragraph (1), and amounts available in the Fund shall be in addition to any other appropriations available to the Cybersecurity and Infrastructure Security Agency for such purposes.

"(c) SUPPLEMENT NOT SUPPLANT.—Amounts in the Fund shall be used to supplement, not supplant, other Federal, State, local, or Tribal funding for activities in response to a declaration.

"(d) REPORTING.—The Secretary shall require an entity that receives amounts from the Fund to submit a report to the Secretary that details the specific use of the amounts.

"SEC. 2235. NOTIFICATION AND REPORTING.

"(a) NOTIFICATION.—Upon a declaration or renewal, the Secretary shall immediately notify the National Cyber Director and appropriate congressional committees and include in the notification—

"(1) an estimation of the planned duration of the declaration;

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"(2) with respect to a notification of a declaration, the reason for the declaration, including information relating to the specific significant incident or imminent specific significant incident, including—

"(A) the operational or mission impact or anticipated impact of the specific significant incident on Federal and non-Federal entities;

"(B) if known, the perpetrator of the specific significant incident; and

"(C) the scope of the Federal and non-Federal entities impacted or anticipated to be impacted by the specific significant incident;

"(3) with respect to a notification of a renewal, the reason for the renewal;

"(4) justification as to why available resources, other than the Fund, are insufficient to respond to or mitigate the specific significant incident; and

"(5) a description of the coordination activities described in section 2233(b) that the Secretary anticipates the Director to perform.

"(b) REPORT TO CONGRESS.—Not later than 180 days after the date of a declaration or renewal, the Secretary shall submit to the appropriate congressional committees a report that includes—

"(1) the reason for the declaration or renewal, including information and intelligence relating to the specific significant incident that led to the declaration or renewal;

"(2) the use of any funds from the Fund for the purpose of responding to the incident or threat described in paragraph (1);

"(3) a description of the actions, initiatives, and projects undertaken by the Department and State and local governments and public and private entities in responding to and recovering from the specific significant incident described in paragraph (1);

"(4) an accounting of the specific obligations and outlays of the Fund; and

"(5) an analysis of—

"(A) the impact of the specific significant incident described in paragraph (1) on Federal and non-Federal entities;

"(B) the impact of the declaration or renewal on the response to, and recovery from, the specific significant incident described in paragraph (1); and

"(C) the impact of the funds made available from the Fund as a result of the declaration or renewal on the recovery from, and response to, the specific significant incident described in paragraph (1).

"(c) CLASSIFICATION.—Each notification made under subsection (a) and each report submitted under subsection (b)—

"(1) shall be in an unclassified form with appropriate markings to indicate information that is exempt from disclosure under section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act'); and

"(2) may include a classified annex.

"(d) CONSOLIDATED REPORT.—The Secretary shall not be required to submit multiple reports under subsection (b) for multiple

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declarations or renewals if the Secretary determines that the declarations or renewals substantively relate to the same specific significant incident.

"(e) EXEMPTION.—The requirements of subchapter I of chapter 35 of title 44 (commonly known as the 'Paperwork Reduction Act') shall not apply to the voluntary collection of information by the Department during an investigation of, a response to, or an immediate post-response review of, the specific significant incident leading to a declaration or renewal.

"SEC. 2236. RULE OF CONSTRUCTION.

"Nothing in this subtitle shall be construed to impair or limit the ability of the Director to carry out the authorized activities of the Cybersecurity and Infrastructure Security Agency.

"SEC. 2237. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Fund $20,000,000 for fiscal year 2022 and each fiscal year thereafter until September 30, 2028, which shall remain available until September 30, 2028.

"SEC. 2238. SUNSET.

"The authorities granted to the Secretary or the Director under this subtitle shall expire on the date that is 7 years after the date of enactment of this subtitle.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by adding at the end the following:

"Subtitle C—Declaration of a Significant Incident

"Sec. 2231. Sense of congress.
"Sec. 2232. Definitions.
"Sec. 2233. Declaration.
"Sec. 2234. Cyber response and recovery fund.
"Sec. 2235. Notification and reporting.
"Sec. 2236. Rule of construction.
"Sec. 2237. Authorization of appropriations.
"Sec. 2238. Sunset.".

Subtitle B—State and Local Cybersecurity Improvement Act

SEC. 70611. SHORT TITLE.

This subtitle may be cited as the "State and Local Cybersecurity Improvement Act".

SEC. 70612. STATE AND LOCAL CYBERSECURITY GRANT PROGRAM.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:

"SEC. 2218. STATE AND LOCAL CYBERSECURITY GRANT PROGRAM.

"(a) DEFINITIONS.—In this section:

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

"(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

"(B) the Committee on Homeland Security of the House of Representatives.

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"(2) CYBER THREAT INDICATOR.—The term 'cyber threat indicator' has the meaning given the term in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

"(3) CYBERSECURITY PLAN.—The term 'Cybersecurity Plan' means a plan submitted by an eligible entity under subsection (e)(1).

"(4) ELIGIBLE ENTITY.—The term 'eligible entity' means a—

"(A) State; or

"(B) Tribal government.

"(5) INCIDENT.—The term 'incident' has the meaning given the term in section 2209.

"(6) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term 'information sharing and analysis organization' has the meaning given the term in section 2222.

"(7) INFORMATION SYSTEM.—The term 'information system' has the meaning given the term in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

"(8) MULTI-ENTITY GROUP.—The term 'multi-entity group' means a group of 2 or more eligible entities desiring a grant under this section.

"(9) ONLINE SERVICE.—The term 'online service' means any internet-facing service, including a website, email, virtual private network, or custom application.

"(10) RURAL AREA.—The term 'rural area' has the meaning given the term in section 5302 of title 49, United States Code.

"(11) STATE AND LOCAL CYBERSECURITY GRANT PROGRAM.—The term 'State and Local Cybersecurity Grant Program' means the program established under subsection (b).

"(12) 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, that is 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).

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established within the Department a program to award grants to eligible entities to address cybersecurity risks and cybersecurity threats to information systems owned or operated by, or on behalf of, State, local, or Tribal governments.

"(2) APPLICATION.—An eligible entity desiring a grant under the State and Local Cybersecurity Grant Program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) ADMINISTRATION.—The State and Local Cybersecurity Grant Program shall be administered in the same office of the Department that administers grants made under sections 2003 and 2004.

"(d) USE OF FUNDS.—An eligible entity that receives a grant under this section and a local government that receives funds from a grant under this section, as appropriate, shall use the grant to—

"(1) implement the Cybersecurity Plan of the eligible entity;

"(2) develop or revise the Cybersecurity Plan of the eligible entity;

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"(3) pay expenses directly relating to the administration of the grant, which shall not exceed 5 percent of the amount of the grant;

"(4) assist with activities that address imminent cybersecurity threats, as confirmed by the Secretary, acting through the Director, to the information systems owned or operated by, or on behalf of, the eligible entity or a local government within the jurisdiction of the eligible entity; or

"(5) fund any other appropriate activity determined by the Secretary, acting through the Director.

"(e) CYBERSECURITY PLANS.—

"(1) IN GENERAL.—An eligible entity applying for a grant under this section shall submit to the Secretary a Cybersecurity Plan for review in accordance with subsection (i).

"(2) REQUIRED ELEMENTS.—A Cybersecurity Plan of an eligible entity shall—

"(A) incorporate, to the extent practicable—

"(i) any existing plans of the eligible entity to protect against cybersecurity risks and cybersecurity threats to information systems owned or operated by, or on behalf of, State, local, or Tribal governments; and

"(ii) if the eligible entity is a State, consultation and feedback from local governments and associations of local governments within the jurisdiction of the eligible entity;

"(B) describe, to the extent practicable, how the eligible entity will—

"(i) manage, monitor, and track information systems, applications, and user accounts owned or operated by, or on behalf of, the eligible entity or, if the eligible entity is a State, local governments within the jurisdiction of the eligible entity, and the information technology deployed on those information systems, including legacy information systems and information technology that are no longer supported by the manufacturer of the systems or technology;

"(ii) monitor, audit, and, track network traffic and activity transiting or traveling to or from information systems, applications, and user accounts owned or operated by, or on behalf of, the eligible entity or, if the eligible entity is a State, local governments within the jurisdiction of the eligible entity;

"(iii) enhance the preparation, response, and resiliency of information systems, applications, and user accounts owned or operated by, or on behalf of, the eligible entity or, if the eligible entity is a State, local governments within the jurisdiction of the eligible entity, against cybersecurity risks and cybersecurity threats;

"(iv) implement a process of continuous cybersecurity vulnerability assessments and threat mitigation practices prioritized by degree of risk to address cybersecurity risks and cybersecurity threats on information systems, applications, and user accounts owned or operated by, or on behalf of, the eligible entity or,

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if the eligible entity is a State, local governments within the jurisdiction of the eligible entity;

"(v) ensure that the eligible entity and, if the eligible entity is a State, local governments within the jurisdiction of the eligible entity, adopt and use best practices and methodologies to enhance cybersecurity, such as—

"(I) the practices set forth in the cybersecurity framework developed by the National Institute of Standards and Technology;

"(II) cyber chain supply chain risk management best practices identified by the National Institute of Standards and Technology; and

"(III) knowledge bases of adversary tools and tactics;

"(vi) promote the delivery of safe, recognizable, and trustworthy online services by the eligible entity and, if the eligible entity is a State, local governments within the jurisdiction of the eligible entity, including through the use of the .gov internet domain;

"(vii) ensure continuity of operations of the eligible entity and, if the eligible entity is a State, local governments within the jurisdiction of the eligible entity, in the event of a cybersecurity incident, including by conducting exercises to practice responding to a cybersecurity incident;

"(viii) use the National Initiative for Cybersecurity Education Workforce Framework for Cybersecurity developed by the National Institute of Standards and Technology to identify and mitigate any gaps in the cybersecurity workforces of the eligible entity and, if the eligible entity is a State, local governments within the jurisdiction of the eligible entity, enhance recruitment and retention efforts for those workforces, and bolster the knowledge, skills, and abilities of personnel of the eligible entity and, if the eligible entity is a State, local governments within the jurisdiction of the eligible entity, to address cybersecurity risks and cybersecurity threats, such as through cybersecurity hygiene training;

"(ix) if the eligible entity is a State, ensure continuity of communications and data networks within the jurisdiction of the eligible entity between the eligible entity and local governments within the jurisdiction of the eligible entity in the event of an incident involving those communications or data networks;

"(x) assess and mitigate, to the greatest degree possible, cybersecurity risks and cybersecurity threats relating to critical infrastructure and key resources, the degradation of which may impact the performance of information systems within the jurisdiction of the eligible entity;

"(xi) enhance capabilities to share cyber threat indicators and related information between the eligible entity and—

"(I) if the eligible entity is a State, local governments within the jurisdiction of the eligible

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entity, including by expanding information sharing agreements with the Department; and

"(II) the Department;

"(xii) leverage cybersecurity services offered by the Department;

"(xiii) implement an information technology and operational technology modernization cybersecurity review process that ensures alignment between information technology and operational technology cybersecurity objectives;

"(xiv) develop and coordinate strategies to address cybersecurity risks and cybersecurity threats in consultation with—

"(I) if the eligible entity is a State, local governments and associations of local governments within the jurisdiction of the eligible entity; and

"(II) as applicable—

"(aa) eligible entities that neighbor the jurisdiction of the eligible entity or, as appropriate, members of an information sharing and analysis organization; and

"(bb) countries that neighbor the jurisdiction of the eligible entity;

"(xv) ensure adequate access to, and participation in, the services and programs described in this subparagraph by rural areas within the jurisdiction of the eligible entity; and

"(xvi) distribute funds, items, services, capabilities, or activities to local governments under subsection (n)(2)(A), including the fraction of that distribution the eligible entity plans to distribute to rural areas under subsection (n)(2)(B);

"(C) assess the capabilities of the eligible entity relating to the actions described in subparagraph (B);

"(D) describe, as appropriate and to the extent practicable, the individual responsibilities of the eligible entity and local governments within the jurisdiction of the eligible entity in implementing the plan;

"(E) outline, to the extent practicable, the necessary resources and a timeline for implementing the plan; and

"(F) describe the metrics the eligible entity will use to measure progress towards—

"(i) implementing the plan; and

"(ii) reducing cybersecurity risks to, and identifying, responding to, and recovering from cybersecurity threats to, information systems owned or operated by, or on behalf of, the eligible entity or, if the eligible entity is a State, local governments within the jurisdiction of the eligible entity.

"(3) DISCRETIONARY ELEMENTS.—In drafting a Cybersecurity Plan, an eligible entity may—

"(A) consult with the Multi-State Information Sharing and Analysis Center;

"(B) include a description of cooperative programs developed by groups of local governments within the jurisdiction of the eligible entity to address cybersecurity risks and cybersecurity threats; and

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"(C) include a description of programs provided by the eligible entity to support local governments and owners and operators of critical infrastructure to address cybersecurity risks and cybersecurity threats.

"(f) MULTI-ENTITY GRANTS.—

"(1) IN GENERAL.—The Secretary may award grants under this section to a multi-entity group to support multi-entity efforts to address cybersecurity risks and cybersecurity threats to information systems within the jurisdictions of the eligible entities that comprise the multi-entity group.

"(2) SATISFACTION OF OTHER REQUIREMENTS.—In order to be eligible for a multi-entity grant under this subsection, each eligible entity that comprises a multi-entity group shall have—

"(A) a Cybersecurity Plan that has been reviewed by the Secretary in accordance with subsection (i); and

"(B) a cybersecurity planning committee established in accordance with subsection (g).

"(3) APPLICATION.—

"(A) IN GENERAL.—A multi-entity group applying for a multi-entity grant under paragraph (1) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(B) MULTI-ENTITY PROJECT PLAN.—An application for a grant under this section of a multi-entity group under subparagraph (A) shall include a plan describing—

"(i) the division of responsibilities among the eligible entities that comprise the multi-entity group;

"(ii) the distribution of funding from the grant among the eligible entities that comprise the multi-entity group; and

"(iii) how the eligible entities that comprise the multi-entity group will work together to implement the Cybersecurity Plan of each of those eligible entities.

"(g) PLANNING COMMITTEES.—

"(1) IN GENERAL.—An eligible entity that receives a grant under this section shall establish a cybersecurity planning committee to—

"(A) assist with the development, implementation, and revision of the Cybersecurity Plan of the eligible entity;

"(B) approve the Cybersecurity Plan of the eligible entity; and

"(C) assist with the determination of effective funding priorities for a grant under this section in accordance with subsections (d) and (j).

"(2) COMPOSITION.—A committee of an eligible entity established under paragraph (1) shall—

"(A) be comprised of representatives from—

"(i) the eligible entity;

"(ii) if the eligible entity is a State, counties, cities, and towns within the jurisdiction of the eligible entity; and

"(iii) institutions of public education and health within the jurisdiction of the eligible entity; and

"(B) include, as appropriate, representatives of rural, suburban, and high-population jurisdictions.

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"(3) CYBERSECURITY EXPERTISE.—Not less than one-half of the representatives of a committee established under paragraph (1) shall have professional experience relating to cybersecurity or information technology.

"(4) RULE OF CONSTRUCTION REGARDING EXISTING PLANNING COMMITTEES.—Nothing in this subsection shall be construed to require an eligible entity to establish a cybersecurity planning committee if the eligible entity has established and uses a multijurisdictional planning committee or commission that—

"(A) meets the requirements of this subsection; or

"(B) may be expanded or leveraged to meet the requirements of this subsection, including through the formation of a cybersecurity planning subcommittee.

"(5) RULE OF CONSTRUCTION REGARDING CONTROL OF INFORMATION SYSTEMS OF ELIGIBLE ENTITIES.—Nothing in this subsection shall be construed to permit a cybersecurity planning committee of an eligible entity that meets the requirements of this subsection to make decisions relating to information systems owned or operated by, or on behalf of, the eligible entity.

"(h) SPECIAL RULE FOR TRIBAL GOVERNMENTS.—With respect to any requirement under subsection (e) or (g), the Secretary, in consultation with the Secretary of the Interior and Tribal governments, may prescribe an alternative substantively similar requirement for Tribal governments if the Secretary finds that the alternative requirement is necessary for the effective delivery and administration of grants to Tribal governments under this section.

"(i) REVIEW OF PLANS.—

"(1) REVIEW AS CONDITION OF GRANT.—

"(A) IN GENERAL.—Subject to paragraph (3), before an eligible entity may receive a grant under this section, the Secretary, acting through the Director, shall—

"(i) review the Cybersecurity Plan of the eligible entity, including any revised Cybersecurity Plans of the eligible entity; and

"(ii) determine that the Cybersecurity Plan reviewed under clause (i) satisfies the requirements under paragraph (2).

"(B) DURATION OF DETERMINATION.—In the case of a determination under subparagraph (A)(ii) that a Cybersecurity Plan satisfies the requirements under paragraph (2), the determination shall be effective for the 2-year period beginning on the date of the determination.

"(C) ANNUAL RENEWAL.—Not later than 2 years after the date on which the Secretary determines under subparagraph (A)(ii) that a Cybersecurity Plan satisfies the requirements under paragraph (2), and annually thereafter, the Secretary, acting through the Director, shall—

"(i) determine whether the Cybersecurity Plan and any revisions continue to meet the criteria described in paragraph (2); and

"(ii) renew the determination if the Secretary, acting through the Director, makes a positive determination under clause (i).

"(2) PLAN REQUIREMENTS.—In reviewing a Cybersecurity Plan of an eligible entity under this subsection, the Secretary,

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acting through the Director, shall ensure that the Cybersecurity Plan—

"(A) satisfies the requirements of subsection (e)(2); and

"(B) has been approved by—

"(i) the cybersecurity planning committee of the eligible entity established under subsection (g); and

"(ii) the Chief Information Officer, the Chief Information Security Officer, or an equivalent official of the eligible entity.

"(3) EXCEPTION.—Notwithstanding subsection (e) and paragraph (1) of this subsection, the Secretary may award a grant under this section to an eligible entity that does not submit a Cybersecurity Plan to the Secretary for review before September 30, 2023, if the eligible entity certifies to the Secretary that—

"(A) the activities that will be supported by the grant are—

"(i) integral to the development of the Cybersecurity Plan of the eligible entity; or

"(ii) necessary to assist with activities described in subsection (d)(4), as confirmed by the Director; and

"(B) the eligible entity will submit to the Secretary a Cybersecurity Plan for review under this subsection by September 30, 2023.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to provide authority to the Secretary to—

"(A) regulate the manner by which an eligible entity or local government improves the cybersecurity of the information systems owned or operated by, or on behalf of, the eligible entity or local government; or

"(B) condition the receipt of grants under this section on—

"(i) participation in a particular Federal program; or

"(ii) the use of a specific product or technology.

"(j) LIMITATIONS ON USES OF FUNDS.—

"(1) IN GENERAL.—Any entity that receives funds from a grant under this section may not use the grant—

"(A) to supplant State or local funds;

"(B) for any recipient cost-sharing contribution;

"(C) to pay a ransom;

"(D) for recreational or social purposes; or

"(E) for any purpose that does not address cybersecurity risks or cybersecurity threats on information systems owned or operated by, or on behalf of, the eligible entity that receives the grant or a local government within the jurisdiction of the eligible entity.

"(2) COMPLIANCE OVERSIGHT.—In addition to any other remedy available, the Secretary may take such actions as are necessary to ensure that a recipient of a grant under this section uses the grant for the purposes for which the grant is awarded.

"(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1)(A) shall be construed to prohibit the use of funds from a grant under this section awarded to a State, local, or Tribal government for otherwise permissible uses under this section on the basis that the State, local, or Tribal government has previously

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used State, local, or Tribal funds to support the same or similar uses.

"(k) OPPORTUNITY TO AMEND APPLICATIONS.—In considering applications for grants under this section, the Secretary shall provide applicants with a reasonable opportunity to correct any defects in those applications before making final awards, including by allowing applicants to revise a submitted Cybersecurity Plan.

"(l) APPORTIONMENT.—For fiscal year 2022 and each fiscal year thereafter, the Secretary shall apportion amounts appropriated to carry out this section among eligible entities as follows:

"(1) BASELINE AMOUNT.—The Secretary shall first apportion—

"(A) 0.25 percent of such amounts to each of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the United States Virgin Islands;

"(B) 1 percent of such amounts to each of the remaining States; and

"(C) 3 percent of such amounts to Tribal governments.

"(2) REMAINDER.—The Secretary shall apportion the remainder of such amounts to States as follows:

"(A) 50 percent of such remainder in the ratio that the population of each State, bears to the population of all States; and

"(B) 50 percent of such remainder in the ratio that the population of each State that resides in rural areas, bears to the population of all States that resides in rural areas.

"(3) APPORTIONMENT AMONG TRIBAL GOVERNMENTS.—In determining how to apportion amounts to Tribal governments under paragraph (1)(C), the Secretary shall consult with the Secretary of the Interior and Tribal governments.

"(4) MULTI-ENTITY GRANTS.—An amount received from a multi-entity grant awarded under subsection (f)(1) by a State or Tribal government that is a member of the multi-entity group shall qualify as an apportionment for the purpose of this subsection.

"(m) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost of an activity carried out using funds made available with a grant under this section may not exceed—

"(A) in the case of a grant to an eligible entity—

"(i) for fiscal year 2022, 90 percent;

"(ii) for fiscal year 2023, 80 percent;

"(iii) for fiscal year 2024, 70 percent; and

"(iv) for fiscal year 2025, 60 percent; and

"(B) in the case of a grant to a multi-entity group—

"(i) for fiscal year 2022, 100 percent;

"(ii) for fiscal year 2023, 90 percent;

"(iii) for fiscal year 2024, 80 percent; and

"(iv) for fiscal year 2025, 70 percent.

"(2) WAIVER.—

"(A) IN GENERAL.—The Secretary may waive or modify the requirements of paragraph (1) if an eligible entity or multi-entity group demonstrates economic hardship.

"(B) GUIDELINES.—The Secretary shall establish and publish guidelines for determining what constitutes economic hardship for the purposes of this subsection.

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"(C) CONSIDERATIONS.—In developing guidelines under subparagraph (B), the Secretary shall consider, with respect to the jurisdiction of an eligible entity—

"(i) changes in rates of unemployment in the jurisdiction from previous years;

"(ii) changes in the percentage of individuals who are eligible to receive benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) from previous years; and

"(iii) any other factors the Secretary considers appropriate.

"(3) WAIVER FOR TRIBAL GOVERNMENTS.—Notwithstanding paragraph (2), the Secretary, in consultation with the Secretary of the Interior and Tribal governments, may waive or modify the requirements of paragraph (1) for 1 or more Tribal governments if the Secretary determines that the waiver is in the public interest.

"(n) RESPONSIBILITIES OF GRANTEES.—

"(1) CERTIFICATION.—Each eligible entity or multi-entity group that receives a grant under this section shall certify to the Secretary that the grant will be used—

"(A) for the purpose for which the grant is awarded; and

"(B) in compliance with subsections (d) and (j).

"(2) AVAILABILITY OF FUNDS TO LOCAL GOVERNMENTS AND RURAL AREAS.—

"(A) IN GENERAL.—Subject to subparagraph (C), not later than 45 days after the date on which an eligible entity or multi-entity group receives a grant under this section, the eligible entity or multi-entity group shall, without imposing unreasonable or unduly burdensome requirements as a condition of receipt, obligate or otherwise make available to local governments within the jurisdiction of the eligible entity or the eligible entities that comprise the multi-entity group, consistent with the Cybersecurity Plan of the eligible entity or the Cybersecurity Plans of the eligible entities that comprise the multi-entity group—

"(i) not less than 80 percent of funds available under the grant;

"(ii) with the consent of the local governments, items, services, capabilities, or activities having a value of not less than 80 percent of the amount of the grant; or

"(iii) with the consent of the local governments, grant funds combined with other items, services, capabilities, or activities having the total value of not less than 80 percent of the amount of the grant.

"(B) AVAILABILITY TO RURAL AREAS.—In obligating funds, items, services, capabilities, or activities to local governments under subparagraph (A), the eligible entity or eligible entities that comprise the multi-entity group shall ensure that rural areas within the jurisdiction of the eligible entity or the eligible entities that comprise the multi-entity group receive not less than—

"(i) 25 percent of the amount of the grant awarded to the eligible entity;

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"(ii) items, services, capabilities, or activities having a value of not less than 25 percent of the amount of the grant awarded to the eligible entity; or

"(iii) grant funds combined with other items, services, capabilities, or activities having the total value of not less than 25 percent of the grant awarded to the eligible entity.

"(C) EXCEPTIONS.—This paragraph shall not apply to—

"(i) any grant awarded under this section that solely supports activities that are integral to the development or revision of the Cybersecurity Plan of the eligible entity; or

"(ii) the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, the United States Virgin Islands, or a Tribal government.

"(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—An eligible entity or multi-entity group shall certify to the Secretary that the eligible entity or multi-entity group has made the distribution to local governments required under paragraph (2).

"(4) EXTENSION OF PERIOD.—

"(A) IN GENERAL.—An eligible entity or multi-entity group may request in writing that the Secretary extend the period of time specified in paragraph (2) for an additional period of time.

"(B) APPROVAL.—The Secretary may approve a request for an extension under subparagraph (A) if the Secretary determines the extension is necessary to ensure that the obligation and expenditure of grant funds align with the purpose of the State and Local Cybersecurity Grant Program.

"(5) DIRECT FUNDING.—If an eligible entity does not make a distribution to a local government required under paragraph (2) in a timely fashion, the local government may petition the Secretary to request the Secretary to provide funds directly to the local government.

"(6) LIMITATION ON CONSTRUCTION.—A grant awarded under this section may not be used to acquire land or to construct, remodel, or perform alterations of buildings or other physical facilities.

"(7) CONSULTATION IN ALLOCATING FUNDS.—An eligible entity applying for a grant under this section shall agree to consult the Chief Information Officer, the Chief Information Security Officer, or an equivalent official of the eligible entity in allocating funds from a grant awarded under this section.

"(8) PENALTIES.—In addition to other remedies available to the Secretary, if an eligible entity violates a requirement of this subsection, the Secretary may—

"(A) terminate or reduce the amount of a grant awarded under this section to the eligible entity; or

"(B) distribute grant funds previously awarded to the eligible entity—

"(i) in the case of an eligible entity that is a State, directly to the appropriate local government as a

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replacement grant in an amount determined by the Secretary; or

"(ii) in the case of an eligible entity that is a Tribal government, to another Tribal government or Tribal governments as a replacement grant in an amount determined by the Secretary.

"(o) CONSULTATION WITH STATE, LOCAL, AND TRIBAL REPRESENTATIVES.—In carrying out this section, the Secretary shall consult with State, local, and Tribal representatives with professional experience relating to cybersecurity, including representatives of associations representing State, local, and Tribal governments, to inform—

"(1) guidance for applicants for grants under this section, including guidance for Cybersecurity Plans;

"(2) the study of risk-based formulas required under subsection (q)(4);

"(3) the development of guidelines required under subsection (m)(2)(B); and

"(4) any modifications described in subsection (q)(2)(D).

"(p) NOTIFICATION TO CONGRESS.—Not later than 3 business days before the date on which the Department announces the award of a grant to an eligible entity under this section, including an announcement to the eligible entity, the Secretary shall provide to the appropriate committees of Congress notice of the announcement.

"(q) REPORTS, STUDY, AND REVIEW.—

"(1) ANNUAL REPORTS BY GRANT RECIPIENTS.—

"(A) IN GENERAL.—Not later than 1 year after the date on which an eligible entity receives a grant under this section for the purpose of implementing the Cybersecurity Plan of the eligible entity, including an eligible entity that comprises a multi-entity group that receives a grant for that purpose, and annually thereafter until 1 year after the date on which funds from the grant are expended or returned, the eligible entity shall submit to the Secretary a report that, using the metrics described in the Cybersecurity Plan of the eligible entity, describes the progress of the eligible entity in—

"(i) implementing the Cybersecurity Plan of the eligible entity; and

"(ii) reducing cybersecurity risks to, and identifying, responding to, and recovering from cybersecurity threats to, information systems owned or operated by, or on behalf of, the eligible entity or, if the eligible entity is a State, local governments within the jurisdiction of the eligible entity.

"(B) ABSENCE OF PLAN.—Not later than 1 year after the date on which an eligible entity that does not have a Cybersecurity Plan receives funds under this section, and annually thereafter until 1 year after the date on which funds from the grant are expended or returned, the eligible entity shall submit to the Secretary a report describing how the eligible entity obligated and expended grant funds to—

"(i) develop or revise a Cybersecurity Plan; or

"(ii) assist with the activities described in subsection (d)(4).

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"(2) ANNUAL REPORTS TO CONGRESS.—Not less frequently than annually, the Secretary, acting through the Director, shall submit to Congress a report on—

"(A) the use of grants awarded under this section;

"(B) the proportion of grants used to support cybersecurity in rural areas;

"(C) the effectiveness of the State and Local Cybersecurity Grant Program;

"(D) any necessary modifications to the State and Local Cybersecurity Grant Program; and

"(E) any progress made toward—

"(i) developing, implementing, or revising Cybersecurity Plans; and

"(ii) reducing cybersecurity risks to, and identifying, responding to, and recovering from cybersecurity threats to, information systems owned or operated by, or on behalf of, State, local, or Tribal governments as a result of the award of grants under this section.

"(3) PUBLIC AVAILABILITY.—

"(A) IN GENERAL.—The Secretary, acting through the Director, shall make each report submitted under paragraph (2) publicly available, including by making each report available on the website of the Agency.

"(B) REDACTIONS.—In making each report publicly available under subparagraph (A), the Director may make redactions that the Director, in consultation with each eligible entity, determines necessary to protect classified or other information exempt from disclosure under section 552 of title 5, United States Code (commonly referred to as the 'Freedom of Information Act').

"(4) STUDY OF RISK-BASED FORMULAS.—

"(A) IN GENERAL.—Not later than September 30, 2024, the Secretary, acting through the Director, shall submit to the appropriate committees of Congress a study and legislative recommendations on the potential use of a risk-based formula for apportioning funds under this section, including—

"(i) potential components that could be included in a risk-based formula, including the potential impact of those components on support for rural areas under this section;

"(ii) potential sources of data and information necessary for the implementation of a risk-based formula;

"(iii) any obstacles to implementing a risk-based formula, including obstacles that require a legislative solution;

"(iv) if a risk-based formula were to be implemented for fiscal year 2026, a recommended risk-based formula for the State and Local Cybersecurity Grant Program; and

"(v) any other information that the Secretary, acting through the Director, determines necessary to help Congress understand the progress towards, and obstacles to, implementing a risk-based formula.

"(B) INAPPLICABILITY OF PAPERWORK REDUCTION ACT.—The requirements of chapter 35 of title 44, United States Code (commonly referred to as the 'Paperwork Reduction

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Act'), shall not apply to any action taken to carry out this paragraph.

"(5) TRIBAL CYBERSECURITY NEEDS REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary, acting through the Director, shall submit to Congress a report that—

"(A) describes the cybersecurity needs of Tribal governments, which shall be determined in consultation with the Secretary of the Interior and Tribal governments; and

"(B) includes any recommendations for addressing the cybersecurity needs of Tribal governments, including any necessary modifications to the State and Local Cybersecurity Grant Program to better serve Tribal governments.

"(6) GAO REVIEW.—Not later than 3 years after the date of enactment of this section, the Comptroller General of the United States shall conduct a review of the State and Local Cybersecurity Grant Program, including—

"(A) the grant selection process of the Secretary; and

"(B) a sample of grants awarded under this section.

"(r) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated for activities under this section—

"(A) for fiscal year 2022, $200,000,000;

"(B) for fiscal year 2023, $400,000,000;

"(C) for fiscal year 2024, $300,000,000; and

"(D) for fiscal year 2025, $100,000,000.

"(2) TRANSFERS AUTHORIZED.—

"(A) IN GENERAL.—During a fiscal year, the Secretary or the head of any component of the Department that administers the State and Local Cybersecurity Grant Program may transfer not more than 5 percent of the amounts appropriated pursuant to paragraph (1) or other amounts appropriated to carry out the State and Local Cybersecurity Grant Program for that fiscal year to an account of the Department for salaries, expenses, and other administrative costs incurred for the management, administration, or evaluation of this section.

"(B) ADDITIONAL APPROPRIATIONS.—Any funds transferred under subparagraph (A) shall be in addition to any funds appropriated to the Department or the components described in subparagraph (A) for salaries, expenses, and other administrative costs.

"(s) TERMINATION.—

"(1) IN GENERAL.—Subject to paragraph (2), the requirements of this section shall terminate on September 30, 2025.

"(2) EXCEPTION.—The reporting requirements under subsection (q) shall terminate on the date that is 1 year after the date on which the final funds from a grant under this section are expended or returned.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), is amended by inserting after the item relating to section 2217 the following:

"Sec. 2218. State and Local Cybersecurity Grant Program.".

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TITLE VII—PUBLIC-PRIVATE PARTNERSHIPS

SEC. 70701. VALUE FOR MONEY ANALYSIS.

(a) IN GENERAL.—Notwithstanding any other provision of law, in the case of a project described in subsection (b), the entity carrying out the project shall, during the planning and project development process and prior to signing any Project Development Agreement, conduct a value for money analysis or comparable analysis of the project, which shall include an evaluation of—

(1) the life-cycle cost and project delivery schedule;

(2) the costs of using public funding versus private financing for the project;

(3) a description of the key assumptions made in developing the analysis, including—

(A) an analysis of any Federal grants or loans and subsidies received or expected (including tax depreciation costs);

(B) the key terms of the proposed public-private partnership agreement, if applicable (including the expected rate of return for private debt and equity), and major compensation events;

(C) a discussion of the benefits and costs associated with the allocation of risk;

(D) the determination of risk premiums assigned to various project delivery scenarios;

(E) assumptions about use, demand, and any user fee revenue generated by the project; and

(F) any externality benefits for the public generated by the project;

(4) a forecast of user fees and other revenues expected to be generated by the project, if applicable; and

(5) any other information the Secretary of Transportation determines to be appropriate.

(b) PROJECT DESCRIBED.—A project referred to in subsection (a) is a transportation project—

(1) with an estimated total cost of more than $750,000,000;

(2) carried out—

(A) by a public entity that is a State, territory, Indian Tribe, unit of local government, transit agency, port authority, metropolitan planning organization, airport authority, or other political subdivision of a State or local government; and

(B) in a State in which there is in effect a State law authorizing the use and implementation of public-private partnerships for transportation projects; and

(3)(A) that intends to submit a letter of interest, or has submitted a letter of interest after the date of enactment of this Act, to be carried out with—

(i) assistance under the TIFIA program under chapter 6 of title 23, United States Code; or

(ii) assistance under the Railroad Rehabilitation and Improvement Financing Program of the Federal Railroad Administration established under chapter 224 of title 49, United States Code; and

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(B) that is anticipated to generate user fees or other revenues that could support the capital and operating costs of such project.

(c) REPORTING REQUIREMENTS.—

(1) PROJECT REPORTS.—For each project described in subsection (b), the entity carrying out the project shall—

(A) include the results of the analysis under subsection (a) on the website of the project; and

(B) submit the results of the analysis to the Build America Bureau and the Secretary of Transportation.

(2) REPORT TO CONGRESS.—The Secretary of Transportation, in coordination with the Build America Bureau, shall, not later than 2 years after the date of enactment of this Act—

(A) compile the analyses submitted under paragraph (1)(B); and

(B) submit to Congress a report that—

(i) includes the analyses submitted under paragraph (1)(B);

(ii) describes—

(I) the use of private financing for projects described in subsection (b); and

(II) the costs and benefits of conducting a value for money analysis; and

(iii) identifies best practices for private financing of projects described in subsection (b).

(d) GUIDANCE.—The Secretary of Transportation, in coordination with the Build America Bureau, shall issue guidance on performance benchmarks, risk premiums, and expected rates of return on private financing for projects described in subsection (b).

TITLE VIII—FEDERAL PERMITTING IMPROVEMENT

SEC. 70801. FEDERAL PERMITTING IMPROVEMENT.

(a) DEFINITIONS.—Section 41001 of the FAST Act (42 U.S.C. 4370m) is amended—

(1) in paragraph (3), by inserting "and any interagency consultation" after "issued by an agency";

(2) in paragraph (4), by striking "means" and all that follows through the period at the end of subparagraph (B) and inserting "has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or successor regulations).";

(3) in paragraph (5), by striking "Federal Infrastructure Permitting Improvement Steering Council" and inserting "Federal Permitting Improvement Steering Council";

(4) in paragraph (6)(A)—

(A) in clause (ii), by striking "or" at the end;

(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following:

"(iii) is—

"(I) subject to NEPA;

"(II) sponsored by an Indian Tribe (as defined in section 4 of the Indian Self-Determination and

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Education Assistance Act (25 U.S.C. 5304)), an Alaska Native Corporation, a Native Hawaiian organization (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)), the Department of Hawaiian Home Lands, or the Office of Hawaiian Affairs; and

"(III) located on land owned or under the jurisdiction of the entity that sponsors the activity under subclause (II); or"; and

(5) in paragraph (8), by striking "means" and all that follows through the period at the end and inserting "has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or successor regulations).".

(b) FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL.—Section 41002 of the FAST Act (42 U.S.C. 4370m–1) is amended—

(1) in the section heading, by striking "**FEDERAL PERMITTING IMPROVEMENT COUNCIL**" and inserting "**FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL**";

(2) in subsection (b)(2)(A)—

(A) in clause (i)—

(i) by striking "Each" and inserting the following:

"(I) IN GENERAL.—Each"; and

(ii) by adding at the end the following:

"(II) REDESIGNATION.—If an individual listed in subparagraph (B) designates a different member to serve on the Council than the member designated under subclause (I), the individual shall notify the Executive Director of the designation by not later than 30 days after the date on which the designation is made."; and

(B) in clause (iii)(II), by striking "a deputy secretary (or the equivalent) or higher" and inserting "the applicable agency councilmember";

(3) in subsection (c)—

(A) in paragraph (1)(C)(ii)—

(i) by striking subclause (I) and inserting the following:

"(I) IN GENERAL.—The performance schedules shall reflect employment of the most sound and efficient applicable processes, including the alignment of Federal reviews of projects, reduction of permitting and project delivery time, and consideration of the best practices for public participation.";

(ii) by redesignating subclause (II) as subclause (III);

(iii) by inserting after subclause (I) the following:

"(II) GOAL.—

"(aa) IN GENERAL.—To the maximum extent practicable, and consistent with applicable Federal law, the Executive Director, in consultation with the Council, shall aim to develop recommended performance schedules under clause (i) of not more than 2 years.

"(bb) EXCEPTION.—If a recommended performance schedule developed under clause (i) exceeds 2 years, the relevant agencies, in

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consultation with the Executive Director and the Council, shall explain in that recommended performance schedule the factors that cause the environmental reviews and authorizations in that category of covered projects to take longer than 2 years."; and

(iv) in subclause (III)(bb) (as so redesignated), by striking "on the basis of data from the preceding 2 calendar years" and inserting "based on relevant historical data, as determined by the Executive Director,";

(B) in paragraph (2)(B)—

(i) in the matter preceding clause (i), by striking "later than" and all that follows through "practices for" and inserting "less frequently than annually, the Council shall issue recommendations on the best practices for improving the Federal permitting process for covered projects, which may include";

(ii) in clause (i)—

(I) by striking "stakeholder engagement, including fully considering" and inserting "stakeholder engagement, including—

"(II) fully considering"; and

(II) by inserting before subclause (II) (as added by subclause (I)) the following:

"(I) engaging with Native American stakeholders to ensure that project sponsors and agencies identify potential natural, archeological, and cultural resources and locations of historic and religious significance in the area of a covered project; and";

(iii) in clause (vii), by striking "and" at the end;

(iv) by redesignating clause (viii) as clause (x); and

(v) by inserting after clause (vii) the following:

"(viii) in coordination with the Executive Director, improving preliminary engagement with project sponsors in developing coordinated project plans;

"(ix) using programmatic assessments, templates, and other tools based on the best available science and data; and"; and

(C) in paragraph (3)(A), by inserting ", including agency compliance with intermediate and final completion dates described in coordinated project plans" after "authorizations"; and

(4) by striking subsection (d).

(c) PERMITTING PROCESS IMPROVEMENT.—Section 41003 of the FAST Act (42 U.S.C. 4370m–2) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by adding at the end the following:

"(D) CONFIDENTIALITY.—Any information relating to Native American natural, cultural, and historical resources submitted in a notice by a project sponsor under subparagraph (A) shall be—

"(i) kept confidential; and

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"(ii) exempt from the disclosure requirements under section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act'), and the Federal Advisory Committee Act (5 U.S.C. App.).";

(B) in paragraph (2)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking "45 days" and inserting "21 calendar days"; and

(ii) in subparagraph (B), by inserting "14 calendar day" before "deadline"; and

(C) in paragraph (3)(A), in the matter preceding clause (i), by inserting "and the Executive Director" after "as applicable,";

(2) in subsection (b)—

(A) in paragraph (2)(A), by adding at the end the following:

"(iii) PROJECTS OTHER THAN COVERED PROJECTS.—

"(I) IN GENERAL.—The Executive Director may direct a lead agency to create a specific entry on the Dashboard for a project that is not a covered project and is under review by the lead agency if the Executive Director determines that a Dashboard entry for that project is in the interest of transparency.

"(II) REQUIREMENTS.—Not later than 14 days after the date on which the Executive Director directs the lead agency to create a specific entry on the Dashboard for a project described in subclause (I), the lead agency shall create and maintain a specific entry on the Dashboard for the project that contains—

"(aa) a comprehensive permitting timetable, as described in subsection (c)(2)(A);

"(bb) the status of the compliance of each lead agency, cooperating agency, and participating agency with the permitting timetable required under item (aa);

"(cc) any modifications of the permitting timetable required under item (aa), including an explanation as to why the permitting timetable was modified; and

"(dd) information about project-related public meetings, public hearings, and public comment periods, which shall be presented in English and the predominant language of the community or communities most affected by the project, as that information becomes available."; and

(B) in paragraph (3)(A)—

(i) in clause (i)—

(I) in subclause (IV), by striking "and" at the end;

(II) by redesignating subclause (V) as subclause (VI);

(III) by inserting after subclause (IV) the following:

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"(V) information on the status of mitigation measures that were agreed to as part of the environmental review and permitting process, including whether and when the mitigation measures have been fully implemented; and"; and

(IV) in subclause (VI) (as so redesignated), by striking "and" at the end;

(ii) in clause (ii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(iii) information about project-related public meetings, public hearings, and public comment periods, which shall be presented in English and the predominant language of the community or communities most affected by the project, as that information becomes available."; and

(3) in subsection (c)(2)—

(A) in subparagraph (A), strike "coordination" and insert "coordinated";

(B) in subparagraph (D)(i)—

(i) by redesignating subclauses (I) through (III) as subclauses (II) through (IV), respectively;

(ii) by inserting before subclause (II) (as so redesignated) the following:

"(I) the facilitating or lead agency, as applicable, consults with the Executive Director regarding the potential modification not less than 15 days before engaging in the consultation under subclause (II);"; and

(iii) in subclause (II) (as so redesignated), by inserting ", the Executive Director," after "participating agencies"; and

(C) in subparagraph (F)—

(i) in clause (i)—

(I) by inserting "intermediate and final" before "completion dates"; and

(II) by inserting "intermediate or final" before "completion date"; and

(ii) in clause (ii)—

(I) in the matter preceding subclause (I), by striking "a completion date for agency action on a covered project or is at significant risk of failing to conform with" and inserting "an intermediate or final completion date for agency action on a covered project or reasonably believes the agency will fail to conform with a completion date 30 days before"; and

(II) in subclause (I), by striking "significantly risking failing to conform" and inserting "reasonably believing the agency will fail to conform".

(d) COORDINATION OF REQUIRED REVIEWS.—Section 41005 of the FAST Act (42 U.S.C. 4370m–4) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

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"(3) where an environmental impact statement is required for a project, prepare a single, joint interagency environmental impact statement for the project unless the lead agency provides justification in the coordinated project plan that multiple environmental documents are more efficient for project review and authorization.";

(2) in subsection (b)—

(A) by striking "(1) STATE ENVIRONMENTAL DOCUMENTS; SUPPLEMENTAL DOCUMENTS.—";

(B) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively, and indenting appropriately;

(C) in paragraph (1) (as so redesignated)—

(i) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(ii) in subparagraph (A) (as so redesignated)—

(I) by striking "State laws and procedures" and inserting "the laws and procedures of a State or Indian Tribe (as defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130))"; and

(II) by inserting "developed pursuant to laws and procedures of that State or Indian Tribe (as so defined) that are of equal or greater rigor to each applicable Federal law and procedure, and" after "Council on Environmental Quality,";

(D) in paragraph (2) (as so redesignated), by striking "subparagraph (A)" each place it appears and inserting "paragraph (1)";

(E) in paragraph (3) (as so redesignated)—

(i) in the matter preceding clause (i), by striking "subparagraph (A)" and inserting "paragraph (1)"; and

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(F) in paragraph (4) (as so redesignated)—

(i) in the matter preceding clause (i), by striking "subparagraph (C)" and inserting "paragraph (3)"; and

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(G) in paragraph (5) (as so redesignated)—

(i) by striking "subparagraph (A)" and inserting "paragraph (1)"; and

(ii) by striking "subparagraph (C)" and inserting "paragraph (3)";

(3) in subsection (c)(4)—

(A) in the matter preceding subparagraph (A), by striking "determines that the development of the higher level of detail will not prevent—" and inserting "determines that—";

(B) in subparagraph (A), by inserting "the development of the higher level of detail will not prevent" before "the lead agency"; and

(C) by striking subparagraph (B) and inserting the following:

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"(B) the preferred and other alternatives are developed in sufficient detail to enable the public to comment on the alternatives.";

(4) by redesignating subsection (f) as subsection (g); and

(5) by inserting after subsection (e) the following:

"(f) RECORD OF DECISION.—When an environmental impact statement is prepared, Federal agencies must, to the maximum extent practicable, issue a record of decision not later than 90 days after the date on which the final environmental impact statement is issued.".

(e) LITIGATION, JUDICIAL REVIEW, AND SAVINGS PROVISION.—Section 41007 of the FAST Act (42 U.S.C. 4370m–6) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A)—

(i) by striking "the action" and inserting "the claim"; and

(ii) by striking "of the final record of decision or approval or denial of a permit" and inserting "of notice of final agency action on the authorization"; and

(B) in subparagraph (B)(i), by striking "the action" and inserting "the claim"; and

(2) in subsection (e), in the matter preceding paragraph (1), by striking "this section" and inserting "this title".

(f) REPORTS.—Section 41008 of the FAST Act (42 U.S.C. 4370m–7) is amended by striking subsection (a) and inserting the following:

"(a) REPORTS TO CONGRESS.—

"(1) EXECUTIVE DIRECTOR ANNUAL REPORT.—

"(A) IN GENERAL.—Not later than April 15 of each year for 10 years beginning on the date of enactment of the Infrastructure Investment and Jobs Act, the Executive Director shall submit to Congress a report detailing the progress accomplished under this title during the previous fiscal year.

"(B) OPPORTUNITY TO INCLUDE COMMENTS.—Each councilmember, with input from the respective agency CERPO, shall have the opportunity to include comments concerning the performance of the agency in the report described in subparagraph (A).

"(2) QUARTERLY AGENCY PERFORMANCE REPORT.—The Executive Director shall submit to Congress a quarterly report evaluating agency compliance with the provisions of this title, which shall include a description of the implementation and adherence of each agency to the coordinated project plan and permitting timetable requirements under section 41003(c).

"(3) AGENCY BEST PRACTICES REPORT.—Not later than April 15 of each year, each participating agency and lead agency shall submit to Congress and the Director of the Office of Management and Budget a report assessing the performance of the agency in implementing the best practices described in section 41002(c)(2)(B).".

(g) FUNDING FOR GOVERNANCE, OVERSIGHT, AND PROCESSING OF ENVIRONMENTAL REVIEWS AND PERMITS.—Section 41009 of the FAST Act (42 U.S.C. 4370m–8) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—For the purpose of carrying out this title, the Executive Director, in consultation with the heads of the agencies listed in section 41002(b)(2)(B) and with the guidance of the

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Director of the Office of Management and Budget, may, after public notice and opportunity for comment, issue regulations establishing a fee structure for sponsors of covered projects to reimburse the United States for reasonable costs incurred in conducting environmental reviews and authorizations for covered projects.";

(2) in subsection (b), by striking "and 41003" and inserting "through 41008"; and

(3) in subsection (d)—

(A) in the subsection heading, by striking "AND PERMITTING"; and

(B) by striking paragraphs (2) and (3) and inserting the following:

"(2) AVAILABILITY.—Amounts in the Fund shall be available to the Executive Director, without fiscal year limitation, solely for the purposes of administering, implementing, and enforcing this title, including the expenses of the Council, staffing of the Office of the Executive Director, and support of the role of the Council as a Federal center for permitting excellence, which may include supporting interagency detailee and rotation opportunities, advanced training, enhanced support for agency project managers, and fora for sharing information and lessons learned.

"(3) TRANSFER.—For the purpose of carrying out this title, the Executive Director, with the approval of the Director of the Office of Management and Budget, may transfer amounts in the Fund to other Federal agencies and State, Tribal, and local governments to facilitate timely and efficient environmental reviews and authorizations for covered projects and other projects under this title, including direct reimbursement agreements with agency CERPOs, reimbursable agreements, and approval and consultation processes and staff for covered projects.".

(h) SUNSET.—Section 41013 of the FAST Act (42 U.S.C. 4370m–12) is repealed.

(i) TECHNICAL CORRECTION.—Section 41002(b)(2)(A)(ii) of the FAST Act (42 U.S.C. 4370m–1(b)(2)(A)(ii)) is amended by striking "councilmem-ber" and inserting "councilmember".

(j) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the FAST Act (Public Law 114–94; 129 Stat. 1319) is amended by striking the item relating to section 41002 and inserting the following:

"Sec. 41002. Federal Permitting Improvement Steering Council.".

TITLE IX—BUILD AMERICA, BUY AMERICA

Subtitle A—Build America, Buy America

SEC. 70901. SHORT TITLE.

This subtitle may be cited as the "Build America, Buy America Act".

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PART I—BUY AMERICA SOURCING REQUIREMENTS

SEC. 70911. FINDINGS.

Congress finds that—

(1) the United States must make significant investments to install, upgrade, or replace the public works infrastructure of the United States;

(2) with respect to investments in the infrastructure of the United States, taxpayers expect that their public works infrastructure will be produced in the United States by American workers;

(3) United States taxpayer dollars invested in public infrastructure should not be used to reward companies that have moved their operations, investment dollars, and jobs to foreign countries or foreign factories, particularly those that do not share or openly flout the commitments of the United States to environmental, worker, and workplace safety protections;

(4) in procuring materials for public works projects, entities using taxpayer-financed Federal assistance should give a commonsense procurement preference for the materials and products produced by companies and workers in the United States in accordance with the high ideals embodied in the environmental, worker, workplace safety, and other regulatory requirements of the United States;

(5) common construction materials used in public works infrastructure projects, including steel, iron, manufactured products, non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), lumber, and drywall are not adequately covered by a domestic content procurement preference, thus limiting the impact of taxpayer purchases to enhance supply chains in the United States;

(6) the benefits of domestic content procurement preferences extend beyond economics;

(7) by incentivizing domestic manufacturing, domestic content procurement preferences reinvest tax dollars in companies and processes using the highest labor and environmental standards in the world;

(8) strong domestic content procurement preference policies act to prevent shifts in production to countries that rely on production practices that are significantly less energy efficient and far more polluting than those in the United States;

(9) for over 75 years, Buy America and other domestic content procurement preference laws have been part of the United States procurement policy, ensuring that the United States can build and rebuild the infrastructure of the United States with high-quality American-made materials;

(10) before the date of enactment of this Act, a domestic content procurement preference requirement may not apply, may apply only to a narrow scope of products and materials, or may be limited by waiver with respect to many infrastructure programs, which necessitates a review of such programs, including programs for roads, highways, and bridges, public

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transportation, dams, ports, harbors, and other maritime facilities, intercity passenger and freight railroads, freight and intermodal facilities, airports, water systems, including drinking water and wastewater systems, electrical transmission facilities and systems, utilities, broadband infrastructure, and buildings and real property;

(11) Buy America laws create demand for domestically produced goods, helping to sustain and grow domestic manufacturing and the millions of jobs domestic manufacturing supports throughout product supply chains;

(12) as of the date of enactment of this Act, domestic content procurement preference policies apply to all Federal Government procurement and to various Federal-aid infrastructure programs;

(13) a robust domestic manufacturing sector is a vital component of the national security of the United States;

(14) as more manufacturing operations of the United States have moved offshore, the strength and readiness of the defense industrial base of the United States has been diminished; and

(15) domestic content procurement preference laws—

(A) are fully consistent with the international obligations of the United States; and

(B) together with the government procurements to which the laws apply, are important levers for ensuring that United States manufacturers can access the government procurement markets of the trading partners of the United States.

SEC. 70912. DEFINITIONS.

In this part:

(1) DEFICIENT PROGRAM.—The term "deficient program" means a program identified by the head of a Federal agency under section 70913(c).

(2) DOMESTIC CONTENT PROCUREMENT PREFERENCE.—The term "domestic content procurement preference" means a requirement that no amounts made available through a program for Federal financial assistance may be obligated for a project unless—

(A) all iron and steel used in the project are produced in the United States;

(B) the manufactured products used in the project are produced in the United States; or

(C) the construction materials used in the project are produced in the United States.

(3) FEDERAL AGENCY.—The term "Federal agency" means any authority of the United States that is an "agency" (as defined in section 3502 of title 44, United States Code), other than an independent regulatory agency (as defined in that section).

(4) FEDERAL FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—The term "Federal financial assistance" has the meaning given the term in section 200.1 of title 2, Code of Federal Regulations (or successor regulations).

(B) INCLUSION.—The term "Federal financial assistance" includes all expenditures by a Federal agency to a non-Federal entity for an infrastructure project, except

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that it does not include expenditures for assistance authorized under section 402, 403, 404, 406, 408, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a, 5170b, 5170c, 5172, 5174, or 5192) relating to a major disaster or emergency declared by the President under section 401 or 501, respectively, of such Act (42 U.S.C. 5170, 5191) or pre and post disaster or emergency response expenditures.

(5) INFRASTRUCTURE.—The term "infrastructure" includes, at a minimum, the structures, facilities, and equipment for, in the United States—

(A) roads, highways, and bridges;
(B) public transportation;
(C) dams, ports, harbors, and other maritime facilities;
(D) intercity passenger and freight railroads;
(E) freight and intermodal facilities;
(F) airports;
(G) water systems, including drinking water and wastewater systems;
(H) electrical transmission facilities and systems;
(I) utilities;
(J) broadband infrastructure; and
(K) buildings and real property.

(6) PRODUCED IN THE UNITED STATES.—The term "produced in the United States" means—

(A) in the case of iron or steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
(B) in the case of manufactured products, that—

(i) the manufactured product was manufactured in the United States; and

(ii) the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

(C) in the case of construction materials, that all manufacturing processes for the construction material occurred in the United States.

(7) PROJECT.—The term "project" means the construction, alteration, maintenance, or repair of infrastructure in the United States.

SEC. 70913. IDENTIFICATION OF DEFICIENT PROGRAMS.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the head of each Federal agency shall—

(1) submit to the Office of Management and Budget and to Congress, including a separate notice to each appropriate congressional committee, a report that identifies each Federal financial assistance program for infrastructure administered by the Federal agency; and

(2) publish in the Federal Register the report under paragraph (1).

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(b) REQUIREMENTS.—In the report under subsection (a), the head of each Federal agency shall, for each Federal financial assistance program—

(1) identify all domestic content procurement preferences applicable to the Federal financial assistance;

(2) assess the applicability of the domestic content procurement preference requirements, including—

(A) section 313 of title 23, United States Code;

(B) section 5323(j) of title 49, United States Code;

(C) section 22905(a) of title 49, United States Code;

(D) section 50101 of title 49, United States Code;

(E) section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1388);

(F) section 1452(a)(4) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(4));

(G) section 5035 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3914);

(H) any domestic content procurement preference included in an appropriations Act; and

(I) any other domestic content procurement preference in Federal law (including regulations);

(3) provide details on any applicable domestic content procurement preference requirement, including the purpose, scope, applicability, and any exceptions and waivers issued under the requirement; and

(4) include a description of the type of infrastructure projects that receive funding under the program, including information relating to—

(A) the number of entities that are participating in the program;

(B) the amount of Federal funds that are made available for the program for each fiscal year; and

(C) any other information the head of the Federal agency determines to be relevant.

(c) LIST OF DEFICIENT PROGRAMS.—In the report under subsection (a), the head of each Federal agency shall include a list of Federal financial assistance programs for infrastructure identified under that subsection for which a domestic content procurement preference requirement—

(1) does not apply in a manner consistent with section 70914; or

(2) is subject to a waiver of general applicability not limited to the use of specific products for use in a specific project.

SEC. 70914. APPLICATION OF BUY AMERICA PREFERENCE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the head of each Federal agency shall ensure that none of the funds made available for a Federal financial assistance program for infrastructure, including each deficient program, may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States.

(b) WAIVER.—The head of a Federal agency that applies a domestic content procurement preference under this section may waive the application of that preference in any case in which the head of the Federal agency finds that—

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(1) applying the domestic content procurement preference would be inconsistent with the public interest;

(2) types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or

(3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) WRITTEN JUSTIFICATION.—Before issuing a waiver under subsection (b), the head of the Federal agency shall—

(1) make publicly available in an easily accessible location on a website designated by the Office of Management and Budget and on the website of the Federal agency a detailed written explanation for the proposed determination to issue the waiver; and

(2) provide a period of not less than 15 days for public comment on the proposed waiver.

(d) REVIEW OF WAIVERS OF GENERAL APPLICABILITY.—

(1) IN GENERAL.—An existing general applicability waiver or a general applicability waiver issued under subsection (b) shall be reviewed every 5 years after the date on which the waiver is issued.

(2) REVIEW.—In conducting a review of a general applicability waiver, the head of a Federal agency shall—

(A) publish in the Federal Register a notice that—

(i) describes the justification for a general applicability waiver; and

(ii) requests public comments for a period of not less than 30 days on the continued need for a general applicability waiver; and

(B) publish in the Federal Register a determination on whether to continue or discontinue the general applicability waiver, taking into account the comments received in response to the notice published under subparagraph (A).

(3) LIMITATION ON THE REVIEW OF EXISTING WAIVERS OF GENERAL APPLICABILITY.—For a period of 5 years beginning on the date of enactment of this Act, paragraphs (1) and (2) shall not apply to any product-specific general applicability waiver that was issued more than 180 days before the date of enactment of this Act.

(e) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 70915. OMB GUIDANCE AND STANDARDS.

(a) GUIDANCE.—The Director of the Office of Management and Budget shall—

(1) issue guidance to the head of each Federal agency—

(A) to assist in identifying deficient programs under section 70913(c); and

(B) to assist in applying new domestic content procurement preferences under section 70914; and

(2) if necessary, amend subtitle A of title 2, Code of Federal Regulations (or successor regulations), to ensure that domestic content procurement preference requirements required by this

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part or other Federal law are imposed through the terms and conditions of awards of Federal financial assistance.

(b) STANDARDS FOR CONSTRUCTION MATERIALS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue standards that define the term "all manufacturing processes" in the case of construction materials.

(2) CONSIDERATIONS.—In issuing standards under paragraph (1), the Director shall—

(A) ensure that the standards require that each manufacturing process required for the manufacture of the construction material and the inputs of the construction material occurs in the United States; and

(B) take into consideration and seek to maximize the direct and indirect jobs benefited or created in the production of the construction material.

SEC. 70916. TECHNICAL ASSISTANCE PARTNERSHIP AND CONSULTATION SUPPORTING DEPARTMENT OF TRANSPORTATION BUY AMERICA REQUIREMENTS.

(a) DEFINITIONS.—In this section:

(1) BUY AMERICA LAW.—The term "Buy America law" means—

(A) section 313 of title 23, United States Code;

(B) section 5323(j) of title 49, United States Code;

(C) section 22905(a) of title 49, United States Code;

(D) section 50101 of title 49, United States Code; and

(E) any other domestic content procurement preference for an infrastructure project under the jurisdiction of the Secretary.

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(b) TECHNICAL ASSISTANCE PARTNERSHIP.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall enter into a technical assistance partnership with the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology—

(1) to ensure the development of a domestic supply base to support intermodal transportation in the United States, such as intercity high speed rail transportation, public transportation systems, highway construction or reconstruction, airport improvement projects, and other infrastructure projects under the jurisdiction of the Secretary;

(2) to ensure compliance with Buy America laws that apply to a project that receives assistance from the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, the Federal Aviation Administration, or another office or modal administration of the Secretary of Transportation;

(3) to encourage technologies developed with the support of and resources from the Secretary to be transitioned into commercial market and applications; and

(4) to establish procedures for consultation under subsection (c).

(c) CONSULTATION.—Before granting a written waiver under a Buy America law, the Secretary shall consult with the Director

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of the Hollings Manufacturing Extension Partnership regarding whether there is a domestic entity that could provide the iron, steel, manufactured product, or construction material that is the subject of the proposed waiver.

(d) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, the Committee on Environment and Public Works, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Oversight and Reform of the House of Representatives a report that includes—

(1) a detailed description of the consultation procedures developed under subsection (b)(4);

(2) a detailed description of each waiver requested under a Buy America law in the preceding year that was subject to consultation under subsection (c), and the results of the consultation;

(3) a detailed description of each waiver granted under a Buy America law in the preceding year, including the type of waiver and the reasoning for granting the waiver; and

(4) an update on challenges and gaps in the domestic supply base identified in carrying out subsection (b)(1), including a list of actions and policy changes the Secretary recommends be taken to address those challenges and gaps.

SEC. 70917. APPLICATION.

(a) IN GENERAL.—This part shall apply to a Federal financial assistance program for infrastructure only to the extent that a domestic content procurement preference as described in section 70914 does not already apply to iron, steel, manufactured products, and construction materials.

(b) SAVINGS PROVISION.—Nothing in this part affects a domestic content procurement preference for a Federal financial assistance program for infrastructure that is in effect and that meets the requirements of section 70914.

(c) LIMITATION WITH RESPECT TO AGGREGATES.—In this part—

(1) the term "construction materials" shall not include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives; and

(2) the standards developed under section 70915(b)(1) shall not include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives as inputs of the construction material.

PART II—MAKE IT IN AMERICA

SEC. 70921. REGULATIONS RELATING TO BUY AMERICAN ACT.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Management and Budget ("Director"), acting through the Administrator for Federal Procurement Policy and, in consultation with the Federal Acquisition Regulatory Council, shall promulgate final regulations or other policy or management guidance, as appropriate, to standardize and simplify how Federal agencies comply with, report on,

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and enforce the Buy American Act. The regulations or other policy or management guidance shall include, at a minimum, the following:

(1) Guidelines for Federal agencies to determine, for the purposes of applying sections 8302(a) and 8303(b)(3) of title 41, United States Code, the circumstances under which the acquisition of articles, materials, or supplies mined, produced, or manufactured in the United States is inconsistent with the public interest.

(2) Guidelines to ensure Federal agencies base determinations of non-availability on appropriate considerations, including anticipated project delays and lack of substitutable articles, materials, and supplies mined, produced, or manufactured in the United States, when making determinations of non-availability under section 8302(a)(1) of title 41, United States Code.

(3)(A) Uniform procedures for each Federal agency to make publicly available, in an easily identifiable location on the website of the agency, and within the following time periods, the following information:

(i) A written description of the circumstances in which the head of the agency may waive the requirements of the Buy American Act.

(ii) Each waiver made by the head of the agency within 30 days after making such waiver, including a justification with sufficient detail to explain the basis for the waiver.

(B) The procedures established under this paragraph shall ensure that the head of an agency, in consultation with the head of the Made in America Office established under section 70923(a), may limit the publication of classified information, trade secrets, or other information that could damage the United States.

(4) Guidelines for Federal agencies to ensure that a project is not disaggregated for purposes of avoiding the applicability of the requirements under the Buy American Act.

(5) An increase to the price preferences for domestic end products and domestic construction materials.

(6) Amending the definitions of "domestic end product" and "domestic construction material" to ensure that iron and steel products are, to the greatest extent possible, made with domestic components.

(b) GUIDELINES RELATING TO WAIVERS.—

(1) INCONSISTENCY WITH PUBLIC INTEREST.—

(A) IN GENERAL.—With respect to the guidelines developed under subsection (a)(1), the Administrator shall seek to minimize waivers related to contract awards that—

(i) result in a decrease in employment in the United States, including employment among entities that manufacture the articles, materials, or supplies; or

(ii) result in awarding a contract that would decrease domestic employment.

(B) COVERED EMPLOYMENT.—For purposes of subparagraph (A), employment refers to positions directly involved in the manufacture of articles, materials, or supplies, and does not include positions related to management, research and development, or engineering and design.

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(2) ASSESSMENT ON USE OF DUMPED OR SUBSIDIZED FOREIGN PRODUCTS.—

(A) IN GENERAL.—To the extent otherwise permitted by law, before granting a waiver in the public interest to the guidelines developed under subsection (a)(1) with respect to a product sourced from a foreign country, a Federal agency shall assess whether a significant portion of the cost advantage of the product is the result of the use of dumped steel, iron, or manufactured goods or the use of injuriously subsidized steel, iron, or manufactured goods.

(B) CONSULTATION.—The Federal agency conducting the assessment under subparagraph (A) shall consult with the International Trade Administration in making the assessment if the agency considers such consultation to be helpful.

(C) USE OF FINDINGS.—The Federal agency conducting the assessment under subparagraph (A) shall integrate any findings from the assessment into its waiver determination.

(c) SENSE OF CONGRESS ON INCREASING DOMESTIC CONTENT REQUIREMENTS.—It is the sense of Congress that the Federal Acquisition Regulatory Council should amend the Federal Acquisition Regulation to increase the domestic content requirements for domestic end products and domestic construction material to 75 percent, or, in the event of no qualifying offers, 60 percent.

(d) DEFINITION OF END PRODUCT MANUFACTURED IN THE UNITED STATES.—Not later than 1 year after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend part 25 of the Federal Acquisition Regulation to provide a definition for "end product manufactured in the United States," including guidelines to ensure that manufacturing processes involved in production of the end product occur domestically.

SEC. 70922. AMENDMENTS RELATING TO BUY AMERICAN ACT.

(a) SPECIAL RULES RELATING TO AMERICAN MATERIALS REQUIRED FOR PUBLIC USE.—Section 8302 of title 41, United States Code, is amended by adding at the end the following new subsection:

"(c) SPECIAL RULES.—The following rules apply in carrying out the provisions of subsection (a):

"(1) IRON AND STEEL MANUFACTURED IN THE UNITED STATES.—For purposes of this section, manufactured articles, materials, and supplies of iron and steel are deemed manufactured in the United States only if all manufacturing processes involved in the production of such iron and steel, from the initial melting stage through the application of coatings, occurs in the United States.

"(2) LIMITATION ON EXCEPTION FOR COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.—Notwithstanding any law or regulation to the contrary, including section 1907 of this title and the Federal Acquisition Regulation, the requirements of this section apply to all iron and steel articles, materials, and supplies.".

(b) PRODUCTION OF IRON AND STEEL FOR PURPOSES OF CONTRACTS FOR PUBLIC WORKS.—Section 8303 of title 41, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

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(2) by inserting after subsection (b) the following new subsection:

"(c) SPECIAL RULES.—

"(1) PRODUCTION OF IRON AND STEEL.—For purposes of this section, manufactured articles, materials, and supplies of iron and steel are deemed manufactured in the United States only if all manufacturing processes involved in the production of such iron and steel, from the initial melting stage through the application of coatings, occurs in the United States.

"(2) LIMITATION ON EXCEPTION FOR COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.—Notwithstanding any law or regulation to the contrary, including section 1907 of this title and the Federal Acquisition Regulation, the requirements of this section apply to all iron and steel articles, materials, and supplies used in contracts described in subsection (a).".

(c) ANNUAL REPORT.—Subsection (b) of section 8302 of title 41, United States Code, is amended to read as follows:

"(b) REPORTS.—

"(1) IN GENERAL.—Not later than 180 days after the end of the fiscal year during which the Build America, Buy America Act is enacted, and annually thereafter for 4 years, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a report on the total amount of acquisitions made by Federal agencies in the relevant fiscal year of articles, materials, or supplies acquired from entities that mine, produce, or manufacture the articles, materials, or supplies outside the United States.

"(2) EXCEPTION FOR INTELLIGENCE COMMUNITY.—This subsection does not apply to acquisitions made by an agency, or component of an agency, that is an element of the intelligence community as specified in, or designated under, section 3 of the National Security Act of 1947 (50 U.S.C. 3003).".

(d) DEFINITION.—Section 8301 of title 41, United States Code, is amended by adding at the end the following new paragraph:

"(3) FEDERAL AGENCY.—The term 'Federal agency' has the meaning given the term 'executive agency' in section 133 of this title.".

(e) CONFORMING AMENDMENTS.—Title 41, United States Code, is amended—

(1) in section 8302(a)—

(A) in paragraph (1)—

(i) by striking "department or independent establishment" and inserting "Federal agency"; and

(ii) by striking "their acquisition to be inconsistent with the public interest or their cost to be unreasonable" and inserting "their acquisition to be inconsistent with the public interest, their cost to be unreasonable, or that the articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality"; and

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(B) in paragraph (2), by amending subparagraph (B) to read as follows:

"(B) to any articles, materials, or supplies procured pursuant to a reciprocal defense procurement memorandum of understanding (as described in section 8304 of this title), or a trade agreement or least developed country designation described in subpart 25.400 of the Federal Acquisition Regulation; and"; and

(2) in section 8303—

(A) in subsection (b)—

(i) by striking "department or independent establishment" each place it appears and inserting "Federal agency";

(ii) by amending subparagraph (B) of paragraph (1) to read as follows:

"(B) to any articles, materials, or supplies procured pursuant to a reciprocal defense procurement memorandum of understanding (as described in section 8304), or a trade agreement or least developed country designation described in subpart 25.400 of the Federal Acquisition Regulation; and"; and

(iii) in paragraph (3)—

(I) in the heading, by striking "INCONSISTENT WITH PUBLIC INTEREST" and inserting "WAIVER AUTHORITY"; and

(II) by striking "their purchase to be inconsistent with the public interest or their cost to be unreasonable" and inserting "their acquisition to be inconsistent with the public interest, their cost to be unreasonable, or that the articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality"; and

(B) in subsection (d), as redesignated by subsection (b)(1) of this section, by striking "department, bureau, agency, or independent establishment" each place it appears and inserting "Federal agency".

(f) EXCLUSION FROM INFLATION ADJUSTMENT OF ACQUISITION-RELATED DOLLAR THRESHOLDS.—Subparagraph (A) of section 1908(b)(2) of title 41, United States Code, is amended by striking "chapter 67" and inserting "chapters 67 and 83".

SEC. 70923. MADE IN AMERICA OFFICE.

(a) ESTABLISHMENT.—The Director of the Office of Management and Budget shall establish within the Office of Management and Budget an office to be known as the "Made in America Office". The head of the office shall be appointed by the Director of the Office of Management and Budget (in this section referred to as the "Made in America Director").

(b) DUTIES.—The Made in America Director shall have the following duties:

(1) Maximize and enforce compliance with domestic preference statutes.

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(2) Develop and implement procedures to review waiver requests or inapplicability requests related to domestic preference statutes.

(3) Prepare the reports required under subsections (c) and (e).

(4) Ensure that Federal contracting personnel, financial assistance personnel, and non-Federal recipients are regularly trained on obligations under the Buy American Act and other agency-specific domestic preference statutes.

(5) Conduct the review of reciprocal defense agreements required under subsection (d).

(6) Ensure that Federal agencies, Federal financial assistance recipients, and the Hollings Manufacturing Extension Partnership partner with each other to promote compliance with domestic preference statutes.

(7) Support executive branch efforts to develop and sustain a domestic supply base to meet Federal procurement requirements.

(c) OFFICE OF MANAGEMENT AND BUDGET REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Management and Budget, working through the Made in America Director, shall report to the relevant congressional committees on the extent to which, in each of the three fiscal years prior to the date of enactment of this Act, articles, materials, or supplies acquired by the Federal Government were mined, produced, or manufactured outside the United States. Such report shall include for each Federal agency the following:

(1) A summary of total procurement funds expended on articles, materials, and supplies mined, produced, or manufactured—

(A) inside the United States;

(B) outside the United States; and

(C) outside the United States—

(i) under each category of waiver under the Buy American Act;

(ii) under each category of exception under such chapter; and

(iii) for each country that mined, produced, or manufactured such articles, materials, and supplies.

(2) For each fiscal year covered by the report—

(A) the dollar value of any articles, materials, or supplies that were mined, produced, or manufactured outside the United States, in the aggregate and by country;

(B) an itemized list of all waivers made under the Buy American Act with respect to articles, materials, or supplies, where available, and the country where such articles, materials, or supplies were mined, produced, or manufactured;

(C) if any articles, materials, or supplies were acquired from entities that mine, produce, or manufacture such articles, materials, or supplies outside the United States due to an exception (that is not the micro-purchase threshold exception described under section 8302(a)(2)(C) of title 41, United States Code), the specific exception that was used to purchase such articles, materials, or supplies; and

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(D) if any articles, materials, or supplies were acquired from entities that mine, produce, or manufacture such articles, materials, or supplies outside the United States pursuant to a reciprocal defense procurement memorandum of understanding (as described in section 8304 of title 41, United States Code), or a trade agreement or least developed country designation described in subpart 25.400 of the Federal Acquisition Regulation, a citation to such memorandum of understanding, trade agreement, or designation.

(3) A description of the methods used by each Federal agency to calculate the percentage domestic content of articles, materials, and supplies mined, produced, or manufactured in the United States.

(d) REVIEW OF RECIPROCAL DEFENSE AGREEMENTS.—

(1) REVIEW OF PROCESS.—Not later than 180 days after the date of the enactment of this Act, the Made in America Director shall review the Department of Defense's use of reciprocal defense agreements to determine if domestic entities have equal and proportional access and report the findings of the review to the Director of the Office of Management and Budget, the Secretary of Defense, and the Secretary of State.

(2) REVIEW OF RECIPROCAL PROCUREMENT MEMORANDA OF UNDERSTANDING.—The Made in America Director shall review reciprocal procurement memoranda of understanding entered into after the date of the enactment of this Act between the Department of Defense and its counterparts in foreign governments to assess whether domestic entities will have equal and proportional access under the memoranda of understanding and report the findings of the review to the Director of the Office of Management and Budget, the Secretary of Defense, and the Secretary of State.

(e) REPORT ON USE OF MADE IN AMERICA LAWS.—The Made in America Director shall submit to the relevant congressional committees a summary of each report on the use of Made in America Laws received by the Made in America Director pursuant to section 11 of Executive Order 14005, dated January 25, 2021 (relating to ensuring the future is made in all of America by all of America's workers) not later than 90 days after the date of the enactment of this Act or receipt of the reports required under section 11 of such Executive Order, whichever is later.

(f) DOMESTIC PREFERENCE STATUTE DEFINED.—In this section, the term "domestic preference statute" means any of the following:

(1) the Buy American Act;

(2) a Buy America law (as that term is defined in section 70916(a));

(3) the Berry Amendment;

(4) section 604 of the American Recovery and Reinvestment Act of 2009 (6 U.S.C. 453b) (commonly referred to as the "Kissell amendment");

(5) section 2533b of title 10 (commonly referred to as the "specialty metals clause");

(6) laws requiring domestic preference for maritime transport, including the Merchant Marine Act, 1920 (Public Law 66–261), commonly known as the "Jones Act"; and

(7) any other law, regulation, rule, or executive order relating to Federal financial assistance awards or Federal

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procurement, that requires, or provides a preference for, the purchase or acquisition of goods, products, or materials produced in the United States, including iron, steel, construction material, and manufactured goods offered in the United States.

SEC. 70924. HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP ACTIVITIES.

(a) USE OF HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP TO REFER NEW BUSINESSES TO CONTRACTING OPPORTUNITIES.—The head of each Federal agency shall work with the Director of the Hollings Manufacturing Extension Partnership, as necessary, to ensure businesses participating in this Partnership are aware of their contracting opportunities.

(b) AUTOMATIC ENROLLMENT IN GSA ADVANTAGE!.—The Administrator of the General Services Administration and the Secretary of Commerce, acting through the Under Secretary of Commerce for Standards and Technology, shall jointly ensure that each business that participates in the Hollings Manufacturing Extension Partnership is automatically enrolled in General Services Administration Advantage!.

SEC. 70925. UNITED STATES OBLIGATIONS UNDER INTERNATIONAL AGREEMENTS.

This part, and the amendments made by this part, shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 70926. DEFINITIONS.

In this part:

(1) BERRY AMENDMENT.—The term "Berry Amendment" means section 2533a of title 10, United States Code.

(2) BUY AMERICAN ACT.—The term "Buy American Act" means chapter 83 of title 41, United States Code.

(3) FEDERAL AGENCY.—The term "Federal agency" has the meaning given the term "executive agency" in section 133 of title 41, United States Code.

(4) RELEVANT CONGRESSIONAL COMMITTEES.—The term "relevant congressional committees" means—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Armed Services of the Senate; and

(B) the Committee on Oversight and Reform, the Committee on Armed Services, and the Committee on Transportation and Infrastructure of the House of Representatives.

(5) WAIVER.—The term "waiver", with respect to the acquisition of an article, material, or supply for public use, means the inapplicability of chapter 83 of title 41, United States Code, to the acquisition by reason of any of the following determinations under section 8302(a)(1) or 8303(b) of such title:

(A) A determination by the head of the Federal agency concerned that the acquisition is inconsistent with the public interest.

(B) A determination by the head of the Federal agency concerned that the cost of the acquisition is unreasonable.

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(C) A determination by the head of the Federal agency concerned that the article, material, or supply is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality.

SEC. 70927. PROSPECTIVE AMENDMENTS TO INTERNAL CROSS-REFERENCES.

(a) SPECIALTY METALS CLAUSE REFERENCE.—Section 70923(f)(5) is amended by striking "section 2533b" and inserting "section 4863".

(b) BERRY AMENDMENT REFERENCE.—Section 70926(1) is amended by striking "section 2533a" and inserting "section 4862".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2022.

Subtitle B—BuyAmerican.gov

SEC. 70931. SHORT TITLE.

This subtitle may be cited as the "BuyAmerican.gov Act of 2021".

SEC. 70932. DEFINITIONS.

In this subtitle:

(1) BUY AMERICAN LAW.—The term "Buy American law" means any law, regulation, Executive order, or rule relating to Federal contracts, grants, or financial assistance that requires or provides a preference for the purchase or use of goods, products, or materials mined, produced, or manufactured in the United States, including—

(A) chapter 83 of title 41, United States Code (commonly referred to as the "Buy American Act");

(B) section 5323(j) of title 49, United States Code;

(C) section 313 of title 23, United States Code;

(D) section 50101 of title 49, United States Code;

(E) section 24405 of title 49, United States Code;

(F) section 608 of the Federal Water Pollution Control Act (33 U.S.C. 1388);

(G) section 1452(a)(4) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(4));

(H) section 5035 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3914);

(I) section 2533a of title 10, United States Code (commonly referred to as the "Berry Amendment"); and

(J) section 2533b of title 10, United States Code.

(2) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given the term "agency" in paragraph (1) of section 3502 of title 44, United States Code, except that it does not include an independent regulatory agency, as that term is defined in paragraph (5) of such section.

(3) BUY AMERICAN WAIVER.—The term "Buy American waiver" refers to an exception to or waiver of any Buy American law, or the terms and conditions used by an agency in granting an exception to or waiver from Buy American laws.

SEC. 70933. SENSE OF CONGRESS ON BUYING AMERICAN.

It is the sense of Congress that—

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(1) every executive agency should maximize, through terms and conditions of Federal financial assistance awards and Federal procurements, the use of goods, products, and materials produced in the United States and contracts for outsourced government service contracts to be performed by United States nationals;

(2) every executive agency should scrupulously monitor, enforce, and comply with Buy American laws, to the extent they apply, and minimize the use of waivers; and

(3) every executive agency should use available data to routinely audit its compliance with Buy American laws.

SEC. 70934. ASSESSMENT OF IMPACT OF FREE TRADE AGREEMENTS.

Not later than 150 days after the date of the enactment of this Act, the Secretary of Commerce, the United States Trade Representative, and the Director of the Office of Management and Budget shall assess the impacts in a publicly available report of all United States free trade agreements, the World Trade Organization Agreement on Government Procurement, and Federal permitting processes on the operation of Buy American laws, including their impacts on the implementation of domestic procurement preferences.

SEC. 70935. JUDICIOUS USE OF WAIVERS.

(a) IN GENERAL.—To the extent permitted by law, a Buy American waiver that is determined by an agency head or other relevant official to be in the public interest shall be construed to ensure the maximum utilization of goods, products, and materials produced in the United States.

(b) PUBLIC INTEREST WAIVER DETERMINATIONS.—To the extent permitted by law, determination of public interest waivers shall be made by the head of the agency with the authority over the Federal financial assistance award or Federal procurement under consideration.

SEC. 70936. ESTABLISHMENT OF BUYAMERICAN.GOV WEBSITE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Administrator of General Services shall establish an Internet website with the address BuyAmerican.gov that will be publicly available and free to access. The website shall include information on all waivers of and exceptions to Buy American laws since the date of the enactment of this Act that have been requested, are under consideration, or have been granted by executive agencies and be designed to enable manufacturers and other interested parties to easily identify waivers. The website shall also include the results of routine audits to determine data errors and Buy American law violations after the award of a contract. The website shall provide publicly available contact information for the relevant contracting agencies.

(b) UTILIZATION OF EXISTING WEBSITE.—The requirements of subsection (a) may be met by utilizing an existing website, provided that the address of that website is BuyAmerican.gov.

SEC. 70937. WAIVER TRANSPARENCY AND STREAMLINING FOR CONTRACTS.

(a) COLLECTION OF INFORMATION.—The Administrator of General Services, in consultation with the heads of relevant agencies, shall develop a mechanism to collect information on requests to

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invoke a Buy American waiver for a Federal contract, utilizing existing reporting requirements whenever possible, for purposes of providing early notice of possible waivers via the website established under section 70936.

(b) WAIVER TRANSPARENCY AND STREAMLINING.—

(1) REQUIREMENT.—Prior to granting a request to waive a Buy American law, the head of an executive agency shall submit a request to invoke a Buy American waiver to the Administrator of General Services, and the Administrator of General Services shall make the request available on or through the public website established under section 70936 for public comment for not less than 15 days.

(2) EXCEPTION.—The requirement under paragraph (1) does not apply to a request for a Buy American waiver to satisfy an urgent contracting need in an unforeseen and exigent circumstance.

(c) INFORMATION AVAILABLE TO THE EXECUTIVE AGENCY CONCERNING THE REQUEST.—

(1) REQUIREMENT.—No Buy American waiver for purposes of awarding a contract may be granted if, in contravention of subsection (b)—

(A) information about the waiver was not made available on the website under section 70936; or

(B) no opportunity for public comment concerning the request was granted.

(2) SCOPE.—Information made available to the public concerning the request included on the website described in section 70936 shall properly and adequately document and justify the statutory basis cited for the requested waiver. Such information shall include—

(A) a detailed justification for the use of goods, products, or materials mined, produced, or manufactured outside the United States;

(B) for requests citing unreasonable cost as the statutory basis of the waiver, a comparison of the cost of the domestic product to the cost of the foreign product or a comparison of the overall cost of the project with domestic products to the overall cost of the project with foreign-origin products or services, pursuant to the requirements of the applicable Buy American law, except that publicly available cost comparison data may be provided in lieu of proprietary pricing information;

(C) for requests citing the public interest as the statutory basis for the waiver, a detailed written statement, which shall include all appropriate factors, such as potential obligations under international agreements, justifying why the requested waiver is in the public interest; and

(D) a certification that the procurement official or assistance recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.

(d) NONAVAILABILITY WAIVERS.—

(1) IN GENERAL.—Except as provided under paragraph (2), for a request citing nonavailability as the statutory basis for a Buy American waiver, an executive agency shall provide an explanation of the procurement official's efforts to procure

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a product from a domestic source and the reasons why a domestic product was not available from a domestic source. Those explanations shall be made available on BuyAmerican.gov prior to the issuance of the waiver, and the agency shall consider public comments regarding the availability of the product before making a final determination.

(2) EXCEPTION.—An explanation under paragraph (1) is not required for a product the nonavailability of which is established by law or regulation.

SEC. 70938. COMPTROLLER GENERAL REPORT.

Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the implementation of this subtitle, including recommendations for any legislation to improve the collection and reporting of information regarding waivers of and exceptions to Buy American laws.

SEC. 70939. RULES OF CONSTRUCTION.

(a) DISCLOSURE REQUIREMENTS.—Nothing in this subtitle shall be construed as preempting, superseding, or otherwise affecting the application of any disclosure requirement or requirements otherwise provided by law or regulation.

(b) ESTABLISHMENT OF SUCCESSOR INFORMATION SYSTEMS.—Nothing in this subtitle shall be construed as preventing or otherwise limiting the ability of the Administrator of General Services to move the data required to be included on the website established under subsection (a) to a successor information system. Any such information system shall include a reference to BuyAmerican.gov.

SEC. 70940. CONSISTENCY WITH INTERNATIONAL AGREEMENTS.

This subtitle shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 70941. PROSPECTIVE AMENDMENTS TO INTERNAL CROSS-REFERENCES.

(a) IN GENERAL.—Section 70932(1) is amended—

(1) in subparagraph (I), by striking "section 2533a" and inserting "section 4862"; and

(2) in subparagraph (J), by striking "section 2533b" and inserting "section 4863".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2022.

Subtitle C—Make PPE in America

SEC. 70951. SHORT TITLE.

This subtitle may be cited as the "Make PPE in America Act".

SEC. 70952. FINDINGS.

Congress makes the following findings:

(1) The COVID–19 pandemic has exposed the vulnerability of the United States supply chains for, and lack of domestic production of, personal protective equipment (PPE).

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(2) The United States requires a robust, secure, and wholly domestic PPE supply chain to safeguard public health and national security.

(3) Issuing a strategy that provides the government's anticipated needs over the next three years will enable suppliers to assess what changes, if any, are needed in their manufacturing capacity to meet expected demands.

(4) In order to foster a domestic PPE supply chain, United States industry needs a strong and consistent demand signal from the Federal Government providing the necessary certainty to expand production capacity investment in the United States.

(5) In order to effectively incentivize investment in the United States and the re-shoring of manufacturing, long-term contracts must be no shorter than three years in duration.

(6) To accomplish this aim, the United States should seek to ensure compliance with its international obligations, such as its commitments under the World Trade Organization's Agreement on Government Procurement and its free trade agreements, including by invoking any relevant exceptions to those agreements, especially those related to national security and public health.

(7) The United States needs a long-term investment strategy for the domestic production of PPE items critical to the United States national response to a public health crisis, including the COVID–19 pandemic.

SEC. 70953. REQUIREMENT OF LONG-TERM CONTRACTS FOR DOMESTICALLY MANUFACTURED PERSONAL PROTECTIVE EQUIPMENT.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Health, Education, Labor, and Pensions, the Committee on Finance, and the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Homeland Security, the Committee on Oversight and Reform, the Committee on Energy and Commerce, the Committee on Ways and Means, and the Committee on Veterans' Affairs of the House of Representatives.

(2) COVERED SECRETARY.—The term "covered Secretary" means the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs.

(3) PERSONAL PROTECTIVE EQUIPMENT.—The term "personal protective equipment" means surgical masks, respirator masks and powered air purifying respirators and required filters, face shields and protective eyewear, gloves, disposable and reusable surgical and isolation gowns, head and foot coverings, and other gear or clothing used to protect an individual from the transmission of disease.

(4) UNITED STATES.—The term "United States" means the 50 States, the District of Columbia, and the possessions of the United States.

(b) CONTRACT REQUIREMENTS FOR DOMESTIC PRODUCTION.—Beginning 90 days after the date of the enactment of this Act,

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in order to ensure the sustainment and expansion of personal protective equipment manufacturing in the United States and meet the needs of the current pandemic response, any contract for the procurement of personal protective equipment entered into by a covered Secretary, or a covered Secretary's designee, shall—

(1) be issued for a duration of at least 2 years, plus all option periods necessary, to incentivize investment in the production of personal protective equipment and the materials and components thereof in the United States; and

(2) be for personal protective equipment, including the materials and components thereof, that is grown, reprocessed, reused, or produced in the United States.

(c) ALTERNATIVES TO DOMESTIC PRODUCTION.—The requirement under subsection (b) shall not apply to an item of personal protective equipment, or component or material thereof if, after maximizing to the extent feasible sources consistent with subsection (b), the covered Secretary—

(1) maximizes sources for personal protective equipment that is assembled outside the United States containing only materials and components that are grown, reprocessed, reused, or produced in the United States; and

(2) certifies every 120 days that it is necessary to procure personal protective equipment under alternative procedures to respond to the immediate needs of a public health emergency.

(d) AVAILABILITY EXCEPTION.—

(1) IN GENERAL.—Subsections (b) and (c) shall not apply to an item of personal protective equipment, or component or material thereof—

(A) that is, or that includes, a material listed in section 25.104 of the Federal Acquisition Regulation as one for which a non-availability determination has been made; or

(B) as to which the covered Secretary determines that a sufficient quantity of a satisfactory quality that is grown, reprocessed, reused, or produced in the United States cannot be procured as, and when, needed at United States market prices.

(2) CERTIFICATION REQUIREMENT.—The covered Secretary shall certify every 120 days that the exception under paragraph (1) is necessary to meet the immediate needs of a public health emergency.

(e) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the covered Secretaries, shall submit to the chairs and ranking members of the appropriate congressional committees a report on the procurement of personal protective equipment.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) The United States long-term domestic procurement strategy for PPE produced in the United States, including strategies to incentivize investment in and maintain United States supply chains for all PPE sufficient to meet the needs of the United States during a public health emergency.

(B) An estimate of long-term demand quantities for all PPE items procured by the United States.

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(C) Recommendations for congressional action required to implement the United States Government's procurement strategy.

(D) A determination whether all notifications, amendments, and other necessary actions have been completed to bring the United States existing international obligations into conformity with the statutory requirements of this subtitle.

(f) AUTHORIZATION OF TRANSFER OF EQUIPMENT.—

(1) IN GENERAL.—A covered Secretary may transfer to the Strategic National Stockpile established under section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) any excess personal protective equipment acquired under a contract executed pursuant to subsection (b).

(2) TRANSFER OF EQUIPMENT DURING A PUBLIC HEALTH EMERGENCY.—

(A) AMENDMENT.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

"SEC. 529. TRANSFER OF EQUIPMENT DURING A PUBLIC HEALTH EMERGENCY.

"(a) AUTHORIZATION OF TRANSFER OF EQUIPMENT.—During a public health emergency declared by the Secretary of Health and Human Services under section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), the Secretary, at the request of the Secretary of Health and Human Services, may transfer to the Department of Health and Human Services, on a reimbursable basis, excess personal protective equipment or medically necessary equipment in the possession of the Department.

"(b) DETERMINATION BY SECRETARIES.—

"(1) IN GENERAL.—In carrying out this section—

"(A) before requesting a transfer under subsection (a), the Secretary of Health and Human Services shall determine whether the personal protective equipment or medically necessary equipment is otherwise available; and

"(B) before initiating a transfer under subsection (a), the Secretary, in consultation with the heads of each component within the Department, shall—

"(i) determine whether the personal protective equipment or medically necessary equipment requested to be transferred under subsection (a) is excess equipment; and

"(ii) certify that the transfer of the personal protective equipment or medically necessary equipment will not adversely impact the health or safety of officers, employees, or contractors of the Department.

"(2) NOTIFICATION.—The Secretary of Health and Human Services and the Secretary shall each submit to Congress a notification explaining the determination made under subparagraphs (A) and (B), respectively, of paragraph (1).

"(3) REQUIRED INVENTORY.—

"(A) IN GENERAL.—The Secretary shall—

"(i) acting through the Chief Medical Officer of the Department, maintain an inventory of all personal protective equipment and medically necessary equipment in the possession of the Department; and

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"(ii) make the inventory required under clause (i) available, on a continual basis, to—

"(I) the Secretary of Health and Human Services; and

"(II) the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Homeland Security of the House of Representatives.

"(B) FORM.—Each inventory required to be made available under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.".

(B) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 528 the following:

"Sec. 529. Transfer of equipment during a public health emergency.".

(3) STRATEGIC NATIONAL STOCKPILE.—Section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)) is amended by adding at the end the following:

"(6) TRANSFERS OF ITEMS.—The Secretary, in coordination with the Secretary of Homeland Security, may sell drugs, vaccines and other biological products, medical devices, or other supplies maintained in the stockpile under paragraph (1) to a Federal agency or private, nonprofit, State, local, tribal, or territorial entity for immediate use and distribution, provided that any such items being sold are—

"(A) within 1 year of their expiration date; or

"(B) determined by the Secretary to no longer be needed in the stockpile due to advances in medical or technical capabilities.".

(g) COMPLIANCE WITH INTERNATIONAL AGREEMENTS.—The President or the President's designee shall take all necessary steps, including invoking the rights of the United States under Article III of the World Trade Organization's Agreement on Government Procurement and the relevant exceptions of other relevant agreements to which the United States is a party, to ensure that the international obligations of the United States are consistent with the provisions of this subtitle.

TITLE X—ASSET CONCESSIONS

SEC. 71001. ASSET CONCESSIONS.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Chapter 6 of title 23, United States Code, is amended by adding at the end the following:

"§ 611. Asset concessions and innovative finance assistance

"(a) DEFINITIONS.—In this section:

"(1) APPROVED INFRASTRUCTURE ASSET.—The term 'approved infrastructure asset' means—

"(A) a project (as defined in section 601(a)); and

"(B) a group of projects (as defined in section 601(a)) considered together in a single asset concession or long-term lease to a concessionaire by 1 or more eligible entities.

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"(2) ASSET CONCESSION.—The term 'asset concession' means a contract between an eligible entity and a concessionaire—

"(A) under which—

"(i) the eligible entity agrees to enter into a concession agreement or long-term lease with the concessionaire relating to an approved infrastructure asset owned, controlled, or maintained by the eligible entity;

"(ii) as consideration for the agreement or lease described in clause (i), the concessionaire agrees—

"(I) to provide to the eligible entity 1 or more asset concession payments; and

"(II) to maintain or exceed the condition, performance, and service level of the approved infrastructure asset, as compared to that condition, performance, and service level on the date of execution of the agreement or lease; and

"(iii) the eligible entity and the concessionaire agree that the costs for a fiscal year of the agreement or lease, and any project carried out under the agreement or lease, shall not be shifted to any taxpayer the annual household income of whom is less than $400,000 per year, including through taxes, user fees, tolls, or any other measure, for use of an approved infrastructure asset; and

"(B) the terms of which do not include any noncompete or exclusivity restriction (or any other, similar restriction) on the approval of another project.

"(3) ASSET CONCESSION PAYMENT.—The term 'asset concession payment' means a payment that—

"(A) is made by a concessionaire to an eligible entity for fair market value that is determined as part of the asset concession; and

"(B) may be—

"(i) a payment made at the financial close of an asset concession; or

"(ii) a series of payments scheduled to be made for—

"(I) a fixed period; or

"(II) the term of an asset concession.

"(4) CONCESSIONAIRE.—The term 'concessionaire' means a private individual or a private or publicly chartered corporation or entity that enters into an asset concession with an eligible entity.

"(5) ELIGIBLE ENTITY.—

"(A) IN GENERAL.—The term 'eligible entity' means an entity described in subparagraph (B) that—

"(i) owns, controls, or maintains an approved infrastructure asset; and

"(ii) has the legal authority to enter into a contract to transfer ownership, maintenance, operations, revenues, or other benefits and responsibilities for an approved infrastructure asset.

"(B) ENTITIES DESCRIBED.—An entity referred to in subparagraph (A) is any of the following:

"(i) A State.

"(ii) A Tribal government.

"(iii) A unit of local government.

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"(iv) An agency or instrumentality of a State, Tribal government, or unit of local government.

"(v) A special purpose district or public authority.

"(b) ESTABLISHMENT.—The Secretary shall establish a program to facilitate access to expert services for, and to provide grants to, eligible entities to enhance the technical capacity of eligible entities to facilitate and evaluate public-private partnerships in which the private sector partner could assume a greater role in project planning, development, financing, construction, maintenance, and operation, including by assisting eligible entities in entering into asset concessions.

"(c) APPLICATIONS.—To be eligible to receive a grant 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.

"(d) ELIGIBLE ACTIVITIES.—

"(1) TECHNICAL ASSISTANCE GRANTS.—An eligible entity may use amounts made available from a grant under this section for technical assistance to build the organizational capacity of the eligible entity to develop, review, or enter into an asset concession, including for—

"(A) identifying appropriate assets or projects for asset concessions;

"(B) soliciting and negotiating asset concessions, including hiring staff in public agencies;

"(C) conducting a value-for-money analysis, or a comparable analysis, to evaluate the comparative benefits of asset concessions and public debt or other procurement methods;

"(D) evaluating options for the structure and use of asset concession payments;

"(E) evaluating and publicly presenting the risks and benefits of all contract provisions for the purpose of transparency and accountability;

"(F) identifying best practices to protect the public interest and priorities;

"(G) identifying best practices for managing transportation demand and mobility along a corridor, including through provisions of the asset concession, to facilitate transportation demand management strategies along the corridor that is subject to the asset concession; and

"(H) integrating and coordinating pricing, data, and fare collection with other regional operators that exist or may be developed.

"(2) EXPERT SERVICES.—An eligible entity seeking to leverage public and private funding in connection with the development of an early-stage approved infrastructure asset, including in the development of alternative approaches to project delivery or procurement, may use amounts made available from a grant under this section to retain the services of an expert firm to provide to the eligible entity direct project level assistance, which services may include—

"(A) project planning, feasibility studies, revenue forecasting, economic assessments and cost-benefit analyses, public benefit studies, value-for-money analyses, business case development, lifecycle cost analyses, risk assessment,

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financing and funding options analyses, procurement alternatives analyses, statutory and regulatory framework analyses and other pre-procurement and pre-construction activities;

"(B) financial and legal planning (including the identification of statutory authorization, funding, and financing options);

"(C) early assessment of permitting, environmental review, and regulatory processes and costs; and

"(D) assistance with entering into an asset concession.

"(e) DISTRIBUTION.—

"(1) MAXIMUM AMOUNT.—

"(A) TECHNICAL ASSISTANCE GRANTS.—The maximum amount of a technical assistance grant under subsection (d)(1) shall be $2,000,000.

"(B) EXPERT SERVICES.—The maximum amount of the value of expert services retained by an eligible entity under subsection (d)(2) shall be $2,000,000.

"(2) COST SHARING.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the cost of an activity carried out under this section may be up to 100 percent.

"(B) CERTAIN PROJECTS.—If the amount of the grant provided to an eligible entity under this section is more than $1,000,000, the Federal share of the cost of an activity carried out using grant amounts in excess of $1,000,000 shall be 50 percent.

"(3) STATEWIDE MAXIMUM.—The aggregate amount made available under this section to eligible entities within a State shall not exceed, on a cumulative basis for all eligible entities within the State during any 3-year period, $4,000,000.

"(f) REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary shall ensure that, as a condition of receiving a grant under this section, for any asset concession for which the grant provides direct assistance—

"(A) the asset concession shall not prohibit, discourage, or make it more difficult for an eligible entity to construct new infrastructure, to provide or expand transportation services, or to manage associated infrastructure in publicly beneficial ways, along a transportation corridor or in the proximity of a transportation facility that was a part of the asset concession;

"(B) the eligible entity shall have adopted binding rules to publish all major business terms of the proposed asset concession not later than the date that is 30 days before entering into the asset concession, to enable public review, including a certification of public interest based on the results of an assessment under subparagraph (D);

"(C) the asset concession shall not result in displacement, job loss, or wage reduction for the existing workforce of the eligible entity or other public entities;

"(D) the eligible entity or the concessionaire shall carry out a value-for-money analysis, or similar assessment, to compare the aggregate costs and benefits to the eligible entity of the asset concession against alternative options to determine whether the asset concession generates additional public benefits and serves the public interest;

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"(E) the full amount of any asset concession payment received by the eligible entity under the asset concession, less any amount paid for transaction costs relating to the asset concession, shall be used to pay infrastructure costs of the eligible entity; and

"(F) the terms of the asset concession shall not result in any increase in costs under the asset concession being shifted to taxpayers the annual household income of whom is less than $400,000 per year, including through taxes, user fees, tolls, or any other measure, for use of an approved infrastructure asset.

"(2) AUDIT.—Not later than 3 years after the date on which an eligible entity enters into an asset concession as a result of a grant under this section—

"(A) the eligible entity shall hire an independent auditor to evaluate the performance of the concessionaire based on the requirements described in paragraph (1); and

"(B) the independent auditor shall submit to the eligible entity, and make publicly available, a report describing the results of the audit under subparagraph (A).

"(3) TREATMENT.—Unless otherwise provided under paragraph (1), the Secretary shall not, as a condition of receiving a grant under this section, prohibit or otherwise prevent an eligible entity from entering into, or receiving any asset concession payment under, an asset concession for an approved infrastructure asset owned, controlled, or maintained by the eligible entity.

"(4) APPLICABILITY OF FEDERAL LAWS.—Nothing in this section exempts a concessionaire or an eligible entity from a compliance obligation with respect to any applicable Federal or State law that would otherwise apply to the concessionaire, the eligible entity, or an approved infrastructure asset.

"(g) FUNDING.—

"(1) IN GENERAL.—On October 1, 2021, and on each October 1 thereafter through October 1, 2025, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $20,000,000, to remain available until expended.

"(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 6 of title 23, United States Code, is amended by adding at the end the following:

"611. Asset concessions and innovative finance assistance.".

(b) ASSET RECYCLING REPORT.—Not later than August 1, 2024, the Secretary shall submit to Congress a report that includes—

(1) an analysis of any impediments in applicable laws, regulations, and practices to increased use of public-private partnerships and private investment in transportation improvements; and

(2) proposals for approaches that address those impediments while continuing to protect the public interest and any public investment in transportation improvements.

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TITLE XI—CLEAN SCHOOL BUSES AND FERRIES

SEC. 71101. CLEAN SCHOOL BUS PROGRAM.

Section 741 of the Energy Policy Act of 2005 (42 U.S.C. 16091) is amended to read as follows:

"SEC. 741. CLEAN SCHOOL BUS PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(2) ALTERNATIVE FUEL.—The term 'alternative fuel' means liquefied natural gas, compressed natural gas, hydrogen, propane, or biofuels.

"(3) CLEAN SCHOOL BUS.—The term 'clean school bus' means a school bus that—

"(A) the Administrator certifies reduces emissions and is operated entirely or in part using an alternative fuel; or

"(B) is a zero-emission school bus.

"(4) ELIGIBLE CONTRACTOR.—The term 'eligible contractor' means a contractor that is a for-profit, not-for-profit, or nonprofit entity that has the capacity—

"(A) to sell clean school buses, zero-emission school buses, charging or fueling infrastructure, or other equipment needed to charge, fuel, or maintain clean school buses or zero-emission school buses, to individuals or entities that own a school bus or a fleet of school buses; or

"(B) to arrange financing for such a sale.

"(5) ELIGIBLE RECIPIENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the term 'eligible recipient' means—

"(i) 1 or more local or State governmental entities responsible for—

"(I) providing school bus service to 1 or more public school systems; or

"(II) the purchase of school buses;

"(ii) an eligible contractor;

"(iii) a nonprofit school transportation association; or

"(iv) an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), Tribal organization (as defined in that section), or tribally controlled school (as defined in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511)) that is responsible for—

"(I) providing school bus service to 1 or more Bureau-funded schools (as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)); or

"(II) the purchase of school buses.

"(B) SPECIAL REQUIREMENTS.—In the case of eligible recipients identified under clauses (ii) and (iii) of subparagraph (A), the Administrator shall establish timely and appropriate requirements for notice and shall establish

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timely and appropriate requirements for approval by the public school systems that would be served by buses purchased using award funds made available under this section.

"(6) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that is among the local educational agencies in the applicable State with high percentages of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)), on the basis of the most recent satisfactory data available, as determined by the Secretary of Education (or, for a local educational agency for which no such data is available, such other data as the Secretary of Education determines to be satisfactory).

"(7) SCHOOL BUS.—The term 'school bus' has the meaning given the term 'schoolbus' in section 30125(a) of title 49, United States Code.

"(8) ZERO-EMISSION SCHOOL BUS.—The term 'zero-emission school bus' means a school bus that is certified by the Administrator to have 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) of the Clean Air Act (42 U.S.C. 7408(a)) (or any precursor to such an air pollutant); and

"(B) any greenhouse gas.

"(b) PROGRAM FOR REPLACEMENT OF EXISTING SCHOOL BUSES WITH CLEAN SCHOOL BUSES AND ZERO-EMISSION SCHOOL BUSES.—

"(1) ESTABLISHMENT.—The Administrator shall establish a program—

"(A) to award grants and rebates on a competitive basis to eligible recipients for the replacement of existing school buses with clean school buses;

"(B) to award grants and rebates on a competitive basis to eligible recipients for the replacement of existing school buses with zero-emission school buses;

"(C) to award contracts to eligible contractors to provide rebates for the replacement of existing school buses with clean school buses; and

"(D) to award contracts to eligible contractors to provide rebates for the replacement of existing school buses with zero-emission school buses.

"(2) ALLOCATION OF FUNDS.—Of the amounts made available for awards under paragraph (1) in a fiscal year, the Administrator shall award—

"(A) 50 percent to replace existing school buses with zero-emission school buses; and

"(B) 50 percent to replace existing school buses with clean school buses and zero-emission school buses.

"(3) CONSIDERATIONS.—In making awards under paragraph (2)(B), the Administrator shall take into account the following criteria and shall not give preference to any individual criterion:

"(A) Lowest overall cost of bus replacement.

"(B) Local conditions, including the length of bus routes and weather conditions.

"(C) Technologies that most reduce emissions.

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"(D) Whether funds will bring new technologies to scale or promote cost parity between old technology and new technology.

"(4) PRIORITY OF APPLICATIONS.—In making awards under paragraph (1), the Administrator may prioritize applicants that—

"(A) propose to replace school buses that serve—

"(i) a high-need local educational agency;

"(ii) a Bureau-funded school (as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)); or

"(iii) a local educational agency that receives a basic support payment under section 7003(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(1)) for children who reside on Indian land;

"(B) serve rural or low-income areas; or

"(C) propose to complement the assistance received through the award by securing additional sources of funding for the activities supported through the award, such as through—

"(i) public-private partnerships;

"(ii) grants from other entities; or

"(iii) issuance of school bonds.

"(5) USE OF SCHOOL BUS FLEET.—All clean school buses and zero-emission school buses acquired with funds provided under this section shall—

"(A) be operated as part of the school bus fleet for which the award was made for not less than 5 years;

"(B) be maintained, operated, and charged or fueled according to manufacturer recommendations or State requirements; and

"(C) not be manufactured or retrofitted with, or otherwise have installed, a power unit or other technology that creates air pollution within the school bus, such as an unvented diesel passenger heater.

"(6) AWARDS.—

"(A) IN GENERAL.—In making awards under paragraph (1), the Administrator may make awards for up to 100 percent of the costs for replacement of existing school buses with clean school buses, zero-emission school buses, and charging or fueling infrastructure.

"(B) STRUCTURING AWARDS.—In making an award under paragraph (1)(A), the Administrator shall decide whether to award a grant or rebate, or a combination thereof, based primarily on how best to facilitate replacing existing school buses with clean school buses or zero-emission school buses, as applicable.

"(7) DEPLOYMENT AND DISTRIBUTION.—

"(A) IN GENERAL.—The Administrator shall—

"(i) to the maximum extent practicable, achieve nationwide deployment of clean school buses and zero-emission school buses through the program under this section; and

"(ii) ensure a broad geographic distribution of awards.

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"(B) LIMITATION.—The Administrator shall ensure that the amount received by all eligible entities in a State from grants and rebates under this section does not exceed 10 percent of the amounts made available to carry out this section during a fiscal year.

"(8) ANNUAL REPORT.—Not later than January 31 of each year, the Administrator shall submit to Congress a report that evaluates the implementation of this section and describes—

"(A) the total number of applications received;

"(B) the quantity and amount of grants and rebates awarded and the location of the recipients of the grants and rebates;

"(C) the criteria used to select the recipients; and

"(D) any other information the Administrator considers appropriate.

"(c) EDUCATION AND OUTREACH.—

"(1) IN GENERAL.—Not later than 120 days after the date of enactment of the Infrastructure Investment and Jobs Act, the Administrator shall develop an education and outreach program to promote and explain the award program under this section.

"(2) COORDINATION WITH STAKEHOLDERS.—The education and outreach program under paragraph (1) shall be designed and conducted in conjunction with interested stakeholders.

"(3) COMPONENTS.—The education and outreach program under paragraph (1) shall—

"(A) inform potential award recipients on the process of applying for awards and fulfilling the requirements of awards;

"(B) describe the available technologies and the benefits of using the technologies;

"(C) explain the benefits and costs incurred by participating in the award program;

"(D) make available information regarding best practices, lessons learned, and technical and other information regarding—

"(i) clean school bus and zero-emission school bus acquisition and deployment;

"(ii) the build-out of associated infrastructure and advance planning with the local electricity supplier;

"(iii) workforce development, training, and Registered Apprenticeships that meet the requirements under parts 29 and 30 of title 29, Code of Federal Regulations (as in effect on December 1, 2019); and

"(iv) any other information that is necessary, as determined by the Administrator; and

"(E) include, as appropriate, information from the annual report required under subsection (b)(7).

"(d) ADMINISTRATIVE COSTS.—The Administrator may use, for the administrative costs of carrying out this section, not more than 3 percent of the amounts made available to carry out this section for any fiscal year.

"(e) REGULATIONS.—The Administrator 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

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completed in a timely and effective manner, result in emissions reductions, and maximize public health benefits.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section, to remain available until expended, $1,000,000,000 for each of fiscal years 2022 through 2026, of which—

"(1) $500,000,000 shall be made available for the adoption of clean school buses and zero-emission school buses; and

"(2) $500,000,000 shall be made available for the adoption of zero-emission school buses.".

SEC. 71102. ELECTRIC OR LOW-EMITTING FERRY PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL.—The term "alternative fuel" means—

(A) methanol, denatured ethanol, and other alcohols;

(B) a mixture containing at least 85 percent of methanol, denatured ethanol, and other alcohols by volume with gasoline or other fuels;

(C) natural gas;

(D) liquefied petroleum gas;

(E) hydrogen;

(F) fuels (except alcohol) derived from biological materials;

(G) electricity (including electricity from solar energy); and

(H) any other fuel the Secretary prescribes by regulation that is not substantially petroleum and that would yield substantial energy security and environmental benefits.

(2) ELECTRIC OR LOW-EMITTING FERRY.—The term "electric or low-emitting ferry" means a ferry that reduces emissions by utilizing alternative fuels or onboard energy storage systems and related charging infrastructure to reduce emissions or produce zero onboard emissions under normal operation.

(3) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(b) ESTABLISHMENT.—The Secretary shall carry out a pilot program to provide grants for the purchase of electric or low-emitting ferries and the electrification of or other reduction of emissions from existing ferries.

(c) REQUIREMENT.—In carrying out the pilot program under this section, the Secretary shall ensure that—

(1) not less than 1 grant under this section shall be for a ferry service that serves the State with the largest number of Marine Highway System miles; and

(2) not less than 1 grant under this section shall be for a bi-State ferry service—

(A) with an aging fleet; and

(B) whose development of zero and low emission power source ferries will propose to advance the state of the technology toward increasing the range and capacity of zero emission power source ferries.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $50,000,000 for each of fiscal years 2022 through 2026.

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SEC. 71103. FERRY SERVICE FOR RURAL COMMUNITIES.

(a) DEFINITIONS.—In this section:

(1) BASIC ESSENTIAL FERRY SERVICE.—The term "basic essential ferry service" means scheduled ferry transportation service.

(2) ELIGIBLE SERVICE.—The term "eligible service" means a ferry service that—

(A) operated a regular schedule at any time during the 5-year period ending on March 1, 2020; and

(B) served not less than 2 rural areas located more than 50 sailing miles apart.

(3) RURAL AREA.—The term "rural area" has the meaning given the term in section 5302 of title 49, United States Code.

(4) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(b) ESTABLISHMENT.—The Secretary shall establish a program to ensure that basic essential ferry service is provided to rural areas by providing funds to States to provide such basic essential ferry service.

(c) PROGRAM CRITERIA.—The Secretary shall establish requirements and criteria for participation in the program under this section, including requirements for the provision of funds to States.

(d) WAIVERS.—The Secretary shall establish criteria for the waiver of any requirement under this section.

(e) TREATMENT.—

(1) NOT ATTRIBUTABLE TO URBANIZED AREAS.—An eligible service that receives funds from a State under this section shall not be attributed to an urbanized area for purposes of apportioning funds under chapter 53 of title 49, United States Code.

(2) NO RECEIPT OF CERTAIN APPORTIONED FUNDS.—An eligible service that receives funds from a State under this section shall not receive funds apportioned under section 5336 or 5337 of title 49, United States Code, in the same fiscal year.

(f) FUNDING.—There is authorized to be appropriated to the Secretary to carry out this section $200,000,000 for each of fiscal years 2022 through 2026.

(g) OPERATING COSTS.—

(1) Section 147 of title 23, United States Code, is amended by adding at the end the following:

"(k) ADDITIONAL USES.—Notwithstanding any other provision of law, in addition to other uses of funds under this section, an eligible entity may use amounts made available under this section to pay the operating costs of the eligible entity.".

(2) Section 218(c) of title 23, United States Code (as amended by section 11116 of division A), is amended by inserting "operation, repair," after "purchase,".

SEC. 71104. EXPANDING THE FUNDING AUTHORITY FOR RENOVATING, CONSTRUCTING, AND EXPANDING CERTAIN FACILITIES.

Section 509 of the Indian Health Care Improvement Act (25 U.S.C. 1659) is amended—

(1) by striking "minor" before "renovations"; and

(2) by striking ", to assist" and all that follows through "standards".

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DIVISION H—REVENUE PROVISIONS

TITLE I—HIGHWAY TRUST FUND

SEC. 80101. EXTENSION OF HIGHWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking "October 1, 2021" in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting "October 1, 2026", and

(2) by striking "Continuing Appropriations Act, 2021 and Other Extensions Act" in subsections (c)(1) and (e)(3) and inserting "Infrastructure Investment and Jobs Act".

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of such Code is amended—

(1) by striking "Continuing Appropriations Act, 2021 and Other Extensions Act" each place it appears in subsection (b)(2) and inserting "Infrastructure Investment and Jobs Act", and

(2) by striking "October 1, 2021" in subsection (d)(2) and inserting "October 1, 2026".

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Section 9508(e)(2) of such Code is amended by striking "October 1, 2021" and inserting "October 1, 2026".

SEC. 80102. EXTENSION OF HIGHWAY-RELATED TAXES.

(a) IN GENERAL.—

(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking "September 30, 2022" and inserting "September 30, 2028":

(A) Section 4041(a)(1)(C)(iii)(I).

(B) Section 4041(m)(1)(B).

(C) Section 4081(d)(1).

(2) Each of the following provisions of such Code is amended by striking "October 1, 2022" and inserting "October 1, 2028":

(A) Section 4041(m)(1)(A).

(B) Section 4051(c).

(C) Section 4071(d).

(D) Section 4081(d)(3).

(b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.—Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking "2023" each place it appears and inserting "2029":

(1) Section 4481(f).

(2) Subsections (c)(4) and (d) of section 4482.

(c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking "October 1, 2022" each place it appears and inserting "October 1, 2028";

(2) by striking "March 31, 2023" each place it appears and inserting "March 31, 2029"; and

(3) by striking "January 1, 2023" and inserting "January 1, 2029".

(d) EXTENSION OF CERTAIN EXEMPTIONS.—

(1) Section 4221(a) of the Internal Revenue Code of 1986 is amended by striking "October 1, 2022" and inserting "October 1, 2028".

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(2) Section 4483(i) of such Code is amended by striking "October 1, 2023" and inserting "October 1, 2029".

(e) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—

(1) IN GENERAL.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (b)—

(i) by striking "October 1, 2022" each place it appears in paragraphs (1) and (2) and inserting "October 1, 2028";

(ii) by striking "OCTOBER 1, 2022" in the heading of paragraph (2) and inserting "OCTOBER 1, 2028";

(iii) by striking "September 30, 2022" in paragraph (2) and inserting "September 30, 2028"; and

(iv) by striking "July 1, 2023" in paragraph (2) and inserting "July 1, 2029"; and

(B) in subsection (c)(2), by striking "July 1, 2023" and inserting "July 1, 2029".

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (3)(A)(i) and (4)(A) of section 9503(c) of such Code are each amended by striking "October 1, 2022" and inserting "October 1, 2028".

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 200310 of title 54, United States Code, is amended—

(i) by striking "October 1, 2023" each place it appears and inserting "October 1, 2029"; and

(ii) by striking "October 1, 2022" and inserting "October 1, 2028".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2021.

SEC. 80103. FURTHER ADDITIONAL TRANSFERS TO TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (11) as paragraph (12) and inserting after paragraph (10) the following new paragraph:

"(11) FURTHER TRANSFERS TO TRUST FUND.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

"(A) $90,000,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund; and

"(B) $28,000,000,000 to the Mass Transit Account in the Highway Trust Fund.".

TITLE II—CHEMICAL SUPERFUND

SEC. 80201. EXTENSION AND MODIFICATION OF CERTAIN SUPERFUND EXCISE TAXES.

(a) EXTENSION.—

(1) IN GENERAL.—Section 4661(c) of the Internal Revenue Code of 1986 is amended to read as follows:

"(c) TERMINATION.—No tax shall be imposed by this section after December 31, 2031.".

(2) IMPORTED SUBSTANCES.—Section 4671(e) of the Internal Revenue Code of 1986 is amended to read as follows:

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"(e) TERMINATION.—No tax shall be imposed by this section after December 31, 2031.".

(b) MODIFICATION OF RATES.—

(1) IN GENERAL.—Section 4661(b) of the Internal Revenue Code of 1986 is amended to read as follows:

"(b) AMOUNT OF TAX.—The amount of tax imposed by subsection (a) shall be determined in accordance with the following table:

"In the case of:	The tax is the following amount per ton:
Acetylene	$9.74
Benzene	9.74
Butane	9.74
Butylene	9.74
Butadiene	9.74
Ethylene	9.74
Methane	6.88
Napthalene	9.74
Propylene	9.74
Toluene	9.74
Xylene	9.74
Ammonia	5.28
Antimony	8.90
Antimony trioxide	7.50
Arsenic	8.90
Arsenic trioxide	6.82
Barium sulfide	4.60
Bromine	8.90
Cadmium	8.90
Chlorine	5.40
Chromium	8.90
Chromite	3.04
Potassium dichromate	3.38
Sodium dichromate	3.74
Cobalt	8.90
Cupric sulfate	3.74
Cupric oxide	7.18
Cuprous oxide	7.94
Hydrochloric acid	0.58
Hydrogen fluoride	8.46
Lead oxide	8.28
Mercury	8.90
Nickel	8.90
Phosphorus	8.90
Stannous chloride	5.70
Stannic chloride	4.24
Zinc chloride	4.44
Zinc sulfate	3.80
Potassium hydroxide	0.44
Sodium hydroxide	0.56
Sulfuric acid	0.52
Nitric acid	0.48.".

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(2) RATE ON TAXABLE SUBSTANCES WHERE IMPORTER DOES NOT FURNISH INFORMATION TO THE SECRETARY.—Section 4671(b)(2) of such Code is amended by striking "5 percent" and inserting "10 percent".

(c) RULES RELATING TO TAXABLE SUBSTANCES.—

(1) MODIFICATION OF DETERMINATION OF TAXABLE SUBSTANCES.—Section 4672(a)(2)(B) of the Internal Revenue Code of 1986 is amended by striking "50 percent" each place it appears and inserting "20 percent".

(2) PRESUMPTION AS A TAXABLE SUBSTANCE FOR PRIOR DETERMINATIONS.—Except as otherwise determined by the Secretary of the Treasury (or the Secretary's delegate), any substance which was determined to be a taxable substance by reason of section 4672(a)(2) of the Internal Revenue Code of 1986 prior to the date of enactment of this Act shall continue to be treated as a taxable substance for purposes of such section after such date.

(3) PUBLICATION OF INITIAL LIST.—Not later than January 1, 2022, the Secretary of the Treasury (or the Secretary's delegate) shall publish an initial list of taxable substances under section 4672(a) of the Internal Revenue Code of 1986.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2022.

TITLE III—CUSTOMS USER FEES

SEC. 80301. EXTENSION OF CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking "September 30, 2030" and inserting "September 30, 2031"; and

(2) in subparagraph (B)(i), by striking "September 30, 2030" and inserting "September 30, 2031".

(b) RATE FOR MERCHANDISE PROCESSING FEES.—Section 503 of the United States-Korea Free Trade Agreement Implementation Act (Public Law 112–41; 19 U.S.C. 3805 note) is amended by striking "September 30, 2030" and inserting "September 30, 2031".

TITLE IV—BOND PROVISIONS

SEC. 80401. PRIVATE ACTIVITY BONDS FOR QUALIFIED BROADBAND PROJECTS.

(a) IN GENERAL.—Section 142(a) of the Internal Revenue Code of 1986 is amended by striking "or" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ", or", and by adding at the end the following new paragraph:

"(16) qualified broadband projects.".

(b) QUALIFIED BROADBAND PROJECTS.—Section 142 of such Code is amended by adding at the end the following new subsection:

"(n) QUALIFIED BROADBAND PROJECT.—

"(1) IN GENERAL.—For purposes of subsection (a)(16), the term 'qualified broadband project' means any project which—

"(A) is designed to provide broadband service solely to 1 or more census block groups in which more than

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50 percent of residential households do not have access to fixed, terrestrial broadband service which delivers at least 25 megabits per second downstream and at least 3 megabits service upstream, and

"(B) results in internet access to residential locations, commercial locations, or a combination of residential and commercial locations at speeds not less than 100 megabits per second for downloads and 20 megabits for second for uploads, but only if at least 90 percent of the locations provided such access under the project are locations where, before the project, a broadband service provider—

"(i) did not provide service, or

"(ii) did not provide service meeting the minimum speed requirements described in subparagraph (A).

"(2) NOTICE TO BROADBAND PROVIDERS.—A project shall not be treated as a qualified broadband project unless, before the issue date of any issue the proceeds of which are to be used to fund the project, the issuer—

"(A) notifies each broadband service provider providing broadband service in the area within which broadband services are to be provided under the project of the project and its intended scope,

"(B) includes in such notice a request for information from each such provider with respect to the provider's ability to deploy, manage, and maintain a broadband network capable of providing gigabit capable Internet access to residential or commercial locations, and

"(C) allows each such provider at least 90 days to respond to such notice and request.".

(c) PARTIAL EXCEPTION FROM VOLUME CAP.—

(1) IN GENERAL.—Section 146(g) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by inserting immediately after paragraph (4) the following new paragraph:

"(5) 75 percent of any exempt facility bond issued as part of an issue described in paragraph (16) of section 142(a) (relating to qualified broadband projects).".

(2) GOVERNMENT-OWNED PROJECTS.—The last sentence of section 146(g) of such Code is amended by striking "Paragraph (4)" and inserting "Paragraphs (4) and (5)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued in calendar years beginning after the date of the enactment of this Act.

SEC. 80402. CARBON DIOXIDE CAPTURE FACILITIES.

(a) IN GENERAL.—Section 142(a) of the Internal Revenue Code of 1986, as amended by section 80401, is amended by striking "or" at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting ", or", and by adding at the end the following new paragraph:

"(17) qualified carbon dioxide capture facilities.".

(b) QUALIFIED CARBON DIOXIDE CAPTURE FACILITIES.—Section 142 of such Code, as amended by section 80401, is amended by adding at the end the following new subsection:

"(o) QUALIFIED CARBON DIOXIDE CAPTURE FACILITY.—

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"(1) IN GENERAL.—For purposes of subsection (a)(17), the term 'qualified carbon dioxide capture facility' means—

"(A) the eligible components of an industrial carbon dioxide facility, and

"(B) a direct air capture facility (as defined in section 45Q(e)(1)).

"(2) DEFINITIONS.—For purposes of this subsection:

"(A) ELIGIBLE COMPONENT.—

"(i) IN GENERAL.—The term 'eligible component' means any equipment which is installed in an industrial carbon dioxide facility that satisfies the requirements under paragraph (3) and which is—

"(I) used for the purpose of capture, treatment and purification, compression, transportation, or on-site storage of carbon dioxide produced by the industrial carbon dioxide facility, or

"(II) integral or functionally related and subordinate to a process which converts a solid or liquid product from coal, petroleum residue, biomass, or other materials which are recovered for their energy or feedstock value into a synthesis gas composed primarily of carbon dioxide and hydrogen for direct use or subsequent chemical or physical conversion.

"(ii) DEFINITIONS.—For purposes of this subparagraph—

"(I) BIOMASS.—

"(aa) IN GENERAL.—The term 'biomass' means any—

"(AA) agricultural or plant waste,

"(BB) byproduct of wood or paper mill operations, including lignin in spent pulping liquors, and

"(CC) other products of forestry maintenance.

"(bb) EXCLUSION.—The term 'biomass' does not include paper which is commonly recycled.

"(II) COAL.—The term 'coal' means anthracite, bituminous coal, subbituminous coal, lignite, and peat.

"(B) INDUSTRIAL CARBON DIOXIDE FACILITY.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'industrial carbon dioxide facility' means a facility that emits carbon dioxide (including from any fugitive emissions source) that is created as a result of any of the following processes:

"(I) Fuel combustion.

"(II) Gasification.

"(III) Bioindustrial.

"(IV) Fermentation.

"(V) Any manufacturing industry relating to—

"(aa) chemicals,

"(bb) fertilizers,

"(cc) glass,

"(dd) steel,

"(ee) petroleum residues,

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"(ff) forest products,

"(gg) agriculture, including feedlots and dairy operations, and

"(hh) transportation grade liquid fuels.

"(ii) EXCEPTIONS.—For purposes of clause (i), an industrial carbon dioxide facility shall not include—

"(I) any geological gas facility, or

"(II) any air separation unit that—

"(aa) does not qualify as gasification equipment, or

"(bb) is not a necessary component of an oxy-fuel combustion process.

"(iii) DEFINITIONS.—For purposes of this subparagraph—

"(I) PETROLEUM RESIDUE.—The term 'petroleum residue' means the carbonized product of high-boiling hydrocarbon fractions obtained in petroleum processing.

"(II) GEOLOGICAL GAS FACILITY.—The term 'geological gas facility' means a facility that—

"(aa) produces a raw product consisting of gas or mixed gas and liquid from a geological formation,

"(bb) transports or removes impurities from such product, or

"(cc) separates such product into its constituent parts.

"(3) SPECIAL RULE FOR FACILITIES WITH LESS THAN 65 PERCENT CAPTURE AND STORAGE PERCENTAGE.—

"(A) IN GENERAL.—Subject to subparagraph (B), the eligible components of an industrial carbon dioxide facility satisfies the requirements of this paragraph if such eligible components are designed to have a capture and storage percentage (as determined under subparagraph (C)) that is equal to or greater than 65 percent.

"(B) EXCEPTION.—In the case of an industrial carbon dioxide facility designed with a capture and storage percentage that is less than 65 percent, the percentage of the cost of the eligible components installed in such facility that may be financed with tax-exempt bonds may not be greater than the designed capture and storage percentage.

"(C) CAPTURE AND STORAGE PERCENTAGE.—

"(i) IN GENERAL.—Subject to clause (ii), the capture and storage percentage shall be an amount, expressed as a percentage, equal to the quotient of—

"(I) the total metric tons of carbon dioxide designed to be annually captured, transported, and injected into—

"(aa) a facility for geologic storage, or

"(bb) an enhanced oil or gas recovery well followed by geologic storage, divided by

"(II) the total metric tons of carbon dioxide which would otherwise be released into the atmosphere each year as industrial emission of greenhouse gas if the eligible components were

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not installed in the industrial carbon dioxide facility.

"(ii) LIMITED APPLICATION OF ELIGIBLE COMPONENTS.—In the case of eligible components that are designed to capture carbon dioxide solely from specific sources of emissions or portions thereof within an industrial carbon dioxide facility, the capture and storage percentage under this subparagraph shall be determined based only on such specific sources of emissions or portions thereof.

"(4) REGULATIONS.—The Secretary shall issue such regulations or other guidance as are necessary to carry out the provisions of this subsection, including methods for determining costs attributable to an eligible component for purposes of paragraph (3)(A).".

(c) VOLUME CAP.—Section 146(g) of such Code, as amended by section 80401, is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", and", and by inserting immediately after paragraph (5) the following new paragraph:

"(6) 75 percent of any exempt facility bond issued as part of an issue described in paragraph (17) of section 142(a) (relating to qualified carbon dioxide capture facilities).".

(d) CLARIFICATION OF PRIVATE BUSINESS USE.—Section 141(b)(6) of such Code is amended by adding at the end the following new subparagraph:

"(C) CLARIFICATION RELATING TO QUALIFIED CARBON DIOXIDE CAPTURE FACILITIES.—For purposes of this subsection, the sale of carbon dioxide produced by a qualified carbon dioxide capture facility (as defined in section 142(o)) which is owned by a governmental unit shall not constitute private business use.".

(e) COORDINATION WITH CREDIT FOR CARBON OXIDE SEQUESTRATION.—Section 45Q(f) of such Code is amended by adding at the end the following new paragraph:

"(3) CREDIT REDUCED FOR CERTAIN TAX-EXEMPT BONDS.—The amount of the credit determined under subsection (a) with respect to any project for any taxable year shall be reduced by the amount which is the product of the amount so determined for such year and the lesser of ½ or a fraction—

"(A) the numerator of which is the sum, for the taxable year and all prior taxable years, of the proceeds from an issue described in section 142(a)(17) used to provide financing for the project the interest on which is exempt from tax under section 103, and

"(B) the denominator of which is the aggregate amount of additions to the capital account for the project for the taxable year and all prior taxable years.

The amounts under the preceding sentence for any taxable year shall be determined as of the close of the taxable year.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2021.

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SEC. 80403. INCREASE IN NATIONAL LIMITATION AMOUNT FOR QUALIFIED HIGHWAY OR SURFACE FREIGHT TRANSPORTATION FACILITIES.

(a) IN GENERAL.—Section 142(m)(2)(A) of the Internal Revenue Code of 1986 is amended by striking "$15,000,000,000" and inserting "$30,000,000,000".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

TITLE V—RELIEF FOR TAXPAYERS AFFECTED BY DISASTERS OR OTHER CRITICAL EVENTS

SEC. 80501. MODIFICATION OF AUTOMATIC EXTENSION OF CERTAIN DEADLINES IN THE CASE OF TAXPAYERS AFFECTED BY FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Section 7508A(d) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1)—

(A) by striking "the latest incident date so specified" in subparagraph (B) and inserting "the later of such earliest incident date described in subparagraph (A) or the date such declaration was issued", and

(B) by striking "in the same manner as a period specified under subsection (a)" and inserting "in determining, under the internal revenue laws, in respect of any tax liability of such qualified taxpayer, whether any of the acts described in subparagraphs (A) through (F) of section 7508(a)(1) were performed within the time prescribed therefor (determined without regard to extension under any other provision of this subtitle for periods after the date determined under subparagraph (B))",

(2) by striking paragraph (3) and inserting the following:

"(3) DISASTER AREA.—For purposes of this subsection, the term 'disaster area' means an area in which a major disaster for which the President provides financial assistance under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) occurs.", and

(3) by adding at the end the following:

"(6) MULTIPLE DECLARATIONS.—For purposes of paragraph (1), in the case of multiple declarations relating to a disaster area which are issued within a 60-day period, a separate period shall be determined under such paragraph with respect to each such declaration.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to federally declared disasters declared after the date of enactment of this Act.

SEC. 80502. MODIFICATIONS OF RULES FOR POSTPONING CERTAIN ACTS BY REASON OF SERVICE IN COMBAT ZONE OR CONTINGENCY OPERATION.

(a) IN GENERAL.—Section 7508(a)(1) of the Internal Revenue Code of 1986 is amended—

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(1) by striking subparagraph (C) and inserting the following:

"(C) Filing a petition with the Tax Court, or filing a notice of appeal from a decision of the Tax Court;", and

(2) by inserting "or in respect of any erroneous refund" after "any tax" in subparagraph (J).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

SEC. 80503. TOLLING OF TIME FOR FILING A PETITION WITH THE TAX COURT.

(a) IN GENERAL.—Section 7451 of the Internal Revenue Code of 1986 is amended—

(1) by striking "The Tax Court" and inserting the following: "(a) FEES.—The Tax Court", and

(2) by adding at the end the following new subsection: "(b) TOLLING OF TIME IN CERTAIN CASES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, in any case (including by reason of a lapse in appropriations) in which a filing location is inaccessible or otherwise unavailable to the general public on the date a petition is due, the relevant time period for filing such petition shall be tolled for the number of days within the period of inaccessibility plus an additional 14 days.

"(2) FILING LOCATION.—For purposes of this subsection, the term 'filing location' means—

"(A) the office of the clerk of the Tax Court, or

"(B) any on-line portal made available by the Tax Court for electronic filing of petitions.".

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 7451 of the Internal Revenue Code of 1986 is amended by striking "**FEE FOR FILING PETITION**" and inserting "**PETITIONS**".

(2) The item in the table of contents for part II of subchapter C of chapter 76 of such Code is amended by striking "Fee for filing petition" and inserting "Petitions".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to petitions required to be timely filed (determined without regard to the amendments made by this section) after the date of enactment of this Act.

SEC. 80504. AUTHORITY TO POSTPONE CERTAIN TAX DEADLINES BY REASON OF SIGNIFICANT FIRES.

(a) IN GENERAL.—Section 7508A of the Internal Revenue Code of 1986 is amended—

(1) by inserting ", a significant fire," after "federally declared disaster (as defined in section 165(i)(5)(A))" in subsection (a),

(2) by inserting ", fire," after "disaster" each place it appears in subsections (a)(1) and (b), and

(3) by adding at the end the following new subsection: "(e) SIGNIFICANT FIRE.—For purposes of this section, the term 'significant fire' means any fire with respect to which assistance is provided under section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.".

(b) CONFORMING AMENDMENTS.—

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(1) The heading of section 7508A of the Internal Revenue Code of 1986 is amended by striking "**PRESIDENTIALLY DECLARED DISASTER**" and inserting "**FEDERALLY DECLARED DISASTER, SIGNIFICANT FIRE,**".

(2) The item relating to section 7508A in the table of sections for chapter 77 of such Code is amended by striking "Presidentially declared disaster" and inserting "Federally declared disaster, significant fire,".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fires for which assistance is provided after the date of the enactment of this Act.

TITLE VI—OTHER PROVISIONS

SEC. 80601. MODIFICATION OF TAX TREATMENT OF CONTRIBUTIONS TO THE CAPITAL OF A CORPORATION.

(a) IN GENERAL.—Section 118 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (b), by inserting "except as provided in subsection (c)," after "For purposes of subsection (a),",

(2) by redesignating subsection (d) as subsection (e), and

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

"(c) SPECIAL RULES FOR WATER AND SEWERAGE DISPOSAL UTILITIES.—

"(1) GENERAL RULE.—For purposes of this section, the term 'contribution to the capital of the taxpayer' includes any amount of money or other property received from any person (whether or not a shareholder) by a regulated public utility which provides water or sewerage disposal services if—

"(A) such amount is—

"(i) a contribution in aid of construction, or

"(ii) a contribution to the capital of such utility by a governmental entity providing for the protection, preservation, or enhancement of drinking water or sewerage disposal services,

"(B) in the case of a contribution in aid of construction which is property other than water or sewerage disposal facilities, such amount meets the requirements of the expenditure rule of paragraph (2), and

"(C) such amount (or any property acquired or constructed with such amount) is not included in the taxpayer's rate base for ratemaking purposes.

"(2) EXPENDITURE RULE.—An amount meets the requirements of this paragraph if—

"(A) an amount equal to such amount is expended for the acquisition or construction of tangible property described in section 1231(b)—

"(i) which is the property for which the contribution was made or is of the same type as such property, and

"(ii) which is used predominantly in the trade or business of furnishing water or sewerage disposal services,

"(B) the expenditure referred to in subparagraph (A) occurs before the end of the second taxable year after the year in which such amount was received, and

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"(C) accurate records are kept of the amounts contributed and expenditures made, the expenditures to which contributions are allocated, and the year in which the contributions and expenditures are received and made.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) CONTRIBUTION IN AID OF CONSTRUCTION.—The term 'contribution in aid of construction' shall be defined by regulations prescribed by the Secretary, except that such term shall not include amounts paid as service charges for starting or stopping services.

"(B) PREDOMINANTLY.—The term 'predominantly' means 80 percent or more.

"(C) REGULATED PUBLIC UTILITY.—The term 'regulated public utility' has the meaning given such term by section 7701(a)(33), except that such term shall not include any utility which is not required to provide water or sewerage disposal services to members of the general public in its service area.

"(4) DISALLOWANCE OF DEDUCTIONS AND CREDITS; ADJUSTED BASIS.—Notwithstanding any other provision of this subtitle, no deduction or credit shall be allowed for, or by reason of, any expenditure which constitutes a contribution in aid of construction to which this subsection applies. The adjusted basis of any property acquired with contributions in aid of construction to which this subsection applies shall be zero.

"(d) STATUTE OF LIMITATIONS.—If the taxpayer for any taxable year treats an amount as a contribution to the capital of the taxpayer described in subsection (c)(1)(A)(i), then—

"(1) the statutory period for the assessment of any deficiency attributable to any part of such amount shall not expire before the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may prescribe) of—

"(A) the amount of the expenditure referred to in subparagraph (A) of subsection (c)(2),

"(B) the taxpayer's intention not to make the expenditures referred to in such subparagraph, or

"(C) a failure to make such expenditure within the period described in subparagraph (B) of subsection (c)(2), and

"(2) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2020.

SEC. 80602. EXTENSION OF INTEREST RATE STABILIZATION.

(a) FUNDING STABILIZATION UNDER THE INTERNAL REVENUE CODE OF 1986.—The table in subclause (II) of section 430(h)(2)(C)(iv) of the Internal Revenue Code of 1986 is amended to read as follows:

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"If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
Any year in the period starting in 2012 and ending in 2019.	90%	110%
Any year in the period starting in 2020 and ending in 2030.	95%	105%
2031	90%	110%
2032	85%	115%
2033	80%	120%
2034	75%	125%
After 2034	70%	130%.".

(b) FUNDING STABILIZATION UNDER EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—The table in subclause (II) of section 303(h)(2)(C)(iv) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(h)(2)(C)(iv)) is amended to read as follows:

"If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
Any year in the period starting in 2012 and ending in 2019.	90%	110%
Any year in the period starting in 2020 and ending in 2030.	95%	105%
2031	90%	110%
2032	85%	115%
2033	80%	120%
2034	75%	125%
After 2034	70%	130%.".

(2) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 101(f)(2)(D) of such Act (29 U.S.C. 1021(f)(2)(D)) is amended—

(i) in clause (i), by striking "and the American Rescue Plan Act of 2021" both places it appears and inserting ", the American Rescue Plan Act of 2021, and the Infrastructure Investment and Jobs Act", and

(ii) in clause (ii), by striking "2029" and inserting "2034".

(B) STATEMENTS.—The Secretary of Labor shall modify the statements required under subclauses (I) and (II) of section 101(f)(2)(D)(i) of such Act to conform to the amendments made by this section.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after December 31, 2021.

SEC. 80603. INFORMATION REPORTING FOR BROKERS AND DIGITAL ASSETS.

(a) CLARIFICATION OF DEFINITION OF BROKER.—Section 6045(c)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking "and" at the end of subparagraph (B),

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(2) in subparagraph (C)—

(A) by striking "any other person who (for a consideration)" and inserting "any person who (for consideration)", and

(B) by striking the period at the end and inserting ", and", and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) any person who (for consideration) is responsible for regularly providing any service effectuating transfers of digital assets on behalf of another person.".

(b) REPORTING OF DIGITAL ASSETS.—

(1) BROKERS.—

(A) TREATMENT AS SPECIFIED SECURITY.—Section 6045(g)(3)(B) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

"(iv) any digital asset, and".

(B) DEFINITION OF DIGITAL ASSET.—Section 6045(g)(3) of such Code is amended by adding at the end the following new subparagraph:

"(D) DIGITAL ASSET.—Except as otherwise provided by the Secretary, the term 'digital asset' means any digital representation of value which is recorded on a cryptographically secured distributed ledger or any similar technology as specified by the Secretary.".

(C) APPLICABLE DATE.—Section 6045(g)(3)(C) of such Code is amended—

(i) in clause (ii), by striking "and" at the end,

(ii) by redesignating clause (iii) as clause (iv), and

(iii) by inserting after clause (ii) the following:

"(iii) January 1, 2023, in the case of any specified security which is a digital asset, and".

(2) FURNISHING OF INFORMATION.—

(A) IN GENERAL.—Section 6045A of such Code is amended—

(i) in subsection (a), by striking "a security which is", and

(ii) by adding at the end the following:

"(d) RETURN REQUIREMENT FOR CERTAIN TRANSFERS OF DIGITAL ASSETS NOT OTHERWISE SUBJECT TO REPORTING.—Any broker, with respect to any transfer (which is not part of a sale or exchange executed by such broker) during a calendar year of a covered security which is a digital asset from an account maintained by such broker to an account which is not maintained by, or an address not associated with, a person that such broker knows or has reason to know is also a broker, shall make a return for such calendar year, in such form as determined by the Secretary, showing the information otherwise required to be furnished with respect to transfers subject to subsection (a).".

(B) REPORTING PENALTIES.—Section 6724(d)(1)(B) of such Code is amended by striking "or" at the end of clause (xxv), by striking "and" at the end of clause (xxvi), and by inserting after clause (xxvi) the following new clause:

"(xxvii) section 6045A(d) (relating to returns for certain digital assets),".

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(3) TREATMENT AS CASH FOR PURPOSES OF SECTION 6050I.—Section 6050I(d) of such Code is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by inserting after paragraph (2) the following new paragraph:

"(3) any digital asset (as defined in section 6045(g)(3)(D)).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed, and statements required to be furnished, after December 31, 2023.

(d) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to create any inference, for any period prior to the effective date of such amendments, with respect to—

(1) whether any person is a broker under section 6045(c)(1) of the Internal Revenue Code of 1986, or

(2) whether any digital asset is property which is a specified security under section 6045(g)(3)(B) of such Code.

SEC. 80604. TERMINATION OF EMPLOYEE RETENTION CREDIT FOR EMPLOYERS SUBJECT TO CLOSURE DUE TO COVID–19.

(a) IN GENERAL.—Section 3134 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (c)(5)—

(A) in subparagraph (A), by adding "and" at the end,

(B) in subparagraph (B), by striking ", and" at the end and inserting a period, and

(C) by striking subparagraph (C), and

(2) in subsection (n), by striking "January 1, 2022" and inserting "October 1, 2021 (or, in the case of wages paid by an eligible employer which is a recovery startup business, January 1, 2022)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar quarters beginning after September 30, 2021.

DIVISION I—OTHER MATTERS

SEC. 90001. EXTENSION OF DIRECT SPENDING REDUCTIONS THROUGH FISCAL YEAR 2031.

Section 251A(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(6)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking "2030" and inserting "2031"; and

(2) in subparagraph (C)—

(A) in the matter preceding clause (i), by striking "2030" and inserting "2031";

(B) in clause (i)—

(i) by striking "5 ½" and inserting "6";

(ii) by striking "2.0" and inserting "4.0"; and

(iii) by striking the semicolon at the end and inserting "; and";

(C) in clause (ii)—

(i) by striking "6-month period beginning on the day after the last day of the period described in clause (i)" and inserting "second 6 months";

(ii) by striking "4.0" and inserting "0"; and

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(iii) by striking "; and" and inserting a period; and

(D) by striking clause (iii).

SEC. 90002. STRATEGIC PETROLEUM RESERVE DRAWDOWN AND SALE.

(a) DRAWDOWN AND SALE.—

(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsections (b) and (c), the Secretary of Energy shall draw down and sell from the Strategic Petroleum Reserve 87,600,000 barrels of crude oil during the period of fiscal years 2028 through 2031.

(2) TIMING.—Subject to paragraph (1) and subsection (c)(1), in determining the timing of each drawdown and sale from the Strategic Petroleum Reserve during the period of fiscal years 2028 through 2031 under paragraph (1), to the maximum extent practicable, the Secretary shall maximize the financial return to the United States taxpayers.

(3) DEPOSIT OF AMOUNTS RECEIVED FROM SALE.—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

(4) SPR PETROLEUM ACCOUNT.—The Secretary of the Treasury shall deposit in the SPR Petroleum Account established under section 167(a) of the Energy Policy and Conservation Act (42 U.S.C. 6247(a)) $43,500,000, to be used to carry out paragraph (1) in accordance with section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247).

(b) EMERGENCY PROTECTION.—The Secretary of Energy shall not draw down and sell crude oil under subsection (a) in a quantity that would limit the authority to sell petroleum products under subsection (h) of section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) in the full quantity authorized by that subsection.

(c) LIMITATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall not draw down or conduct sales of crude oil under subsection (a) after the date on which a total of $6,100,000,000 has been deposited in the general fund of the Treasury from sales authorized under that subsection.

(2) MINIMUM VOLUME.—Section 161(h)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)(2)) is amended by striking "340,000,000" each place it appears and inserting "252,400,000".

SEC. 90003. FINDINGS REGARDING UNUSED UNEMPLOYMENT INSURANCE FUNDS.

Congress finds the following:

(1) On July 16, 2021, the Congressional Budget Office (in this section referred to as "CBO") reduced its projected cost of the extension of expanded unemployment compensation as enacted in the American Rescue Plan Act of 2021 (P.L. 117–2).

(2) CBO budget projections included mandatory outlays for the expansion totaling $144,000,000,000 in 2021 and $8,000,000,000 in 2022. That estimated cost is $50,000,000,000 less in 2021, and $3,000,000,000 less in 2022, than anticipated in CBO's March 2021 cost estimate.

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(3) CBO reduced its projections of those costs for two major reasons. First, several States have announced that they are discontinuing one or more of the components of expanded unemployment compensation before the expansion's authorization ends in September 2021. In its original estimate, CBO projected that all States would participate in the programs until September. Second, because of the improving economy, the agency has lowered its forecast of the unemployment rate, resulting in fewer projected beneficiaries for the programs, which also reduced projected costs.

(4) It is estimated that there are approximately $53,000,000,000 in savings from the amounts in the Treasury originally estimated to be spent on unemployment insurance funds (under the provisions of subtitle A of title II of division A of the CARES Act) not used by the States.

SEC. 90004. REQUIRING MANUFACTURERS OF CERTAIN SINGLE-DOSE CONTAINER OR SINGLE-USE PACKAGE DRUGS PAYABLE UNDER PART B OF THE MEDICARE PROGRAM TO PROVIDE REFUNDS WITH RESPECT TO DISCARDED AMOUNTS OF SUCH DRUGS.

Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

"(h) REFUND FOR CERTAIN DISCARDED SINGLE-DOSE CONTAINER OR SINGLE-USE PACKAGE DRUGS.—

"(1) SECRETARIAL PROVISION OF INFORMATION.—

"(A) IN GENERAL.—For each calendar quarter beginning on or after January 1, 2023, the Secretary shall, with respect to a refundable single-dose container or single-use package drug (as defined in paragraph (8)), report to each manufacturer (as defined in subsection (c)(6)(A)) of such refundable single-dose container or single-use package drug the following for the calendar quarter:

"(i) Subject to subparagraph (C), information on the total number of units of the billing and payment code of such drug, if any, that were discarded during such quarter, as determined using a mechanism such as the JW modifier used as of the date of enactment of this subsection (or any such successor modifier that includes such data as determined appropriate by the Secretary).

"(ii) The refund amount that the manufacturer is liable for pursuant to paragraph (3).

"(B) DETERMINATION OF DISCARDED AMOUNTS.—For purposes of subparagraph (A)(i), with respect to a refundable single-dose container or single-use package drug furnished during a quarter, the amount of such drug that was discarded shall be determined based on the amount of such drug that was unused and discarded for each drug on the date of service.

"(C) EXCLUSION OF UNITS OF PACKAGED DRUGS.—The total number of units of the billing and payment code of a refundable single-dose container or single-use package drug of a manufacturer furnished during a calendar quarter

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for purposes of subparagraph (A)(i), and the determination of the estimated total allowed charges for the drug in the quarter for purposes of paragraph (3)(A)(ii), shall not include such units that are packaged into the payment amount for an item or service and are not separately payable.

"(2) MANUFACTURER REQUIREMENT.—For each calendar quarter beginning on or after January 1, 2023, the manufacturer of a refundable single-dose container or single-use package drug shall, for such drug, provide to the Secretary a refund that is equal to the amount specified in paragraph (3) for such drug for such quarter.

"(3) REFUND AMOUNT.—

"(A) IN GENERAL.—The amount of the refund specified in this paragraph is, with respect to a refundable single-dose container or single-use package drug of a manufacturer assigned to a billing and payment code for a calendar quarter beginning on or after January 1, 2023, an amount equal to the estimated amount (if any) by which—

"(i) the product of—

"(I) the total number of units of the billing and payment code for such drug that were discarded during such quarter (as determined under paragraph (1)); and

"(II)(aa) in the case of a refundable single-dose container or single-use package drug that is a single source drug or biological, the amount of payment determined for such drug or biological under subsection (b)(1)(B) for such quarter; or

"(bb) in the case of a refundable single-dose container or single-use package drug that is a biosimilar biological product, the amount of payment determined for such product under subsection (b)(1)(C) for such quarter; exceeds

"(ii) an amount equal to the applicable percentage (as defined in subparagraph (B)) of the estimated total allowed charges for such drug under this part during the quarter.

"(B) APPLICABLE PERCENTAGE DEFINED.—

"(i) IN GENERAL.—For purposes of subparagraph (A)(ii), the term 'applicable percentage' means—

"(I) subject to subclause (II), 10 percent; and

"(II) if applicable, in the case of a refundable single-dose container or single-use package drug described in clause (ii), a percentage specified by the Secretary pursuant to such clause.

"(ii) TREATMENT OF DRUGS THAT HAVE UNIQUE CIRCUMSTANCES.—In the case of a refundable single-dose container or single-use package drug that has unique circumstances involving similar loss of product as that described in paragraph (8)(B)(ii), the Secretary, through notice and comment rulemaking, may increase the applicable percentage otherwise applicable under clause (i)(I) as determined appropriate by the Secretary.

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"(4) FREQUENCY.—Amounts required to be refunded pursuant to paragraph (2) shall be paid in regular intervals (as determined appropriate by the Secretary).

"(5) REFUND DEPOSITS.—Amounts paid as refunds pursuant to paragraph (2) shall be deposited into the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

"(6) ENFORCEMENT.—

"(A) AUDITS.—

"(i) MANUFACTURER AUDITS.—Each manufacturer of a refundable single-dose container or single-use package drug that is required to provide a refund under this subsection shall be subject to periodic audit with respect to such drug and such refunds by the Secretary.

"(ii) PROVIDER AUDITS.—The Secretary shall conduct periodic audits of claims submitted under this part with respect to refundable single-dose container or single-use package drugs in accordance with the authority under section 1833(e) to ensure compliance with the requirements applicable under this subsection.

"(B) CIVIL MONEY PENALTY.—

"(i) IN GENERAL.—The Secretary shall impose a civil money penalty on a manufacturer of a refundable single-dose container or single-use package drug who has failed to comply with the requirement under paragraph (2) for such drug for a calendar quarter in an amount equal to the sum of—

"(I) the amount that the manufacturer would have paid under such paragraph with respect to such drug for such quarter; and

"(II) 25 percent of such amount.

"(ii) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(7) IMPLEMENTATION.—The Secretary shall implement this subsection through notice and comment rulemaking.

"(8) DEFINITION OF REFUNDABLE SINGLE-DOSE CONTAINER OR SINGLE-USE PACKAGE DRUG.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in this subsection, the term 'refundable single-dose container or single-use package drug' means a single source drug or biological (as defined in section 1847A(c)(6)(D)) or a biosimilar biological product (as defined in section 1847A(c)(6)(H)) for which payment is made under this part and that is furnished from a single-dose container or single-use package.

"(B) EXCLUSIONS.—The term 'refundable single-dose container or single-use package drug' does not include—

"(i) a drug or biological that is either a radiopharmaceutical or an imaging agent;

"(ii) a drug or biological approved by the Food and Drug Administration for which dosage and administration instructions included in the labeling

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require filtration during the drug preparation process, prior to dilution and administration, and require that any unused portion of such drug after the filtration process be discarded after the completion of such filtration process; or

"(iii) a drug or biological approved by the Food and Drug Administration on or after the date of enactment of this subsection and with respect to which payment has been made under this part for fewer than 18 months.

"(9) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this subsection, the Office of the Inspector General, after consultation with the Centers for Medicare & Medicaid Services and the Food and Drug Administration, shall submit to the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, a report on any impact this section is reported to have on the licensure, market entry, market retention, or marketing of biosimilar biological products. Such report shall be updated periodically at the direction of the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives.".

SEC. 90005. EXTENSION OF ENTERPRISE GUARANTEE FEES.

Section 1327(f) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4547(f)) is amended by striking "2021" and inserting "2032".

SEC. 90006. MORATORIUM ON IMPLEMENTATION OF RULE RELATING TO ELIMINATING THE ANTI-KICKBACK STATUTE SAFE HARBOR PROTECTION FOR PRESCRIPTION DRUG REBATES.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to January 1, 2026, implement, administer, or enforce the provisions of the final rule published by the Office of the Inspector General of the Department of Health and Human Services on November 30, 2020, and titled "Fraud and Abuse; Removal of Safe Harbor Protection for Rebates Involving Prescription Pharmaceuticals and Creation of New Safe Harbor Protection for Certain Point-of-Sale Reductions in Price on Prescription Pharmaceuticals and Certain Pharmacy Benefit Manager Service Fees" (85 Fed. Reg. 76666).

SEC. 90007. RESCISSION OF COVID–19 APPROPRIATIONS.

(a) ECONOMIC INJURY DISASTER LOAN SUBSIDY.—

(1) RESCISSION.—Of the unobligated balances from amounts made available under the heading "Small Business Administration—Disaster Loans Program Account" in title II of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139), $13,500,000,000 are permanently rescinded.

(2) DESIGNATION.—The amount rescinded pursuant to paragraph (1) that was previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act

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of 1985 is designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) TARGETED EIDL ADVANCE.—

(1) Of the unobligated balances from amounts made available under the heading "Small Business Administration—Targeted EIDL Advance" in section 323(d)(1)(D) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), $17,578,000,000 are permanently rescinded.

(2) Of the unobligated balances from amounts made available in section 5002(b) of the American Rescue Plan Act of 2021 (Public Law 117–2)—

(A) amounts may be transferred to and merged with "Small Business Administration—Disaster Loans Program Account" for the cost of direct loans authorized under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(B) not more than $500,000,000 may be transferred to "Small Business Administration—Salaries and Expenses" for necessary expenses, not otherwise provided for, of the Small Business Administration; and

(C) not more than $992,000,000 may be transferred to, and merged with, "Small Business Administration—Business Loans Program Account" for the cost of guaranteed loans as authorized by paragraphs (1) through (35) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), including the cost of carrying out sections 326, 327, and 328 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

(c) ECONOMIC STABILIZATION PROGRAM.—Of the unobligated balances from amounts made available in section 4027(a) of the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. 9601), $1,366,100,000 are permanently rescinded.

(d) BUSINESS LOANS PROGRAM ACCOUNT.—

(1) Of the unobligated balances from amounts made available under the heading "Small Business Administration—Business Loans Program Account, CARES Act" in section 1107(a)(1) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), as amended by section 101(a)(2) of division A of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139), and in section 323(d)(1)(A) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) for carrying out paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), $4,684,000,000 are permanently rescinded.

(2) Of the unobligated balances from amounts made available under the heading "Small Business Administration—Business Loans Program Account" in section 323(d)(1)(F) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), $992,000,000 are permanently rescinded.

(e) PANDEMIC RELIEF FOR AVIATION WORKERS, CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT).—Of the unobligated balances from amounts made available in section 4120 of the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. 9080), $3,000,000,000 are permanently rescinded.

(f) EDUCATION STABILIZATION FUND.—

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(1) RESCISSION.—Of the unobligated balances from amounts made available under the heading "Education Stabilization Fund" in title VIII of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) and in title III of division M of the Consolidated Appropriations Act, 2021 (Public Law 116–260) that were reserved for the Higher Education Emergency Relief Fund by sections 18004(a)(1) and 18004(a)(2) of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) and sections 314(a)(1), 314(a)(2), and 314(a)(4) of division M of the Consolidated Appropriations Act, 2021 (Public Law 116–260), $353,400,000 are permanently rescinded.

(2) DESIGNATION.—The amount rescinded pursuant to paragraph (1) that was previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 is designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(g) SMALL BUSINESS ADMINISTRATION, SALARIES AND EXPENSES.—

(1) RESCISSION.—Of the unobligated balances from amounts made available under the heading "Small Business Administration—Salaries and Expenses" in section 1107(a)(2) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), in title II of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139), and in section 323(d)(1)(C) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), $175,000,000 are permanently rescinded.

(2) DESIGNATION.—The amount rescinded pursuant to paragraph (1) that was previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 is designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(h) PANDEMIC RELIEF FOR AVIATION WORKERS.—Of the unobligated balances from amounts made available in section 411 of subtitle A of title IV of division N of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9101), $200,000,000 are permanently rescinded.

SEC. 90008. SPECTRUM AUCTIONS.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(2) COVERED BAND.—The term "covered band" means the band of frequencies between 3100 and 3450 megahertz.

(3) RELEVANT CONGRESSIONAL COMMITTEES.—The term "relevant congressional committees" means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Armed Services of the House of Representatives;

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

(D) the Committee on Energy and Commerce of the House of Representatives.

(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 Act (47 U.S.C. 928) to the Department of Defense for the purpose of research and development, engineering studies, economic analyses, activities with respect to systems, or other planning activities to improve efficiency and effectiveness of the spectrum use of the Department of Defense in order to make available electromagnetic spectrum in the covered band—

(i) for reallocation for shared Federal and non-Federal commercial licensed use; and

(ii) for auction under paragraph (3) of this subsection.

(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) REPORT TO SECRETARY OF COMMERCE.—For purposes of paragraph (2)(A), the Secretary of Defense shall report to the Secretary of Commerce the findings of the planning activities described in subparagraph (A) of this paragraph.

(2) IDENTIFICATION.—

(A) IN GENERAL.—Not later than 21 months after the date of enactment of this Act, in accordance with the findings of the planning activities described in paragraph (1)(A) and subject to the determination of the Secretary of Defense under subparagraph (B) of this paragraph, the Secretary of Commerce, in coordination with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and relevant congressional committees, shall—

(i) determine which frequencies of electromagnetic spectrum in the covered band could be made available on a shared basis between Federal use and non-Federal commercial licensed use, subject to flexible-use service rules; and

(ii) submit to the President and the Commission a report that identifies the frequencies determined appropriate under clause (i).

(B) REQUIRED DETERMINATION.—The Secretary of Commerce may identify frequencies under subparagraph (A)(ii) only if the Secretary of Defense has determined that sharing those frequencies with non-Federal users would not impact the primary mission of military spectrum users in the covered band.

(3) AUCTION.—Not earlier than November 30, 2024, the Commission, in consultation with the Assistant Secretary of

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Commerce for Communications and Information, shall begin a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) to grant new licenses for the spectrum identified under paragraph (2)(A)(ii) of this subsection.

(4) SHARING OF SPECTRUM.—Not earlier than May 31, 2025, the President shall modify any assignment to a Federal Government station of the frequencies identified under clause (ii) of paragraph (2)(A) in order to accommodate shared Federal and non-Federal commercial licensed use in accordance with that paragraph.

(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)).

(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 90008(b)(2)(A)(ii) of the Infrastructure Investment and Jobs Act, 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.—Section 1006(c)(1) of the Spectrum Pipeline Act of 2015 (Public Law 114–74; 129 Stat. 624) is amended by striking "2022" and inserting "2024".

DIVISION J—APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2022, and for other purposes, namely:

TITLE I—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FARM PRODUCTION AND CONSERVATION PROGRAMS

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations", $500,000,000, to remain available until expended: *Provided*, That not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the House and Senate Committees on Appropriations a detailed spend plan, including a list of project locations and project cost: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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WATERSHED REHABILITATION PROGRAM

For an additional amount for "Watershed Rehabilitation Program", $118,000,000, to remain available until expended: *Provided*, That not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the House and Senate Committees on Appropriations a detailed spend plan, including a list of project locations and project cost: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for "Emergency Watershed Protection Program" to repair damages to the waterways and watersheds resulting from natural disasters, $300,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL DEVELOPMENT PROGRAMS

RURAL UTILITIES SERVICE

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For an additional amount for "Rural Utilities Service—Distance Learning, Telemedicine, and Broadband Program", $2,000,000,000, to remain available until expended: *Provided*, That of the funds made available under this heading in this Act, $74,000,000 shall be for the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act: *Provided further*, That, of the funds made available under this heading in this Act, $1,926,000,000 shall be for the broadband loan and grant pilot program established by section 779 of Public Law 115–141 under the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 et seq.): *Provided further*, That at least 50 percent of the households to be served by a project receiving a loan or grant from funds provided under the preceding proviso shall be in a rural area, as defined in section 601(b)(3) of the Rural Electrification Act, without sufficient access to broadband defined for such funds as having speeds of not less than 25 megabits per second downloads and 3 megabits per second uploads: *Provided further*, That 10 percent of the amounts made available under this heading in this Act for the pilot program shall be set aside for service areas where at least 90 percent of households to be served by a project receiving a loan or grant are in a rural area without sufficient access to broadband, as defined in the preceding proviso: *Provided further*, That, to the extent possible, projects receiving funds provided under this heading in this Act for the pilot program must build out service to at least 100 megabits per second downloads and 20 megabits per second uploads: *Provided further*, That, in administering the pilot program under this heading in this Act, the Secretary of Agriculture

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may, for purposes of determining entities eligible to receive assistance, consider those communities which are "Areas Rural in Character", as defined in section 343(a)(13)(D) of the Consolidated Farm and Rural Development Act: *Provided further*, That not more than $50,000,000 of the funds made available under this heading in this Act for the pilot program may be used for the purpose of the preceding proviso: *Provided further*, That pole attachment fees and replacements charged by electric cooperatives for the shared use of their utility poles shall be an eligible use of funds provided under this heading in this Act for the pilot program to enable the deployment of broadband in rural areas: *Provided further*, That the Secretary shall waive any matching funds required for pilot program projects funded from amounts provided under this heading in this Act for Alaska Native Corporations for federally-recognized Tribes, on substantially underserved Trust areas, as defined in 7 U.S.C. 936f(a)(2), and residents of a rural area that was recognized as a colonia as of October 1, 1989, and for projects in which 75 percent of the service area is a persistent poverty county or counties: *Provided further*, That for purposes of the preceding proviso, the term "persistent poverty counties" means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses, and 2007–2011 American Community Survey 5–6 year average, or any territory or possession of the United States: *Provided further*, That, in addition to other funds available for such purpose, not more than four percent of the amounts provided under this heading in this Act shall be for administrative costs to carry out the pilot program and broadband loans: *Provided further*, That up to three percent of the amounts provided under this heading in this Act shall be for technical assistance and predevelopment planning activities to support rural communities, of which $5,000,000 shall have a priority for the establishment and growth of cooperatives to offer broadband, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses": *Provided further*, That the Secretary of Agriculture shall collaborate, to the extent practicable, with the Commissioner of the Federal Communications Commission and the Assistant Secretary for Communications and Information at the National Telecommunications and Information Administration to carry out the amounts provided under this heading in this Act for the pilot program: *Provided further*, That the Secretary may transfer funds provided under this heading in this Act between broadband loans, as authorized by section 601 of the Rural Electrification Act, and the pilot program to accommodate demand: *Provided further*, That no funds shall be transferred pursuant to the preceding proviso until the Secretary notifies in writing and receives approval from the Committees on Appropriations and Agriculture of both Houses of Congress at least 30 days in advance of the transfer of such funds or the use of such authority: *Provided further*, That for purposes of the amounts provided under this heading in this Act for the pilot program, the Secretary shall adhere to the notice, reporting, and service area assessment requirements set forth in section 701(a)–(d) of the Rural Electrification Act (7 U.S.C. 950cc(a)–(d)): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section

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4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 101. In addition to amounts otherwise made available for such purpose, there is hereby appropriated $10,000,000, to remain available until expended, to carry out section 70501 of division G of this Act: *Provided*, That $5,000,000, to remain available until expended, shall be made available for fiscal year 2022 and $5,000,000, to remain available until expended, shall be made available for fiscal year 2023: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

BROADBAND EQUITY, ACCESS, AND DEPLOYMENT PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Broadband Equity, Access, and Deployment Program", $42,450,000,000, to remain available until expended, for grants as authorized under section 60102 of division F of this Act: *Provided*, That not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall submit to the House and Senate Committees on Appropriations a detailed spend plan for fiscal year 2022: *Provided further*, That up to 2 percent of the amounts made available under this heading in this Act in fiscal year 2022 shall be for salaries and expenses, administration, and oversight, of which $12,000,000 shall be transferred to the Office of Inspector General of the Department of Commerce for oversight of funding provided to the National Telecommunications and Information Administration in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BROADBAND CONNECTIVITY FUND

For an additional amount for "Broadband Connectivity Fund", $2,000,000,000, to remain available until expended, for grants for the Tribal Broadband Connectivity Program, as authorized under section 905(c) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), as amended by section 60201

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of division F this Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DIGITAL EQUITY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Digital Equity", $2,750,000,000, to remain available until expended, for competitive grants as authorized under sections 60304 and 60305 of division F of this Act: *Provided*, That of the amount provided under this heading in this Act—

(1) $550,000,000, to remain available until expended, shall be made available for fiscal year 2022, of which $60,000,000 is for the award of grants under section 60304 (c)(3) of division F of this Act, $240,000,000 is for the award of grants under section 60304(d) of division F of this Act, and $250,000,000 is for the award of grants under section 60305 of division F of this Act;

(2) $550,000,000, to remain available until expended, shall be made available for fiscal year 2023, of which $300,000,000 is for the award of grants under section 60304(d) of division F of this Act and $250,000,000 is for the award of grants under section 60305 of division F of this Act;

(3) $550,000,000, to remain available until expended, shall be made available for fiscal year 2024, of which $300,000,000 is for the award of grants under section 60304(d) of division F of this Act and $250,000,000 is for the award of grants under section 60305 of division F of this Act;

(4) $550,000,000, to remain available until expended, shall be made available for fiscal year 2025, of which $300,000,000 is for the award of grants under section 60304(d) of division F of this Act and $250,000,000 is for the award of grants under section 60305 of division F of this Act; and

(5) $550,000,000, to remain available until expended, shall be made available for fiscal year 2026, of which $300,000,000 is for the award of grants under section 60304(d) of division F of this Act and $250,000,000 is for the award of grants under section 60305 of division F of this Act:

Provided further, That the Secretary shall issue notices of funding opportunity not later than 180 days after each date upon which funds are made available under the preceding proviso: *Provided further*, That the Secretary shall make awards not later than 270 days after issuing the notices of funding opportunity required under the preceding proviso: *Provided further*, That up to 2 percent of the amounts made available in each fiscal year shall be for salaries and expenses, administration, and oversight, of which $1,000,000 in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Commerce for oversight of funding provided to the National Telecommunications and Information Administration in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a)

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of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MIDDLE MILE DEPLOYMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Middle Mile Deployment", $1,000,000,000, to remain available September 30, 2026, for competitive grants as authorized under section 60401 of division F of this Act: *Provided*, That the Secretary of Commerce shall issue notices of funding opportunity not later than 180 days after the date of enactment of this Act: *Provided further*, That the Secretary of Commerce shall make awards not later than 270 days after issuing the notices of funding opportunity required under the preceding proviso: *Provided further*, That up to 2 percent of the amounts made available under this heading in this Act shall be for salaries and expenses, administration, and oversight, during fiscal years 2022 through 2026 of which $1,000,000 shall be transferred to the Office of Inspector General of the Department of Commerce for oversight of funding provided to the National Telecommunications and Information Administration in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", $2,611,000,000, to remain available until September 30, 2027: *Provided*, That $557,250,000, to remain available until September 30, 2023, shall be made available for fiscal year 2022, $515,584,000, to remain available until September 30, 2024, shall be made available for fiscal year 2023, $515,583,000, to remain available until September 30, 2025, shall be made available for fiscal year 2024, $515,583,000, to remain available until September 30, 2026, shall be made available for fiscal year 2025, and $507,000,000, to remain available until September 30, 2027, shall be made available for fiscal year 2026: *Provided further*, That of the funds made available under this heading in this Act, the following amounts shall be for the following purposes in equal amounts for each of fiscal years 2022 through 2026, including for administrative costs, technical support, and oversight, unless stated otherwise—

(1) $492,000,000 shall be for National Oceans and Coastal Security Fund grants, as authorized under section 906(c) of division O of Public Law 114–113;

(2) $491,000,000 shall be for contracts, grants, and cooperative agreements to provide funding and technical assistance for purposes of restoring marine, estuarine, coastal, or Great Lakes ecosystem habitat, or constructing or protecting ecological features that protect coastal communities from flooding or coastal storms;

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(3) $492,000,000 shall be for coastal and inland flood and inundation mapping and forecasting, and next-generation water modeling activities, including modernized precipitation frequency and probable maximum studies;

(4) $25,000,000 shall be for data acquisition activities pursuant to section 511(b) of the Water Resources Development Act of 2020 (division AA of Public Law 116–260), of which $8,334,000 shall be available in fiscal year 2023 and $8,333,000 shall be available in each of fiscal years 2024 and 2025;

(5) $50,000,000 shall be for wildfire prediction, detection, observation, modeling, and forecasting, for fiscal year 2022;

(6) $1,000,000 shall be for the study of soil moisture and snowpack monitoring network in the Upper Missouri River Basin pursuant to section 511(b)(3) of the Water Resources Development Act of 2020 (division AA of Public Law 116–260), in equal amounts for each of fiscal years 2022 through 2025;

(7) $150,000,000 shall be for marine debris assessment, prevention, mitigation, and removal;

(8) $50,000,000 shall be for marine debris prevention and removal through the National Sea Grant College Program (33 U.S.C. 1121 et seq.);

(9) $207,000,000 shall be for habitat restoration projects pursuant to section 310 of the Coastal Zone Management Act (16 U.S.C. 1456c), including ecosystem conservation pursuant to section 12502 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1456–1), notwithstanding subsection (g) of that section;

(10) $77,000,000 shall be for habitat restoration projects through the National Estuarine Research Reserve System (16 U.S.C. 1456c), including ecosystem conservation pursuant to section 12502 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1456–1);

(11) $100,000,000 shall be for supporting improved and enhanced coastal, ocean, and Great Lakes observing systems;

(12) $56,000,000 shall be for established Regional Ocean Partnerships (ROPs) to coordinate the interstate and intertribal management of ocean and coastal resources and to implement their priority actions, including to enhance associated sharing and integration of Federal and non-Federal data by ROPs, or their equivalent;

(13) $20,000,000 shall be for consultations and permitting related to the Endangered Species Act, the Marine Mammal Protection Act, and Essential Fish Habitat; and

(14) $400,000,000 shall be for restoring fish passage by removing in-stream barriers and providing technical assistance pursuant to section 117 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (16 U.S.C. 1891a), of which up to 15 percent shall be reserved for Indian Tribes or partnerships of Indian Tribes in conjunction with an institution of higher education, non-profit, commercial (for profit) organizations, U.S. territories, and state or local governments, and of which the remaining amount shall be for all eligible entities, including Indian Tribes and such partnerships of Indian Tribes:

Provided further, That under this heading the term Indian Tribe shall have the meaning given to the term in section 4 of the

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Indian Self-Determination and Education Act (25 U.S.C. 5304): *Provided further*, That nothing under this heading in this Act shall be construed as providing any new authority to remove, breach, or otherwise alter the operations of a Federal hydropower dam and dam removal projects shall include written consent of the dam owner, if ownership is established: *Provided further*, That amounts made available under this heading in this Act may be used for consultations and permitting related to the Endangered Species Act and the Marine Mammal Protection Act for projects funded under this heading in this Act: *Provided further*, That not later than 90 days after the date of enactment of this Act, the National Oceanic and Atmospheric Administration shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed spend plan for fiscal year 2022: *Provided further*, That for each of fiscal years 2023 through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Commerce shall submit a detailed spend plan for that fiscal year: *Provided further*, That the Secretary may waive or reduce the required non-Federal share for amounts made available under this heading in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction", $180,000,000, to remain available until September 30, 2024, as follows:

(1) $50,000,000 shall be for observation and dissemination infrastructure used for wildfire prediction, detection, and forecasting;

(2) $80,000,000 shall be for research supercomputing infrastructure used for weather and climate model development to improve drought, flood, and wildfire prediction, detection, and forecasting; and

(3) $50,000,000 shall be for coastal, ocean, and Great Lakes observing systems:

Provided, That not later than 90 days after the date of enactment of this Act, the National Oceanic and Atmospheric Administration shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed spend plan: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PACIFIC COASTAL SALMON RECOVERY

For an additional amount for "Pacific Coastal Salmon Recovery", $172,000,000, to remain available until September 30, 2027: *Provided*, That $34,400,000, to remain available until September 30, 2023, shall be made available for fiscal year 2022, $34,400,000, to remain available until September 30, 2024, shall

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be made available for fiscal year 2023, $34,400,000, to remain available until September 30, 2025, shall be made available for fiscal year 2024, $34,400,000, to remain available until September 30, 2026, shall be made available for fiscal year 2025, and $34,400,000, to remain available until September 30, 2027, shall be made available for fiscal year 2026: *Provided*, That not later than 90 days after the date of enactment of this Act, the National Oceanic and Atmospheric Administration shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spend plan for fiscal year 2022: *Provided further*, That for each of fiscal years 2023 through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Commerce shall submit a detailed spend plan for that fiscal year: *Provided further*, That the Secretary may waive or reduce the required non-Federal share for amounts made available under this heading in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE III—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for "Investigations", $150,000,000, to remain available until expended: *Provided*, That of the amount provided under this heading in this Act, $30,000,000 shall be used by the Secretary of the Army, acting through the Chief of Engineers, to undertake work authorized to be carried out in accordance with section 22 of the Water Resources Development Act of 1974 (Public Law 93–251; 42 U.S.C. 1962d–16), as amended: *Provided further*, That of the amount provided under this heading in this Act, $45,000,000 shall be used by the Secretary of the Army, acting through the Chief of Engineers, to undertake work authorized to be carried out in accordance with section 206 of the 1960 Flood Control Act (Public Law 86–645), as amended: *Provided further*, That of the amount provided under this heading in this Act, $75,000,000 shall be used for necessary expenses related to the completion, or initiation and completion, of studies which are authorized prior to the date of enactment of this Act, of which $30,000,000, to become available on October 1, 2022, shall be used by the Secretary of the Army, acting through the Chief of Engineers, to complete, or to initiate and complete, studies carried out in accordance with section 118 of division AA of the Consolidated Appropriations Act, 2021 (Public Law 116–260), except that the limitation on the number of studies authorized to be carried out under section 118(b) and section 118(c) shall not apply: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Chief of Engineers shall submit to the House and Senate Committees on Appropriations a detailed spend plan for the funds identified for fiscal year 2022 in the preceding proviso,

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including a list of project locations and new studies selected to be initiated: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Chief of Engineers shall provide a briefing to the House and Senate Committees on Appropriations on an implementation plan, including a schedule for solicitation of projects and expenditure of funds, for the funding provided for fiscal year 2023 to undertake work authorized to be carried out in accordance with section 118 of division AA of the Consolidated Appropriations Act, 2021 (Public Law 116–260): *Provided further*, That for fiscal year 2023, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Chief of Engineers shall submit a detailed spend plan for that fiscal year, including a list of project locations for the funding provided to undertake work authorized to be carried out in accordance with section 118 of division AA of the Consolidated Appropriations Act, 2021 (Public Law 116–260): *Provided further*, That beginning not later than 120 days after the enactment of this Act, the Chief of Engineers shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of the funds provided under this heading in this Act, including new studies selected to be initiated using funds provided under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION

For an additional amount for "Construction", $11,615,000,000, to remain available until expended: *Provided*, That the Secretary may initiate additional new construction starts with funds provided under this heading in this Act: *Provided further*, That the limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986 (Public Law 99–662; 33 U.S.C. 2280), as amended, shall not apply to any project completed using funds provided under this heading in this Act: *Provided further*, That of the amount provided under this heading in this Act, such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the general fund of the Treasury: *Provided further*, That of the amount provided under this heading in this Act, $1,500,000,000 shall be for major rehabilitation, construction, and related activities for rivers and harbors, of which not more than $250,000,000 shall be to undertake work at harbors defined by section 2006 of the Water Resources Development Act of 2007 (Public Law 110–114, 33 U.S.C. 2242), as amended, and not more than $250,000,000 may be for projects determined to require repair in the report prepared pursuant to section 1104 of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322): *Provided further*, That of the amount provided under this heading in this Act, $200,000,000 shall be for water-related environmental infrastructure assistance: *Provided further*, That of the amount provided under this heading in this Act, $2,500,000,000 shall be for construction, replacement, rehabilitation, and expansion of inland waterways projects: *Provided further*, That section 102(a)

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of the Water Resources Development Act of 1986 (Public Law 99–662; 33 U.S.C. 2212(a)) and section 109 of the Water Resources Development Act of 2020 (Public Law 116–260; 134 Stat. 2624) shall not apply to the extent that such projects are carried out using funds provided in the preceding proviso: *Provided further*, That in using such funds referred to in the preceding proviso, the Secretary shall give priority to projects included in the Capital Investment Strategy of the Corps of Engineers: *Provided further*, That of the amount provided under this heading in this Act, $465,000,000 shall be used by the Secretary of the Army, acting through the Chief of Engineers, to undertake work authorized to be carried out in accordance with section 14, as amended, of the Flood Control Act of 1946 (33 U.S.C. 701r), section 103, as amended, of the River and Harbor Act of 1962 (Public Law 87–874), section 107, as amended, of the River and Harbor Act 1960 (Public Law 86–645), section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 206 of the Water Resources Development Act of 1996 (Public Law 104–303; 33 U.S.C. 2330), section 1135 of the Water Resources Development Act of 1986 (Public Law 99–662; 33 U.S.C. 2309a), or section 165(a) of division AA of the Consolidated Appropriations Act, 2021 (Public Law 116–260), notwithstanding the project number or program cost limitations set forth in those sections: *Provided further*, That of the amounts in the preceding proviso, $115,000,000, shall be used under the aquatic ecosystem restoration program under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) to restore fish and wildlife passage by removing in-stream barriers and provide technical assistance to non-Federal interests carrying out such activities, at full Federal expense and notwithstanding the individual project cost limitation set forth in that section: *Provided further*, That the amounts provided in the preceding proviso shall not be construed to provide any new authority to remove, breach, or otherwise alter the operations of a Federal hydropower dam, and do not limit the Secretary of the Army, acting through the Chief of Engineers, from allotting additional funds from amounts provided under this heading in this Act for other purposes allowed under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330): *Provided further*, That of the amount provided under this heading in this Act, $1,900,000,000 shall be for aquatic ecosystem restoration projects, of which not less than $1,000,000,000 shall be for multi-purpose projects or multi-purpose programs that include aquatic ecosystem restoration as a purpose: *Provided further*, That of the amount provided under this heading in this Act, $2,550,000,000 shall be for coastal storm risk management, hurricane and storm damage reduction projects, and related activities targeting States that have been impacted by federally declared disasters over the last six years, which may include projects authorized by section 116 of Public Law 111–85, of which not less than $1,000,000,000 shall be for multi-purpose projects or multi-purpose programs that include flood risk management benefits as a purpose: *Provided further*, That of the amount provided in the preceding proviso, $200,000,000 shall be for shore protection projects: *Provided further*, That of the funds in the preceding proviso, $100,000,000, to remain available until expended, shall be made available for fiscal year 2022, $50,000,000, to remain available until expended, shall be made available for fiscal year 2023, and

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$50,000,000, to remain available until expended, shall be made available for fiscal year 2024: *Provided further*, That of the amount provided under this heading in this Act, $2,500,000,000 shall be for inland flood risk management projects, of which not less than $750,000,000 shall be for multi-purpose projects or multi-purpose programs that include flood risk management as a purpose: *Provided further*, That in selecting projects under the previous proviso, the Secretary of the Army shall prioritize projects with overriding life-safety benefits: *Provided further*, That of the funds in the proviso preceding the preceding proviso, the Secretary of the Army shall, to the maximum extent practicable, prioritize projects in the work plan that directly benefit economically disadvantaged communities, and may take into consideration prioritizing projects that benefit areas in which the percentage of people that live in poverty or identify as belonging to a minority group is greater than the average such percentage in the United States, based on data from the Bureau of the Census: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Chief of Engineers shall submit to the House and Senate Committees on Appropriations a detailed spend plan for the funds provided under this heading in this Act for each fiscal year, including a list of project locations and new construction projects selected to be initiated: *Provided further*, That beginning not later than 120 days after the enactment of this Act, the Chief of Engineers shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, including new construction projects selected to be initiated using funds provided under this heading in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for "Mississippi River and Tributaries", $808,000,000, to remain available until expended: *Provided*, That of the amount provided under this heading in this Act, $258,000,000, which shall be obligated within 90 days of enactment of this Act, shall be used for necessary expenses to address emergency situations at Corps of Engineers Federal projects caused by natural disasters: *Provided further*, That the Secretary may initiate additional new construction starts with funds provided under this heading in this Act: *Provided further*, That the limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986 (Public Law 99–662; 33 U.S.C. 2280), as amended, shall not apply to any project receiving funds provided under this heading in this Act: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Chief of Engineers shall submit to the House and Senate Committees on Appropriations a detailed spend plan for fiscal year 2022, including a list of project locations and construction projects selected to be initiated: *Provided further*, That of the amount provided under this heading in this Act, such sums as are necessary to cover the Federal share of eligible operation and maintenance costs

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for inland harbors shall be derived from the general fund of the Treasury: *Provided further*, That beginning not later than 120 days after the enactment of this Act, the Chief of Engineers shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, including construction projects selected to be initiated using funds provided under this heading in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operations and Maintenance", $4,000,000,000, to remain available until expended: *Provided*, That $2,000,000,000, to remain available until expended, shall be made available for fiscal year 2022, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2023, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2024: *Provided further*, That of the amount provided under this heading in this Act for fiscal year 2022, $626,000,000, which shall be obligated within 90 days of enactment of this Act, shall be used for necessary expenses to dredge Federal navigation projects in response to, and repair damages to Corps of Engineers Federal projects caused by, natural disasters: *Provided further*, That of the amount provided under this heading in this Act, $40,000,000 shall be to carry out Soil Moisture and Snowpack Monitoring activities, as authorized in section 4003(a) of the Water Resources Reform and Development Act of 2014, as amended: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Chief of Engineers shall submit to the House and Senate Committees on Appropriations a detailed spend plan for fiscal year 2022, including a list of project locations, other than for the amount for natural disasters identified in the second proviso: *Provided further*, That for fiscal years 2023 and 2024, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Chief of Engineers shall submit a detailed spend plan for that fiscal year, including a list of project locations: *Provided further*, That of the amount provided under this heading in this Act, such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the general fund of the Treasury: *Provided further*, That up to three percent of the amounts made available under this heading in this Act for any fiscal year may be transferred to "Regulatory Program" or "Expenses" to carry out activities funded by those accounts: *Provided further*, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified at least 30 days in advance of any transfer made pursuant to the preceding proviso: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the

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budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REGULATORY PROGRAM

For an additional amount for "Regulatory Program", $160,000,000, to remain available until September 30, 2026: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", $251,000,000, to remain available until expended: *Provided*, That funding provided under this heading in this Act and utilized for authorized shore protection projects shall restore such projects to the full project profile at full Federal expense: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EXPENSES

For an additional amount for "Expenses", $40,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WATER INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM ACCOUNT

For an additional amount for "Water Infrastructure Finance and Innovation Program Account", $75,000,000, to remain available until expended: *Provided*, That of the amounts provided under this heading in this Act, $64,000,000 shall be for the cost of direct loans and for the cost of guaranteed loans, for safety projects to maintain, upgrade, and repair dams identified in the National Inventory of Dams with a primary owner type of state, local government, public utility, or private: *Provided further*, That no project may be funded with amounts provided under this heading for a dam that is identified as jointly owned in the National Inventory of Dams and where one of those joint owners is the Federal Government: *Provided further*, That of the amounts provided under this heading in this Act $11,000,000 shall be for administrative expenses to carry out the direct and guaranteed loan programs, notwithstanding section 5033 of the Water Infrastructure Finance and Innovation Act of 2014: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and

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to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—CORPS OF ENGINEERS

SEC. 300. For projects that are carried out with funds under this heading, the Secretary of the Army and the Director of the Office of Management and Budget shall consider other factors in addition to the benefit-cost ratio when determining the economic benefits of projects that benefit disadvantaged communities.

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For an additional amount for "Central Utah Project Completion Account", $50,000,000, to remain available until expended, of which $10,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Water and Related Resources", $8,300,000,000, to remain available until expended: *Provided*, That $1,660,000,000, to remain available until expended, shall be made available for fiscal year 2022, $1,660,000,000, to remain available until expended, shall be made available for fiscal year 2023, $1,660,000,000, to remain available until expended, shall be made available for fiscal year 2024, $1,660,000,000, to remain available until expended, shall be made available for fiscal year 2025, $1,660,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, $1,150,000,000 shall be for water storage, groundwater storage, and conveyance projects in accordance with section 40902 of division D of this Act: *Provided further*, That of the funds identified in the preceding proviso, $100,000,000 shall be available for small surface water and ground water storage projects authorized in section 40903 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, $3,200,000,000 shall be available for transfer into the Aging Infrastructure Account established by section 9603(d)(1) of the Omnibus Public Land Management Act of 2009, as amended (43 U.S.C. 510b(d)(1)): *Provided further*, That of the funds identified in the preceding proviso, $100,000,000 shall be made available for reserved

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or transferred works that have suffered a critical failure, in accordance with section 40904(a) of division D of this Act, and $100,000,000 shall be made available for dam rehabilitation, reconstruction, or replacement in accordance with section 40904(b) of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, $1,000,000,000 shall be for rural water projects that have been authorized by an Act of Congress before July 1, 2021, in accordance with the Reclamation Rural Water Supply Act of 2006 (43 U.S.C. 2401 et seq.): *Provided further*, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, $1,000,000,000 shall be for water recycling and reuse projects: *Provided further*, That of the funds identified in the preceding proviso, $550,000,000 shall be for water recycling and reuse projects authorized in accordance with the Reclamation Wastewater and Groundwater Study and Facilities Act (42 U.S.C. 390h et seq.), as described in section 40901(4)(A) of division D of this Act, and $450,000,000 shall be for large-scale water recycling and reuse projects in accordance with section 40905 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, $250,000,000 shall be for water desalination projects in accordance with the Water Desalinization Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298), as described in section 40901(5) of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, $500,000,000 shall be for the safety of dams program, in accordance with the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506 et seq.): *Provided further*, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, $400,000,000 shall be for WaterSMART Grants in accordance with section 9504 of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364): *Provided further*, That of the funds identified in the preceding proviso, $100,000,000 shall be for projects that would improve the condition of a natural feature or nature-based feature, as described in section 40901(7) of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, $300,000,000 shall be for implementing the drought contingency plan consistent with the obligations of the Secretary under the Colorado River Drought Contingency Plan Authorization Act (Public Law 116–14; 133 Stat. 850), as described in section 40901(8) of division D of this Act: *Provided further*, That of the funds identified in the preceding proviso, $50,000,000 shall be for use in accordance with the Drought Contingency Plan for the Upper Colorado River Basin: *Provided further*, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, $100,000,000 shall be to provide financial assistance for watershed management projects in accordance with subtitle A of title VI of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1015 et seq.): *Provided further*, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, $250,000,000 shall be for design, study and construction of aquatic ecosystem restoration and protection projects in accordance with section 1109 of the Consolidated Appropriations Act, 2021: *Provided further*, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, $100,000,000 shall be for multi-benefit

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projects to improve watershed health in accordance with section 40907 of division D of this Act: *Provided further*, That of the amounts provided under this heading in this Act for fiscal years 2022 through 2026, $50,000,000 shall be for endangered species recovery and conservation programs in the Colorado River Basin in accordance with Public Law 106–392, title XVIII of Public Law 102–575, and subtitle E of title IX of Public Law 111–11: *Provided further*, That up to three percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for program administration and policy expenses: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of the Interior shall submit to the House and Senate Committees on Appropriations a detailed spend plan, including a list of project locations of the preceding proviso, to be funded for fiscal year 2022: *Provided further*, That beginning not later than 120 days after the enactment of this Act, the Secretary of the Interior shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of the funds provided under this heading in this Act: *Provided further*, That for fiscal years 2023 through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of the Interior shall submit a detailed spend plan for those fiscal years, including a list of project locations: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For an additional amount for "Energy Efficiency and Renewable Energy", $16,264,000,000 to remain available until expended: *Provided*, That of the amount provided under this heading in this Act, $250,000,000 shall be for activities for the Energy Efficiency Revolving Loan Fund Capitalization Grant Program, as authorized under section 40502 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, $40,000,000 shall be for grants for the Energy Auditor Training Grant Program, as authorized under section 40503 of division D of this Act: *Provided further*, That of the amount provided under the heading in this Act, $225,000,000 shall be for grants for implementing of updated building energy codes, as authorized under section 309 of the Energy Conservation and Production Act (42 U.S.C. 6831 et seq.), as amended by section 40511(a) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, $45,000,000, to remain available until expended, shall be made available for fiscal year 2022, $45,000,000, to remain available until expended, shall be made available for fiscal year 2023, $45,000,000, to remain available until expended, shall be made available for fiscal year 2024, $45,000,000, to remain available

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until expended, shall be made available for fiscal year 2025, and $45,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, $10,000,000 shall be for Building, Training, and Assessment Centers, as authorized under section 40512 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, $10,000,000 shall be for grants for Career Skills Training, as authorized under section 40513 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, $150,000,000 shall be for activities for Industrial Research and Assessment Centers, as authorized under subsections (a) through (h) of section 457 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111 et seq.), as amended by section 40521(b) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, $30,000,000, to remain available until expended, shall be made available for fiscal year 2022, $30,000,000, to remain available until expended, shall be made available for fiscal year 2023, $30,000,000, to remain available until expended, shall be made available for fiscal year 2024, $30,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $30,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, $400,000,000 shall be for activities for Implementation Grants for Industrial Research and Assessment Centers, as authorized under section 457(i) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111 et seq.), as amended by section 40521(b) of division D of this Act: *Provided further*, That of the funds in the preceding two provisos, $80,000,000, to remain available until expended, shall be made available for fiscal year 2022, $80,000,000, to remain available until expended, shall be made available for fiscal year 2023, $80,000,000, to remain available until expended, shall be made available for fiscal year 2024, $80,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $80,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, $50,000,000 shall be for carrying out activities for Manufacturing Leadership, as authorized under section 40534 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, $500,000,000 shall be for grants for Energy Efficiency Improvements and Renewable Energy Improvements at Public School Facilities, as authorized under section 40541 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, $100,000,000, to remain available until expended, shall be made available for fiscal year 2022, $100,000,000, to remain available until expended, shall be made available for fiscal year 2023, $100,000,000, to remain available until expended, shall be made available for fiscal year 2024, $100,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $100,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, $50,000,000 shall be for grants for the Energy Efficiency Materials Pilot Program, as authorized under section 40542 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act and in addition

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to amounts otherwise made available for this purpose, $3,500,000,000 shall be for carrying out activities for the Weatherization Assistance Program, as authorized under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.): *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, $550,000,000 shall be for carrying out activities for the Energy Efficiency and Conservation Block Grant Program, as authorized under section 542(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17152(a)): *Provided further*, That of the amount provided under this heading in this Act, $250,000,000 shall be for grants for the Assisting Federal Facilities with Energy Conservation Technologies Grant Program, as authorized under section 546(b) of the National Energy Conservation Policy Act (42 U.S.C. 8256(b)): *Provided further*, That of the amount provided under this heading in this Act, $10,000,000 shall be for extended product system rebates, as authorized under section 1005 of the Energy Act of 2020 (42 U.S.C. 6311 note; Public Law 116–260): *Provided further*, That of the amount provided under this heading in this Act, $10,000,000 shall be for energy efficient transformer rebates, as authorized under section 1006 of the Energy Act of 2020 (42 U.S.C. 6317 note; Public Law 116–260): *Provided further*, That of the amount provided under this heading in this Act, $3,000,000,000, to remain available until expended, shall be for Battery Material Processing Grants, as authorized under section 40207(b) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, $600,000,000, to remain available until expended, shall be made available for fiscal year 2022, $600,000,000, to remain available until expended, shall be made available for fiscal year 2023, $600,000,000, to remain available until expended, shall be made available for fiscal year 2024, $600,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $600,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, $3,000,000,000 shall be for Battery Manufacturing and Recycling Grants, as authorized under section 40207(c) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, $600,000,000, to remain available until expended, shall be made available for fiscal year 2022, $600,000,000, to remain available until expended, shall be made available for fiscal year 2023, $600,000,000, to remain available until expended, shall be made available for fiscal year 2024, $600,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $600,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, $125,000,000 shall be to carry out activities, as authorized under section 40207(f) of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, $10,000,000 shall be for a Lithium-Ion Battery Recycling Prize Competition, as authorized under section 40207(e) of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, $200,000,000 shall be for grants for the Electric Drive Vehicle Battery Recycling and Second-Life Applications Program, as authorized under subsection (k) of section 641 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231), as amended by section

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40208(1) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, $40,000,000, to remain available until expended, shall be made available for fiscal year 2022, $40,000,000, to remain available until expended, shall be made available for fiscal year 2023, $40,000,000, to remain available until expended, shall be made available for fiscal year 2024, $40,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $40,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, $750,000,000 shall be for grants for the Advanced Energy Manufacturing and Recycling Grant Program, as authorized under section 40209 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, $150,000,000, to remain available until expended, shall be made available for fiscal year 2022, $150,000,000, to remain available until expended, shall be made available for fiscal year 2023, $150,000,000, to remain available until expended, shall be made available for fiscal year 2024, $150,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $150,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, $500,000,000 shall be for activities for the Clean Hydrogen Manufacturing Recycling Research, Development, and Demonstration Program, as authorized under section 815 of the Energy Policy Act of 2005 (42 U.S.C. 16151 et seq.), as amended by section 40314 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, $100,000,000, to remain available until expended, shall be made available for fiscal year 2022, $100,000,000, to remain available until expended, shall be made available for fiscal year 2023, $100,000,000, to remain available until expended, shall be made available for fiscal year 2024, $100,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $100,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under the heading in this Act, $1,000,000,000 shall be for activities for the Clean Hydrogen Electrolysis Program, as authorized under section 816 of the Energy Policy Act of 2005 (42 U.S.C. 16151 et seq.), as amended by section 40314 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, $200,000,000, to remain available until expended, shall be made available for fiscal year 2022, $200,000,000, to remain available until expended, shall be made available for fiscal year 2023, $200,000,000, to remain available until expended, shall be made available for fiscal year 2024, $200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, $500,000,000 shall be for carrying out activities for the State Energy Program, as authorized under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.), as amended by section 40109 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, $125,000,000 shall be for carrying out activities under section 242 of the Energy Policy Act of 2005 (42 U.S.C. 15881), as amended by section 40331 of division D of this Act: *Provided*

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further, That of the amount provided under this heading in this Act, $75,000,000 shall be for carrying out activities under section 243 of the Energy Policy Act of 2005 (42 U.S.C. 15882), as amended by section 40332 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, $553,600,000 shall be for activities for Hydroelectric Incentives, as authorized under section 247 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 674), as amended by section 40333(a) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, $276,800,000, to remain available until expended, shall be made available for fiscal year 2022, $276,800,000, to remain available until expended, shall be made available for fiscal year 2023: *Provided further*, That of the amount provided under the heading in this Act, $10,000,000 shall be for activities for the Pumped Storage Hydropower Wind and Solar Integration and System Reliability Initiative, as authorized under section 3201 of the Energy Policy Act of 2020 (42 U.S.C. 17232), as amended by section 40334 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, $36,000,000 shall be for carrying out activities, as authorized under section 634 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17213): *Provided further*, That of the amount provided under this heading in this Act, $70,400,000 shall be for carrying out activities, as authorized under section 635 of the Energy Independence and Security Act of 2007 (42 U.S.C.17214): *Provided further*, That of the amount provided under this heading in this Act, $40,000,000 shall be for carrying out activities for the National Marine Energy Centers, as authorized under section 636 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17215): *Provided further*, That of the amount provided under this heading in this Act, $84,000,000 shall be for carrying out activities under section 615(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17194(d)): *Provided further*, That of the amount provided under this heading in this Act, $60,000,000 shall be for carrying out activities for the Wind Energy Technology Program, as authorized under section 3003(b)(2) of the Energy Act of 2020 (42 U.S.C. 16237(b)(2)): *Provided further*, That of the amount provided under this heading in this Act, $40,000,000 shall be for carrying out activities for the Wind Energy Technology Recycling Research, Development, and Demonstration Program, as authorized under section 3003(b)(4) of the Energy Act of 2020 (42 U.S.C. 16237(b)(4)): *Provided further*, That of the amount provided under this heading in this Act, $40,000,000 shall be for carrying out activities under section 3004(b)(2) of the Energy Act of 2020 (42 U.S.C. 16238(b)(2)): *Provided further*, That of the amount provided under this heading in this Act, $20,000,000 shall be for carrying out activities under section 3004(b)(3) of the Energy Act of 2020 (42 U.S.C. 16238(b)(3)): *Provided further*, That of the amount provided under this heading in this Act, $20,000,000 shall be for carrying out activities under section 3004(b)(4) of the Energy Act of 2020 (42 U.S.C. 16238(b)(4)): *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the House and Senate Committees on Appropriations and the Senate Committee on Energy and Natural Resources and the House Committee on Energy and Commerce a detailed spend plan for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget

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submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Energy shall submit a detailed spend plan for that fiscal year: *Provided further*, That up to three percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for program direction: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY RESPONSE

For an additional amount for "Cybersecurity, Energy Security, and Emergency Response", $550,000,000, to remain available until expended: *Provided*, That of the amount provided under this heading in this Act, $250,000,000 shall be to carry out activities under the Cybersecurity for the Energy Sector Research, Development, and Demonstration Program, as authorized in section 40125(b) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, $50,000,000, to remain available until expended, shall be made available for fiscal year 2022, $50,000,000, to remain available until expended, shall be made available for fiscal year 2023, $50,000,000, to remain available until expended, shall be made available for fiscal year 2024, $50,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $50,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, $50,000,000 shall be to carry out activities under the Energy Sector Operational Support for Cyberresilience Program, as authorized in section 40125(c) of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, $250,000,000, to carry out activities under the Rural and Municipal Utility Advanced Cybersecurity Grant and Technical Assistance Program, as authorized in section 40124 of division D of this Act: *Provided further*, That $50,000,000, to remain available until expended, shall be made available for fiscal year 2022, $50,000,000, to remain available until expended, shall be made available for fiscal year 2023, $50,000,000, to remain available until expended, shall be made available for fiscal year 2024, $50,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $50,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the House and Senate Committees on Appropriations and the Senate Committee on Energy and Natural Resources and the House Committee on Energy and Commerce a detailed spend plan for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Energy shall submit a detailed spend plan for that fiscal year: *Provided further*, That up to three percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for program direction: *Provided further*,

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That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ELECTRICITY

For an additional amount for "Electricity", $8,100,000,000, to remain available until expended: *Provided*, That of the amount provided under this heading in this Act, $5,000,000,000 shall be for grants under section 40101 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2022, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2023, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2024, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, $50,000,000 shall be to carry out the Transmission Facilitation Program, including for any administrative expenses of carrying out the program, as authorized in section 40106(d)(3) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, $10,000,000, to remain available until expended, shall be made available for fiscal year 2022, $10,000,000, to remain available until expended, shall be made available for fiscal year 2023, $10,000,000, to remain available until expended, shall be made available for fiscal year 2024, $10,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $10,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, $3,000,000,000, to remain available until expended, shall be to carry out activities under the Smart Grid Investment Matching Grant Program, as authorized in section 1306 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17386), as amended by section 40107 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, $600,000,000, to remain available until expended, shall be made available for fiscal year 2022, $600,000,000, to remain available until expended, shall be made available for fiscal year 2023, $600,000,000, to remain available until expended, shall be made available for fiscal year 2024, $600,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $600,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, $50,000,000 shall be to carry out an advanced energy security program to secure energy networks, as authorized under section 40125(d) of division D of this Act: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the House and Senate Committees on Appropriations and the Senate Committee on Energy and Natural Resources and the House Committee on Energy and Commerce a detailed spend plan for fiscal year 2022: *Provided*

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further, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Energy shall submit a detailed spend plan for that fiscal year: *Provided further*, That up to three percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for program direction: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NUCLEAR ENERGY

For an additional amount for "Nuclear Energy", $6,000,000,000, to remain available until expended, to carry out activities under the Civil Nuclear Credit Program, as authorized in section 40323 of division D of this Act: *Provided*, That $1,200,000,000, to remain available until expended, shall be made available for fiscal year 2022, $1,200,000,000, to remain available until expended, shall be made available for fiscal year 2023, $1,200,000,000, to remain available until expended, shall be made available for fiscal year 2024, $1,200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $1,200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the House and Senate Committees on Appropriations a detailed spend plan for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Energy shall submit a detailed spend plan for that fiscal year: *Provided further*, That up to $36,000,000 of the amount provided under this heading in this Act shall be made available in each of fiscal years 2022 through 2026 for program direction: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FOSSIL ENERGY AND CARBON MANAGEMENT

For an additional amount for "Fossil Energy and Carbon Management", $7,497,140,781, to remain available until expended: *Provided*, That of the amount provided under this heading in this Act, $310,140,781 shall be to carry out activities under the Carbon Utilization Program, as authorized in section 969A of the Energy Policy Act of 2005 (42 U.S.C. 16298a), as amended by section 40302 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, $41,000,000, to remain available until expended, shall be made available for fiscal year 2022, $65,250,000, to remain available until expended, shall be made available for fiscal year 2023, $66,562,500, to remain available until expended, shall be made available for fiscal year 2024, $67,940,625, to remain available until expended, shall be made

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available for fiscal year 2025, and $69,387,656, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, $100,000,000 shall be used to carry out the front-end engineering and design program out activities under the Carbon Capture Technology Program, as authorized in section 962 of the Energy Policy Act of 2005 (42 U.S.C. 16292), as amended by section 40303 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, $20,000,000, to remain available until expended, shall be made available for fiscal year 2022, $20,000,000, to remain available until expended, shall be made available for fiscal year 2023, $20,000,000, to remain available until expended, shall be made available for fiscal year 2024, $20,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $20,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, $2,500,000,000 shall be to carry out activities for the Carbon Storage Validation and Testing, as authorized section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293), as amended by section 40305 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, $500,000,000, to remain available until expended, shall be made available for fiscal year 2022, $500,000,000, to remain available until expended, shall be made available for fiscal year 2023, $500,000,000, to remain available until expended, shall be made available for fiscal year 2024, $500,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $500,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, $3,500,000,000 shall be to carry out a program to develop four regional clean direct air capture hubs, as authorized under section 969D of the Energy Policy Act of 2005 (42 U.S.C. 16298d), as amended by section 40308 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, $700,000,000, to remain available until expended, shall be made available for fiscal year 2022, $700,000,000, to remain available until expended, shall be made available for fiscal year 2023, $700,000,000, to remain available until expended, shall be made available for fiscal year 2024, $700,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $700,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, $15,000,000 shall be for precommercial direct air capture technology prize competitions, as authorized under section 969D(e)(2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16298d(e)(2)(A)): *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, $100,000,000 shall be for commercial direct air capture technology prize competitions, as authorized under section 969D(e)(2)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16298d(e)(2)(B)): *Provided further*, That for amounts identified in the preceding proviso, the Secretary shall enter pre-construction commitments with selected projects for future awards for qualified carbon dioxide capture: *Provided further*, That of the amount provided under this heading

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in this Act, $140,000,000 shall be for a Rare Earth Elements Demonstration Facility, as authorized under section 7001 of the Energy Act of 2020 (42 U.S.C. 13344), as amended by section 40205 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, $127,000,000 shall be to carry out rare earth mineral security activities, as authorized under section 7001(a) of the Energy Act of 2020 (42 U.S.C. 13344(a)): *Provided further*, That of the funds in the preceding proviso, $23,000,000, to remain available until expended, shall be made available for fiscal year 2022, $24,200,000, to remain available until expended, shall be made available for fiscal year 2023, $25,400,000, to remain available until expended, shall be made available for fiscal year 2024, $26,600,000, to remain available until expended, shall be made available for fiscal year 2025, and $27,800,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, $600,000,000 shall be to carry out critical material innovation, efficiency, and alternatives activities under section 7002(g) of the Energy Act of 2020 (30 U.S.C. 1606(g)): *Provided further*, That of the funds in the preceding proviso, $230,000,000, to remain available until expended, shall be made available for fiscal year 2022, $100,000,000, to remain available until expended, shall be made available for fiscal year 2023, $135,000,000, to remain available until expended, shall be made available for fiscal year 2024, $135,000,000, to remain available until expended, shall be made available for fiscal year 2025: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, $75,000,000 shall be for the Critical Material Supply Chain Research Facility, as authorized under section 7002(h) of the Energy Act of 2020 (30 U.S.C. 1606(h)): *Provided further*, That of the funds in the preceding proviso, $40,000,000, to remain available until expended, shall be made available for fiscal year 2022, and $35,000,000, to remain available until expended, shall be made available for fiscal year 2023: *Provided further*, That of the amount provided under this heading in this Act, $30,000,000 shall be to carry out activities authorized in section 349(b)(2) of the Energy Policy Act of 2005 (42 U.S.C.15907(b)(2)), as amended by section 40601 of division D of this Act: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the House and Senate Committees on Appropriations a detailed spend plan for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Energy shall submit a detailed spend plan for that fiscal year: *Provided further*, That up to three percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for program direction: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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CARBON DIOXIDE TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM ACCOUNT

For an additional amount for "Carbon Dioxide Transportation Infrastructure Finance and Innovation Program Account", $2,100,000,000, to remain available until expended, to carry out activities for the Carbon Dioxide Transportation Infrastructure Finance and Innovation Program, as authorized by subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16181 et seq.), as amended by section 40304(a) of division D of this Act: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That $3,000,000, to remain available until expended, shall be made available for fiscal year 2022 and $2,097,000,000, to remain available until expended, shall be made available for fiscal year 2023: *Provided further*, That the amount made available under this heading in this Act for fiscal year 2022 shall be for administrative expenses to carry out the loan program: *Provided further*, That the Office of Fossil Energy and Carbon Management shall oversee the Carbon Dioxide Transportation Infrastructure Finance and Innovation program, in consultation and coordination with the Department of Energy's Loan Program Office: *Provided further*, That not later than 270 days after the date of enactment of this Act, the Secretary of Energy shall submit to the House and Senate Committees on Appropriations an analysis of how subsidy rates will be determined for loans financed by appropriations provided under this heading in this Act and an analysis of the process for developing draft regulations for the program, including a crosswalk from the statutory requirements for such program, and a timetable for publishing such regulations: *Provided further*, That for each fiscal year through 2027, the annual budget submission of the President under section 1105(a) of title 31, United States Code, shall include a detailed request for the amount recommended for allocation for the Carbon Dioxide Transportation Finance and Innovation program from amounts provided under this heading in this Act and such detailed request shall include any information required pursuant to the Federal Credit Reform Act of 1990, such as credit subsidy rates, a loan limitation, and necessary administrative expenses to carry out the loan program: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF CLEAN ENERGY DEMONSTRATIONS

For an additional amount for "Office of Clean Energy Demonstrations", $21,456,000,000, to remain available until expended: *Provided*, That the Office of Clean Energy Demonstrations, as authorized by section 41201 of division D of this Act, shall conduct administrative and project management responsibilities for the demonstration projects provided for under this heading in this Act: *Provided further*, That the Office of Clean Energy Demonstrations shall consult and coordinate with technology-specific program offices to ensure alignment of technology goals and avoid unnecessary duplication: *Provided further*, That of the amount provided

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under this heading in this Act and in addition to amounts otherwise made available for this purpose, $355,000,000 shall be to carry out the Energy Storage Demonstration Pilot Grant Program, as authorized under section 3201(c) of the Energy Act of 2020 (42 U.S.C. 17232(c)): *Provided further*, That of the funds in the preceding proviso, $88,750,000, to remain available until expended, shall be made available for fiscal year 2022, $88,750,000, to remain available until expended, shall be made available for fiscal year 2023, $88,750,000, to remain available until expended, shall be made available for fiscal year 2024, $88,750,000, to remain available until expended, shall be made available for fiscal year 2025: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, $150,000,000 to carry out the Long-duration Demonstration Initiative and Joint Program, as authorized under section 3201(d) of the Energy Act of 2020 (42 U.S.C. 17232(d)): *Provided further*, That of the funds in the preceding proviso, $37,500,000, to remain available until expended, shall be made available for fiscal year 2022, $37,500,000, to remain available until expended, shall be made available for fiscal year 2023, $37,500,000, to remain available until expended, shall be made available for fiscal year 2024, $37,500,000, to remain available until expended, shall be made available for fiscal year 2025: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, $2,477,000,000 shall be to carry out the Advanced Reactor Demonstration Program, as authorized under section 959A of the Energy Policy Act of 2005 (42 U.S.C. 16279a): *Provided further*, That of the funds in the preceding proviso, $677,000,000, to remain available until expended, shall be made available for fiscal year 2022, $600,000,000, to remain available until expended, shall be made available for fiscal year 2023, $600,000,000, to remain available until expended, shall be made available for fiscal year 2024, $600,000,000, to remain available until expended, shall be made available for fiscal year 2025: *Provided further*, That funds in the preceding proviso shall be for projects selected prior to the date of enactment of this Act: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, $937,000,000 shall be to carry out the Carbon Capture Large-scale Pilot Projects, as authorized under section 962(b)(2)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16292(b)(2)(B)): *Provided further*, That of the funds in the preceding proviso, $387,000,000, to remain available until expended, shall be made available for fiscal year 2022, $200,000,000, to remain available until expended, shall be made available for fiscal year 2023, $200,000,000, to remain available until expended, shall be made available for fiscal year 2024, $150,000,000, to remain available until expended, shall be made available for fiscal year 2025: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, $2,537,000,000 shall be for the Carbon Capture Demonstration Projects Program, as authorized under section 962(b)(2)(C) of the Energy Policy Act of 2005 (42 U.S.C. 16292(b)(2)(C)): *Provided further*, That of the funds in the preceding proviso, $937,000,000, to remain available until expended, shall be made available for fiscal year 2022, $500,000,000, to remain available until expended, shall be made available for fiscal year

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2023, $500,000,000, to remain available until expended, shall be made available for fiscal year 2024, $600,000,000, to remain available until expended, shall be made available for fiscal year 2025: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, $500,000,000 shall be to carry out Industrial Emission Demonstration Projects, as authorized under section 454(d)(3) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17113(d)(3)): *Provided further*, That of the funds in the preceding proviso, $100,000,000, to remain available until expended, shall be made available for fiscal year 2022, $100,000,000, to remain available until expended, shall be made available for fiscal year 2023, $150,000,000, to remain available until expended, shall be made available for fiscal year 2024, $150,000,000, to remain available until expended, shall be made available for fiscal year 2025: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, $500,000,000 shall be to carry out the Clean Energy Demonstration Program on Current and Former Mine Land, as authorized under section 40342 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, $100,000,000, to remain available until expended, shall be made available for fiscal year 2022, $100,000,000, to remain available until expended, shall be made available for fiscal year 2023, $100,000,000, to remain available until expended, shall be made available for fiscal year 2024, $100,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $100,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, $8,000,000,000 shall be made for Regional Clean Hydrogen Hubs, as authorized under section 813 of the Energy Policy Act of 2005 (42 U.S.C. 16151 et seq.), as amended by section 40314 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, $1,600,000,000, to remain available until expended, shall be made available for fiscal year 2022, $1,600,000,000, to remain available until expended, shall be made available for fiscal year 2023, $1,600,000,000, to remain available until expended, shall be made available for fiscal year 2024, $1,600,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $1,600,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, $5,000,000,000 shall be for grants for the Program Upgrading Our Electric Grid and Ensuring Reliability and Resiliency, as authorized under section 40103(b) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2022, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2023, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2024, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, $1,000,000,000 shall be to carry out activities for energy improvement in rural and remote areas, as authorized under section

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40103(c) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, $200,000,000, to remain available until expended, shall be made available for fiscal year 2022, $200,000,000, to remain available until expended, shall be made available for fiscal year 2023, $200,000,000, to remain available until expended, shall be made available for fiscal year 2024, $200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the House and Senate Committees on Appropriations a detailed spend plan for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Energy shall submit a detailed spend plan for that fiscal year: *Provided further*, That up to three percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for program direction: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration", $500,000,000, to remain available until expended, for the purchase of power and transmission services: *Provided*, That the amount made available under this heading in this Act shall be derived from the general fund of the Treasury and shall be reimbursable from amounts collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses: *Provided further*, That such amounts as the Administrator, Western Area Power Administration, deems necessary for the same purposes as outlined above may be transferred to Western Area Power Administration's Colorado River Basins Power Marketing Fund account: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Notwithstanding section 3304 of title 5, United States Code, and without regard to the provisions of sections 3309 through

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3318 of such title 5, the Secretary of Energy, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular positions to carry out the Department of Energy activities funded under this title, may, from within the funds provided to the Department of Energy under this title, recruit and directly appoint highly qualified individuals into the competitive service: *Provided*, That such authority shall not apply to positions in the Excepted Service or the Senior Executive Service: *Provided further*, That any action authorized herein shall be consistent with the merit principles of section 2301 of such title 5, and the Department shall comply with the public notice requirements of section 3327 of such title 5: *Provided further*, That the authority under this section shall terminate on September 30, 2027: *Provided further*, That 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the House and Senate Committees on Appropriations an estimate of the number of highly qualified individuals it expects to hire under the authority provided in this section.

SEC. 302. Up to one-tenth of one percent of each amount appropriated to the Department of Energy in this title may be transferred to "Departmental Administration" to be used for additional management and mission support for funds made available to the Department of Energy in this title in this Act.

SEC. 303. One-tenth of one percent of the amounts made available to the Department of Energy under each heading in this title in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of the Inspector General of the Department of Energy to oversee the funds made available to the Department of Energy in this title in this Act.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For an additional amount for "Appalachian Regional Commission", $1,000,000,000, to remain available until expended, notwithstanding 40 U.S.C. 14704: *Provided*, That of the funds in the preceding proviso, $200,000,000, to remain available until expended, shall be made available for fiscal year 2022, $200,000,000, to remain available until expended, shall be made available for fiscal year 2023, $200,000,000, to remain available until expended, shall be made available for fiscal year 2024, $200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DELTA REGIONAL AUTHORITY

For an additional amount for "Delta Regional Authority", $150,000,000 to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for

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fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DENALI COMMISSION

For an additional amount for "Denali Commission", $75,000,000 to remain available until expended: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NORTHERN BORDER REGIONAL COMMISSION

For an additional amount for "Northern Border Regional Commission", $150,000,000 to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For an additional amount for "Southeast Crescent Regional Commission", $5,000,000 to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SOUTHWEST BORDER REGIONAL COMMISSION

For an additional amount for "Southwest Border Regional Commission", $1,250,000 to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IV—FINANCIAL SERVICES AND GENERAL GOVERNMENT

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF THE NATIONAL CYBER DIRECTOR

SALARIES AND EXPENSES

For an additional amount for "Office of the National Cyber Director", $21,000,000, to remain available until September 30, 2022, to carry out the purposes of section 1752 of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283): *Provided*, That such amount is designated by the Congress

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as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL COMMUNICATIONS COMMISSION

AFFORDABLE CONNECTIVITY FUND

For an additional amount for the "Affordable Connectivity Fund", $14,200,000,000, to remain available until expended, for the Affordable Connectivity Program, as authorized under section 904(b)(1) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), as amended by section 60502 of division F of this Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL

ENVIRONMENTAL REVIEW IMPROVEMENT FUND

For an additional amount for the "Environmental Review Improvement Fund", $3,000,000 to remain available until September 30, 2026: *Provided*, That $650,000, to remain available until September 30, 2022, shall be made available for fiscal year 2022, $650,000, to remain available until September 30, 2023, shall be made available for fiscal year 2023, $650,000, to remain available until September 30, 2024, shall be made available for fiscal year 2024, $650,000, to remain available until September 30, 2025, shall be made available for fiscal year 2025, and $400,000, to remain available until September 30, 2026, shall be made available for fiscal year 2026: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount to be deposited in the "Federal Buildings Fund", $3,418,008,000, to remain available until expended, for construction and acquisition, and repairs and alterations of border stations and land ports of entry, of which no more than $250,000,000 shall be for Program Contingency and Operational Support for necessary expenses for projects funded under this heading, including, moving governmental agencies (including space alterations and adjustments, and telecommunications relocation expenses) in connection with the assignment,

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allocation and transfer of space, leasing of temporary space, and building operations, of which—

(1) $2,527,808,000 shall be for projects on the U.S. Customs and Border Protection five-year plan;

(2) $430,200,000 shall be for projects with completed U.S. Customs and Border Protection/General Services Administration feasibility studies as prioritized in the "American Jobs Plan Project List" submitted to the House and Senate Committees on Appropriations on May 28, 2021; and

(3) $210,000,000 shall be for land ports of entry (LPOE) infrastructure paving; acquisition of leased LPOEs; and additional Federal Motor Carrier Safety Administration requirements at the Southern Border:

Provided, That the General Services Administration shall submit a plan, by project, regarding the use of funds made available to the Administrator under this heading in this Act to the Committees on Appropriations of the House of Representatives and the Senate within 90 days of enactment of this Act: *Provided further*, That the Administrator of General Services shall notify the Committees on Appropriations of the House of Representatives and the Senate quarterly on the obligations and expenditures of the funds provided under this heading in this Act by account of the Federal Buildings Fund: *Provided further*, That funds made available under this heading in this Act for Federal Buildings Fund activities may be transferred to, and merged with, other accounts within the Federal Buildings Fund only to the extent necessary to meet program requirements for such activities: *Provided further*, That the General Services Administration will provide notice in advance to the Committees on Appropriations of the House of Representatives and the Senate of any proposed transfers: *Provided further*, That funds made available to the Administrator under this heading in this Act shall not be subject to section 3307 of title 40, United States Code: *Provided further*, That amounts made available under this heading in this Act shall be in addition to any other amounts made available for such purposes, including for construction and acquisition or repairs and alterations: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE V—DEPARTMENT OF HOMELAND SECURITY

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. Customs and Border Protection

OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support", $330,000,000, to remain available until September 30, 2026, for furniture, fixtures, and equipment for the land ports of entry modernized with funding provided to the General Services Administration in this Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section

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251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Procurement, Construction, and Improvements", $100,000,000, to remain available until September 30, 2026, for land port of entry construction, modernization, and sustainment: *Provided*, That not later than 90 days after the date of enactment of this Act, the Department shall submit to the House and Senate Committees on Appropriations a detailed spend plan for the amount made available under this heading in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COAST GUARD

OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support", $5,000,000, to remain available until September 30, 2026, for personnel and administrative expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Procurement, Construction, and Improvements", $429,000,000, to remain available until September 30, 2026: *Provided*, That of the funds made available under this heading in this Act—

(1) $131,500,000 shall be for housing, family support, safety, and training facilities, as described in the Coast Guard Fiscal Year 2022 Unfunded Priorities List submitted to Congress on June 29, 2021;

(2) $158,000,000 shall be for shore construction addressing facility deficiencies, as described in the Coast Guard Fiscal Year 2022 Unfunded Priorities List submitted to Congress on June 29, 2021;

(3) $19,500,000 shall be for shore construction supporting operational assets and maritime commerce, as described in the Coast Guard Fiscal Year 2022 Unfunded Priorities List submitted to Congress on June 29, 2021; and

(4) $120,000,000 shall be for construction and improvement of childcare development centers:

Provided further, That not later than 90 days after the date of enactment of this Act, the Department shall submit to the Committees on Appropriations and Commerce, Science, and Transportation of the Senate and the Committees on Appropriations and Transportation and Infrastructure in the House of Representatives a detailed expenditure plan, including a list of project locations under each paragraph in the preceding proviso: *Provided further*, That such

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amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support", $35,000,000, to remain available until September 30, 2026, for risk management operations and stakeholder engagement and requirements: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CYBERSECURITY RESPONSE AND RECOVERY FUND

For an additional amount for "Cybersecurity Response and Recovery Fund", $100,000,000, to remain available until September 30, 2028, for cyber response and recovery, as authorized by subtitle C of the Homeland Security Act of 2002, as amended by this Act: *Provided*, That $20,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2022, $20,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2023, $20,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2024, $20,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2025, and $20,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2026: *Provided further*, That amounts provided under this heading in this Act shall be available only upon a declaration of a significant incident by the Secretary of Homeland Security pursuant to section 2233 of the Homeland Security Act of 2002, as amended by this Act: *Provided further*, That the Cybersecurity and Infrastructure Security Agency shall provide to the Committees on Appropriations and Homeland Security and Governmental Affairs of the Senate and the Committees on Appropriations and Oversight and Reform of the House of Representatives monthly reports, to be submitted not later than the tenth business day following the end of each month, on the status of funds made available under this heading in this Act, including an accounting of the most recent funding allocation estimates, obligations, expenditures, and unobligated funds, delineated by significant incident, as defined in section 2232 of the Homeland Security Act of 2002, as amended by this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support", $67,000,000, to remain available until September 30, 2026, for Federal agency dam safety activities and assistance to States under sections 7 through 12 of the National Dam Safety Program Act (33 U.S.C. 467e through 467h): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Federal Assistance", $2,233,000,000, which shall be allocated as follows:

(1) $500,000,000, to remain available until expended, for grants pursuant to section 205 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5135): *Provided*, That $100,000,000, to remain available until expended, shall be made available for fiscal year 2022, $100,000,000, to remain available until expended, shall be made available for fiscal year 2023, $100,000,000, to remain available until expended, shall be made available for fiscal year 2024, $100,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $100,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That 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)), no more than 3 percent of the amounts made available in fiscal year 2022, 3 percent of the amounts made available in fiscal year 2023, and 3 percent of the amounts made available in each of fiscal years 2024 through 2026 under this paragraph in this Act may be transferred to "Federal Emergency Management Agency—Operations and Support" for salaries and expenses.

(2) $733,000,000, to remain available until expended: *Provided*, That $148,000,000 of the amounts made available under this paragraph in this Act shall be for grants to States pursuant to section 8(e) of the National Dam Safety Program Act (33 U.S.C. 467f(e)): *Provided further*, That $585,000,000 of the amounts made available under this paragraph in this Act shall be for grants to States pursuant to section 8A of the National Dam Safety Program Act (33 U.S.C. 467f–2), of which no less than $75,000,000 shall be for the removal of dams: *Provided further*, That dam removal projects shall include written consent of the dam owner, if ownership is established: *Provided further*, That in addition to amounts made available for administrative expenses, no more than 3 percent of the amounts made available under this paragraph in this Act may be transferred to "Federal Emergency Management Agency—Operations and Support" for salaries and expenses.

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(3) $1,000,000,000 to remain available until expended, for grants to states, local, tribal, and territorial governments for improvement to cybersecurity and critical infrastructure, as authorized by section 2218 of the Homeland Security Act of 2002, as amended by this Act: *Provided*, That $200,000,000, to remain available until expended, shall be made available for fiscal year 2022, $400,000,000, to remain available until expended, shall be made available for fiscal year 2023, $300,000,000, to remain available until expended, shall be made available for fiscal year 2024, and $100,000,000, to remain available until expended, shall be made available for fiscal year 2025: *Provided further*, That no more than 3 percent of the amounts made available in each of fiscal years 2022 through 2025 under this paragraph in this Act may be transferred to "Federal Emergency Management Agency—Operations and Support" for salaries and expenses:

Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DISASTER RELIEF FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disaster Relief Fund", $1,000,000,000, to remain available until expended, in addition to any amounts set aside pursuant to section 203(i) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), for grants pursuant to such section: *Provided*, That $200,000,000, to remain available until expended, shall be made available for fiscal year 2022, $200,000,000, to remain available until expended, shall be made available for fiscal year 2023, $200,000,000, to remain available until expended, shall be made available for fiscal year 2024, $200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That no more than $16,500,000 of the amounts made available in each of fiscal years 2022 through 2026 under this heading in this Act may be transferred to "Federal Emergency Management Agency—Operations and Support" for salaries and expenses: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FLOOD INSURANCE FUND

For an additional amount for "National Flood Insurance Fund", $3,500,000,000, to be derived from the General Fund of the Treasury, to remain available until expended, for flood mitigation actions and for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding sections 1366(e), 1310(a)(7), and 1367 of such Act (42 U.S.C.4104c(e), 4017(a)(7), 4104d), in addition to any other funds

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available for this purpose: *Provided*, That $700,000,000, to remain available until expended, shall be made available for fiscal year 2022, $700,000,000, to remain available until expended, shall be made available for fiscal year 2023, $700,000,000, to remain available until expended, shall be made available for fiscal year 2024, $700,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $700,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That notwithstanding section 1366(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(d)), the Administrator of the Federal Emergency Management Agency may also use amounts made available under subsection (a) to provide flood mitigation assistance under section 1366 of that Act (42 U.S.C. 4104c) for mitigation activities in an amount up to 90 percent of all eligible costs for a property—

(1) located within a census tract with a Centers for Disease Control and Prevention Social Vulnerability Index score of not less than 0.5001; or

(2) that serves as a primary residence for individuals with a household income of not more than 100 percent of the applicable area median income:

Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SCIENCE AND TECHNOLOGY DIRECTORATE

RESEARCH AND DEVELOPMENT

For an additional amount for "Research and Development", $157,500,000, to remain available until September 30, 2026, for critical infrastructure security and resilience research, development, test, and evaluation: *Provided*, That the funds made available under this heading in this Act may be used for—

(1) special event risk assessments rating planning tools;

(2) electromagnetic pulse and geo-magnetic disturbance resilience capabilities;

(3) positioning, navigation, and timing capabilities;

(4) public safety and violence prevention to evaluate soft target security, including countering improvised explosive device events and protection of U.S. critical infrastructure; and

(5) research supporting security testing capabilities relating to telecommunications equipment, industrial control systems, and open source software:

Provided further, That not later than 90 days after the date of enactment of this Act, the Department shall submit to the House and Senate Committees on Appropriations a detailed spend plan for the amount made available under this heading in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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GENERAL PROVISION—THIS TITLE

SEC. 501. One-quarter of one percent of the amounts made available under each heading in this title in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of the Inspector General of the Department of the Homeland Security for oversight of funding provided to the Department of Homeland Security in this title in this Act.

TITLE VI—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Resource Management", $455,000,000, to remain available until expended: *Provided*, That $91,000,000, to remain available until expended, shall be made available for fiscal year 2022, $91,000,000, to remain available until expended, shall be made available for fiscal year 2023, $91,000,000, to remain available until expended, shall be made available for fiscal year 2024, $91,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $91,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the funds made available under this heading in this Act, the following amounts shall be for the following purposes in equal amounts for each of fiscal years 2022 through 2026, and shall be in addition to amounts otherwise made available for such purpose—

(1) $255,000,000 shall be for the following regional ecosystem restoration purposes—

(A) $26,000,000 shall be for Delaware River Basin Conservation Act;

(B) $162,000,000 shall be for Klamath Basin restoration activities, including habitat restoration, planning, design, engineering, environmental compliance, fee acquisition, infrastructure development, construction, operations and maintenance, improvements, and expansion, as necessary, on lands currently leased by the U.S. Fish and Wildlife Service for conservation and recovery of endangered species;

(C) $17,000,000 shall be for implementing section 5(d)(2) of the Lake Tahoe Restoration Act; and

(D) $50,000,000 shall be for sagebrush steppe ecosystem;

(2) $200,000,000 shall be for restoring fish and wildlife passage by removing in-stream barriers and providing technical assistance under the National Fish Passage Program:

Provided further, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of the Interior for oversight of funding provided to the Department of the Interior in this title

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in this Act: *Provided further*, That nothing under this heading in this Act shall be construed as providing any new authority to remove, breach, or otherwise alter the operations of a Federal hydropower dam and dam removal projects shall include written consent of the dam owner, if ownership is established: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Surveys, Investigations, and Research", $510,668,000, to remain available until expended, for the Secretary of the Interior to carry out activities authorized in sections 40201, 40204, and 41003(a) of division D of this Act: *Provided*, That amounts made available under this heading in this Act shall be allocated as follows:

(1) $320,000,000 to carry out section 40201 of division D of this Act: *Provided*, That $64,000,000, to remain available until September 30, 2024, shall be made available for fiscal year 2022, $64,000,000, to remain available until September 30, 2025, shall be made available for fiscal year 2023, $64,000,000, to remain available until September 30, 2026, shall be made available for fiscal year 2024, $64,000,000, to remain available until September 30, 2027, shall be made available for fiscal year 2025, and $64,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2026;

(2) $167,000,000, to remain available until expended, for fiscal year 2022 to carry out section 40204 of division D of this Act;

(3) $23,668,000 to carry out section 41003(a) of division D of this Act: *Provided*, That $8,668,000, to remain available until September 30, 2024, shall be made available for fiscal year 2022, $5,000,000, to remain available until September 30, 2025, shall be made available for fiscal year 2023, $5,000,000, to remain available until September 30, 2026, shall be made available for fiscal year 2024, and $5,000,000, to remain available until September 30, 2027, shall be made available for fiscal year 2025:

Provided further, That amounts provided under this heading in this Act shall be in addition to amounts otherwise available for such purposes: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of the Interior for oversight of funding provided to the Department of the Interior in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and

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to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

ABANDONED MINE RECLAMATION FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount to be deposited in the "Abandoned Mine Reclamation Fund", $11,293,000,000, to remain available until expended, to carry out section 40701 of division D of this Act: *Provided*, That of the amount provided under this heading in this Act, $25,000,000, to remain available until expended, shall be to carry out activities as authorized in section 40701(g) of division D of this Act: *Provided further*, That up to 3 percent of the amounts made available under this heading in this Act shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act shall be transferred to the Office of Inspector General of the Department of the Interior for oversight of funding provided to the Department of the Interior in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Operation of Indian Programs", $216,000,000, to remain available until expended for tribal climate resilience, adaptation, and community relocation planning, design, and implementation of projects which address the varying climate challenges facing tribal communities across the country: *Provided*, That of the funds in the preceding proviso, $43,200,000, to remain available until expended, shall be made available for fiscal year 2022, $43,200,000, to remain available until expended, shall be made available for fiscal year 2023, $43,200,000, to remain available until expended shall be made available for fiscal year 2024, $43,200,000, to remain available until expended, shall be made available for fiscal year 2025, and $43,200,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the funds made available under the preceding proviso for fiscal years 2022 through 2026, $130,000,000 shall be for community relocation, and $86,000,000 shall be for tribal climate resilience and adaptation projects: *Provided further*, That up to 3 percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026

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shall be transferred to the Office of Inspector General of the Department of the Interior for oversight of funding provided to the Department of the Interior in this title in this Act: *Provided further*, That awards made under subsection (d) to Tribes and Tribal organizations under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) shall be considered nonrecurring and 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: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Construction", $250,000,000, to remain available until expended, for construction, repair, improvement, and maintenance of irrigation and power systems, safety of dams, water sanitation, and other facilities: *Provided*, That any funds provided for the Safety of Dams program pursuant to the Act of November 2, 1921 (25 U.S.C. 13), shall be made available on a nonreimbursable basis: *Provided further*, That $50,000,000, to remain available until expended, shall be made available for fiscal year 2022, $50,000,000, to remain available until expended, shall be made available for fiscal year 2023, $50,000,000, to remain available until expended, shall be made available for fiscal year 2024, $50,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $50,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the funds made available under this heading in this Act for fiscal years 2022 through 2026—

(1) Not less than $50,000,000 shall be for addressing irrigation and power systems; and

(2) $200,000,000 shall be for safety of dams, water sanitation, and other facilities:

Provided further, That up to 3 percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of the Interior for oversight of funding provided to the Department of the Interior in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

DEPARTMENTAL OPERATIONS

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Departmental Operations", $905,000,000, to remain available until expended, for the Secretary of the Interior to carry out activities, as authorized in section 40804 of division D of this Act: *Provided*, That $337,000,000, to remain available until expended, shall be made available for fiscal year 2022, $142,000,000, to remain available until expended, shall be made available for fiscal year 2023, $142,000,000, to remain available until expended, shall be made available for fiscal year 2024, $142,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $142,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That the Secretary may transfer the funds provided under this heading in this Act to any other account in the Department of the Interior to carry out such purposes: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, may authorize the transfer of funds provided under this heading in this Act between the Departments for the purpose of carrying out activities as authorized in section 40804(b)(1) of division D of this Act: *Provided further*, That up to 3 percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of the Interior for oversight of funding provided to the Department of the Interior in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Wildland Fire Management", $1,458,000,000, to remain available until expended: *Provided*, That $407,600,000, to remain available until expended, shall be made available for fiscal year 2022, $262,600,000, to remain available until expended, shall be made available for fiscal year 2023, $262,600,000, to remain available until expended, shall be made available for fiscal year 2024, $262,600,000, to remain available until expended, shall be made available for fiscal year 2025, and $262,600,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the funds

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made available under this heading in this Act, the following amounts shall be for the following purposes for the following fiscal years—

(1) $1,055,000,000 for the Secretary of the Interior to carry out activities for the Department of the Interior, as authorized in section 40803 of division D of this Act, including fuels management activities, of which $327,000,000, to remain available until expended, shall be made available for fiscal year 2022 and $182,000,000, to remain available until expended, shall be made available for each of fiscal years 2023 through 2026;

(2) In addition to amounts made available in paragraph (1) for fuels management activities, $35,600,000 for each of fiscal years 2022 through 2026 for such purpose; and

(3) In addition to amounts made available in paragraph (1) for burned area rehabilitation, $45,000,000 for each of fiscal years 2022 through 2026 for such purpose:

Provided further, That up to $2,000,000 for each of fiscal years 2022 through 2026 from funds made available in paragraphs (2) and (3) of the preceding proviso shall be for implementation of the Tribal Forestry Protection Act, as amended (Public Law 108–278): *Provided further*, That the Secretary may transfer the funds provided under this heading in this Act to any other account in the Department of the Interior to carry out such purposes: *Provided further*, That funds appropriated under this heading in this Act may be transferred to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That up to 3 percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of the Interior for oversight of funding provided to the Department of the Interior in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENERGY COMMUNITY REVITALIZATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for Department-Wide Programs, $4,677,000,000, to remain available until expended, for an Energy Community Revitalization program to carry out orphaned well site plugging, remediation, and restoration activities authorized in section 349 of the Energy Policy Act of 2005 (42 U.S.C. 15907), as amended by section 40601 of division D of this Act: *Provided*, That of the funds made available under this heading in this Act, the following amounts shall be for the following purposes—

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(1) $250,000,000, to remain available until September 30, 2030, shall be to carry out activities authorized in section 349(b) of the Energy Policy Act of 2005 (42 U.S.C. 15907(b)), as amended by section 40601 of division D of this Act;

(2) $775,000,000, to remain available until September 30, 2030, shall be to carry out activities authorized in section 349(c)(3) of the Energy Policy Act of 2005 (42 U.S.C. 15907(c)(3)), as amended by section 40601 of division D of this Act;

(3) $2,000,000,000, to remain available until September 30, 2030, shall be to carry out activities authorized in section 349(c)(4) of the Energy Policy Act of 2005 (42 U.S.C. 15907(c)(4)), as amended by section 40601 of division D of this Act;

(4) $1,500,000,000, to remain available until September 30, 2030, shall be to carry out activities authorized in section 349(c)(5) of the Energy Policy Act of 2005 (42 U.S.C. 15907(c)(5)), as amended by section 40601 of division D of this Act;

(5) $150,000,000, to remain available until September 30, 2030, shall be to carry out activities authorized in section 349(d) of the Energy Policy Act of 2005 (42 U.S.C.15907(d)), as amended by section 40601 of division D of this Act;

Provided further, That of the amount provided under this heading in this Act, $2,000,000 shall be provided by the Secretary through a cooperative agreement with the Interstate Oil and Gas Compact Commission to carry out the consultations authorized in section 349 of the Energy Policy Act of 2005 (42 U.S.C. 15907), as amended by section 40601 of division D of this Act: *Provided further*, That amounts provided under this heading in this Act shall be in addition to amounts otherwise available for such purposes: *Provided further*, That amounts provided under this heading in this Act are not available to fulfill Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) obligations agreed to in settlement or imposed by a court, whether for payment of funds or for work to be performed: *Provided further*, That the Secretary may transfer the funds provided under this heading in this Act to any other account in the Department of the Interior to carry out such purposes: *Provided further*, That the Secretary may transfer funds made available in paragraph (1) of the first proviso under this heading to the Secretary of Agriculture, acting through the Chief of the Forest Service, to carry out such purposes: *Provided further*, That up to 3 percent of the amounts made available under this heading in this Act shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act shall be transferred to the Office of Inspector General of the Department of the Interior for oversight of funding provided to the Department of the Interior in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 601. Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall submit to the House and Senate Committees on Appropriations a detailed spend plan for the funds provided to the Department of the Interior in this title in this Act for fiscal year 2022, and for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of the Interior shall submit a detailed spend plan for the funds provided to the Department of the Interior in this title in this Act for that fiscal year.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Environmental Programs and Management", $1,959,000,000, which shall be allocated as follows:

(1) $1,717,000,000, to remain available until expended, for Geographic Programs as specified in the explanatory statement described in section 4 of the matter preceding division A of Public Law 116–260: *Provided*, That $343,400,000, to remain available until expended, shall be made available for fiscal year 2022, $343,400,000, to remain available until expended, shall be made available for fiscal year 2023, $343,400,000, to remain available until expended, shall be made available for fiscal year 2024, $343,400,000, to remain available until expended, shall be made available for fiscal year 2025, and $343,400,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the funds made available in this paragraph in this Act, the following amounts shall be for the following purposes in equal amounts for each of fiscal years 2022 through 2026—

(A) $1,000,000,000 shall be for Great Lakes Restoration Initiative;

(B) $238,000,000 shall be for Chesapeake Bay;

(C) $24,000,000 shall be for San Francisco Bay;

(D) $89,000,000 shall be for Puget Sound;

(E) $106,000,000 shall be for Long Island Sound;

(F) $53,000,000 shall be for Gulf of Mexico;

(G) $16,000,000 shall be for South Florida;

(H) $40,000,000 shall be for Lake Champlain;

(I) $53,000,000 shall be for Lake Pontchartrain;

(J) $15,000,000 shall be for Southern New England Estuaries;

(K) $79,000,000 shall be for Columbia River Basin; and

(L) $4,000,000 shall be for other geographic activities which includes Pacific Northwest:

Provided further, That the Administrator may waive or reduce the required non-Federal share for amounts made available under this paragraph in this Act for the purposes described in the preceding proviso;

(2) $132,000,000, to remain available until expended, for the National Estuary Program grants under section 320(g)(2)

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of the Federal Water Pollution Control Act, notwithstanding the funding limitation in section 320(i)(2)(B) of the Act: *Provided*, That $26,400,000, to remain available until expended, shall be made available for fiscal year 2022, $26,400,000, to remain available until expended, shall be made available for fiscal year 2023, $26,400,000, to remain available until expended, shall be made available for fiscal year 2024, $26,400,000, to remain available until expended, shall be made available for fiscal year 2025, and $26,400,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That the Administrator may waive or reduce the required non-Federal share for amounts made available under this paragraph in this Act: *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act shall be for salaries, expenses, and administration;

(3) $60,000,000, to remain available until expended, for actions under the Gulf Hypoxia Action Plan: *Provided*, That $12,000,000, to remain available until expended, shall be made available for fiscal year 2022, $12,000,000, to remain available until expended, shall be made available for fiscal year 2023, $12,000,000, to remain available until expended, shall be made available for fiscal year 2024, $12,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $12,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That funds shall be provided annually to the twelve states serving as members of the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force (Arkansas, Iowa, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Missouri, Mississippi, Ohio, Tennessee, and Wisconsin) in equal amounts for each state for the period of fiscal year 2022 to fiscal year 2026: *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act shall be for salaries, expenses, and administration;

(4) $25,000,000, to remain available until expended, to support permitting of Class VI wells as authorized under section 40306 of division D of this Act, to be carried out by Drinking Water Programs: *Provided*, That $5,000,000, to remain available until expended, shall be made available for fiscal year 2022, $5,000,000, to remain available until expended, shall be made available for fiscal year 2023, $5,000,000, to remain available until expended, shall be made available for fiscal year 2024, $5,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $5,000,000, to remain available until expended, shall be made available for fiscal year 2026;

(5) $10,000,000, to remain available until September 30, 2026, for developing battery recycling best practices, as authorized under section 70401(b) of division G of this Act, to be carried out by the Resource Conservation and Recovery Act program;

(6) $15,000,000, to remain available until September 30, 2026, for developing voluntary battery labeling guidelines, as authorized under section 70401(c) of division G of this Act, to be carried out by the Resource Conservation and Recovery Act program;

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Provided, That funds provided for the purposes described in paragraphs (1), (2), and (3) under this heading in this Act may be transferred to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with Geographic programs, the National Estuary Program, and the Gulf Hypoxia Action Plan: *Provided further*, That amounts provided under this heading in this Act shall be in addition to amounts otherwise available for such purposes: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Hazardous Substance Superfund", $3,500,000,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2021, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $3,500,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, for all costs associated with Superfund: Remedial activities: *Provided*, That in providing technical and project implementation assistance for amounts made available under this heading in this Act, the Administrator shall consider the unique needs of Tribal communities with contaminated sites where the potentially responsible parties cannot pay or cannot be identified, but shall not alter the process for prioritizing site cleanups: *Provided further*, That amounts provided under this heading in this Act shall be in addition to amounts otherwise available for such purposes: *Provided further*, That amounts provided under this heading in this Act shall not be subject to cost share requirements under section 104(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. 9604(c)(3)): *Provided further*, That the Administrator of the Environmental Protection Agency shall annually report to Congress on the status of funded projects: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget

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for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STATE AND TRIBAL ASSISTANCE GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "State and Tribal Assistance Grants", $55,426,000,000, to remain available until expended: *Provided*, That amounts made available under this heading in this Act shall be allocated as follows:

(1) $11,713,000,000 for capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act: *Provided*, That $1,902,000,000, to remain available until expended, shall be made available for fiscal year 2022, $2,202,000,000, to remain available until expended, shall be made available for fiscal year 2023, $2,403,000,000, to remain available until expended, shall be made available for fiscal year 2024, $2,603,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $2,603,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That for the funds provided under this paragraph in this Act in fiscal year 2022 and fiscal year 2023, the State shall deposit in the State loan fund from State moneys an amount equal to at least 10 percent of the total amount of the grant to be made to the State, notwithstanding sections 602(b)(2), 602(b)(3) or 202 of the Federal Water Pollution Control Act: *Provided further*, That for the funds made available under this paragraph in this Act, forty-nine percent of the funds made available to each State for Clean Water State Revolving Fund capitalization grants shall be used by the State to provide subsidy to eligible recipients in the form of assistance agreements with 100 percent forgiveness of principal or grants (or any combination of these), notwithstanding section 603(i)(3)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1383): *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act in fiscal year 2022 and up to two percent in each of fiscal years 2023 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That not less than 80 percent of the amounts the Administrator uses in each fiscal year for salaries, expenses, and administration from amounts made available under this paragraph in this Act for such purposes shall be used for purposes other than hiring full-time employees: *Provided further*, That 0.35 percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

(2) $11,713,000,000 for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act: *Provided*, That $1,902,000,000, to remain available until expended, shall be made available for fiscal year 2022, $2,202,000,000, to remain available until expended, shall be made available for fiscal year 2023,

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$2,403,000,000, to remain available until expended, shall be made available for fiscal year 2024, $2,603,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $2,603,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That for the funds provided under this paragraph in this Act in fiscal year 2022 and fiscal year 2023, the State shall deposit in the State loan fund from State moneys an amount equal to at least 10 percent of the total amount of the grant to be made to the State, notwithstanding section 1452(e) of the Safe Drinking Water Act: *Provided further*, That for the funds made available under this paragraph in this Act, forty-nine percent of the funds made available to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide subsidy to eligible recipients in the form of assistance agreements with 100 percent forgiveness of principal or grants (or any combination of these), notwithstanding section 1452(d)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12): *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act in fiscal year 2022 and up to two percent in each of fiscal years 2023 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That not less than 80 percent of the amounts the Administrator uses in each fiscal year for salaries, expenses, and administration from amounts made available under this paragraph in this Act for such purposes shall be used for purposes other than hiring full-time employees: *Provided further*, That 0.35 percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

(3) $15,000,000,000 for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act: *Provided*, That $3,000,000,000, to remain available until expended, shall be made available for fiscal year 2022, $3,000,000,000, to remain available until expended, shall be made available for fiscal year 2023, $3,000,000,000, to remain available until expended, shall be made available for fiscal year 2024, $3,000,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $3,000,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That the funds provided under this paragraph in this Act shall be for lead service line replacement projects and associated activities directly connected to the identification, planning, design, and replacement of lead service lines: *Provided further*, That for the funds made available under this paragraph in this Act, forty-nine percent of the funds made available to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide subsidy to eligible recipients in the form of assistance agreements with 100 percent forgiveness of principal or grants (or any combination of these), notwithstanding section 1452(d)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12): *Provided further*, That the funds provided under this paragraph in this

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Act shall not be subject to the matching or cost share requirements of section 1452(e) of the Safe Drinking Water Act: *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act in fiscal year 2022 and up to two percent in each of fiscal years 2023 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

(4) $1,000,000,000 for capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act: *Provided*, That $100,000,000, to remain available until expended, shall be made available for fiscal year 2022, $225,000,000, to remain available until expended, shall be made available for fiscal year 2023, $225,000,000, to remain available until expended, shall be made available for fiscal year 2024, $225,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $225,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That funds provided under this paragraph in this Act shall be for eligible uses under section 603(c) of the Federal Water Pollution Control Act that address emerging contaminants: *Provided further*, That funds provided under this paragraph in this Act shall not be subject to the matching or cost share requirements of sections 602(b)(2), 602(b)(3), or 202 of the Federal Water Pollution Control Act: *Provided further*, That funds provided under this paragraph in this Act deposited into the state revolving fund shall be provided to eligible recipients as assistance agreements with 100 percent principal forgiveness or as grants (or a combination of these): *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act in fiscal year 2022 and up to two percent in each of fiscal years 2023 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

(5) $4,000,000,000 for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act: *Provided*, That $800,000,000, to remain available until expended, shall be made available for fiscal year 2022, $800,000,000, to remain available until expended, shall be made available for fiscal year 2023, $800,000,000, to remain available until expended, shall be made available for fiscal year 2024, $800,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $800,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That funds provided under this paragraph in this Act shall be to address emerging contaminants in drinking water with a focus on

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perfluoroalkyl and polyfluoroalkyl substances through capitalization grants under section 1452(t) of the Safe Drinking Water Act for the purposes described in section 1452(a)(2)(G) of such Act: *Provided further*, That funds provided under this paragraph in this Act deposited into the State revolving fund shall be provided to eligible recipients as loans with 100 percent principal forgiveness or as grants (or a combination of these): *Provided further*, That funds provided under this paragraph in this Act shall not be subject to the matching or cost share requirements of section 1452(e) of the Safe Drinking Water Act: *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act in fiscal year 2022 and up to two percent in each of fiscal years 2023 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

(6) $5,000,000,000 for grants for addressing emerging contaminants under subsections (a) through (j) of section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a): *Provided*, That $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2022, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2023, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2024, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That funds provided to States under this paragraph may be used for projects that address emerging contaminants supporting a community described in section 1459A, subsection (c)(2), of the Safe Drinking Water Act, notwithstanding the definition of underserved communities in section 1459A, subsection (a)(2), of the Safe Drinking Water Act: *Provided further*, That funds provided under this paragraph in this Act shall not be subject to the matching or cost share requirements of section 1459A of the Safe Drinking Water Act: *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

(7) $50,000,000, to remain available until expended, to award Underground Injection Control grants, as authorized under section 40306 of division D of this Act, and for activities to support states' efforts to develop programs leading to primacy: *Provided*, That up to three percent of the amounts made available under this paragraph in this Act shall be for salaries, expenses, and administration: *Provided further*, That one-half

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of one percent of the amounts made available under this paragraph in this Act shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

(8) $1,500,000,000 for brownfields activities: *Provided*, That $300,000,000, to remain available until expended, shall be made available for fiscal year 2022, $300,000,000, to remain available until expended, shall be made available for fiscal year 2023, $300,000,000, to remain available until expended, shall be made available for fiscal year 2024, $300,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $300,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amounts made available in this paragraph in this Act, the following amounts shall be for the following purposes, in equal amounts for each of fiscal years 2022 through 2026—

(A) $1,200,000,000 shall be to carry out Brownfields projects authorized by section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including grants, interagency agreements and associated program support costs, of which up to $600,000,000, notwithstanding funding limitations in such sections of such Act, may be for—

(i) grants under section 104(k)(3)(A)(ii) of CERCLA to remediate brownfields sites in amounts not to exceed $5,000,000 per grant;

(ii) multipurpose grants under section 104(k)(4)(B)(i) of CERCLA in amounts not to exceed $10,000,000 per grant;

(iii) grants under sections 104(k)(2)(B) and 104(k)(5)(A)(i) of CERCLA for site characterization and assessment activities on a community-wide or site-by-site basis in amounts not to exceed $10,000,000 per grant and without further limitation on the amount that may be expended for any individual brownfield site;

(iv) grants under sections 104(k)(3)(A)(i) and 104(k)(5)(A)(ii) of CERCLA for capitalization of revolving loan funds in amounts not to exceed $10,000,000 per grant; and

(v) grants under section 104(k)(7) of CERCLA for job training in amounts not to exceed $1,000,000 per grant; and

(B) $300,000,000 shall be to carry out section 128 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980:

Provided further, That funds provided under this paragraph in this Act shall not be subject to cost share requirements under section 104(k)(10)(B)(iii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980: *Provided further*, That the Administrator of the Environmental Protection Agency shall annually report to Congress on the status of funded projects: *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be for salaries, expenses, and administration: *Provided further*,

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That one-half of one percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

(9) $100,000,000 for all costs for carrying out section 6605 of the Pollution Prevention Act: *Provided*, That $20,000,000, to remain available until expended, shall be made available for fiscal year 2022, $20,000,000, to remain available until expended, shall be made available for fiscal year 2023, $20,000,000, to remain available until expended, shall be made available for fiscal year 2024, $20,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $20,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That funds provided under this paragraph in this Act shall not be subject to cost share requirements under section 6605(c) of the Pollution Prevention Act: *Provided further*, That one-half of one percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

(10) $275,000,000 for grants under section 302(a) of the Save Our Seas 2.0 Act (Public Law 116–224): *Provided*, That $55,000,000, to remain available until expended, shall be made available for fiscal year 2022, $55,000,000, to remain available until expended, shall be made available for fiscal year 2023, $55,000,000, to remain available until expended, shall be made available for fiscal year 2024, $55,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $55,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That notwithstanding section 302(a) of such Act, the Administrator may also provide grants pursuant to such authority to tribes, intertribal consortia consistent with the requirements in 40 CFR 35.504(a), former Indian reservations in Oklahoma (as determined by the Secretary of the Interior), and Alaskan Native Villages as defined in Public Law 92–203: *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

(11) $75,000,000 to award grants focused on improving material recycling, recovery, management, and reduction, as authorized under section 70402 of division G of this Act: *Provided*, That $15,000,000, to remain available until expended, shall be made available for fiscal year 2022, $15,000,000, to remain available until expended, shall be made available for fiscal year 2023, $15,000,000, to remain available until

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expended, shall be made available for fiscal year 2024, $15,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $15,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act;

(12) $5,000,000,000 for the Clean School Bus Program as authorized under section 741 of the Energy Policy Act of 2005 (42 U.S.C. 16091), as amended by section 71101 of division G of this Act: *Provided*, That $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2022, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2023, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2024, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the funds provided, $500,000,000 shall be provided annually for zero-emission school buses, as defined in section 741(a)(8) of the Energy Policy Act of 2005 (42 U.S.C. 16091(a)(8)), as amended by section 71101 of division G of this Act, and $500,000,000 shall be provided annually for clean school buses and zero-emission school buses, as defined in section 741(a)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16091(a)(3)), as amended by section 71101 of division G of this Act: *Provided further*, That up to three percent of the amounts made available under this paragraph in this Act in each of fiscal years 2022 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That up to one-half of one percent of the of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Environmental Protection Agency for oversight of funding provided to the Environmental Protection Agency in this title in this Act: *Provided further*, That if there are unobligated funds in any of fiscal years 2022 through 2026 after the Administrator of the Environmental Protection Agency issues awards for that fiscal year, States may compete for those funds, notwithstanding the 10 percent limitation under section 741(b)(7)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16091(b)(7)(B)), as amended by section 71101 of division G of this Act:

Provided further, That amounts provided under this heading in this Act shall be in addition to amounts otherwise available for such purposes: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section

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251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 611. Funds made available to the Environmental Protection Agency by this Act for salaries, expenses, and administration purposes may be transferred to the "Environmental Programs and Management" account or the "Science and Technology" account as needed for such purposes.

SEC. 612. Not later than 90 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to the House and Senate Committees on Appropriations a detailed spend plan for the funds provided to the Environmental Protection Agency in this title for fiscal year 2022, and for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Administrator of the Environmental Protection Agency shall submit a detailed spend plan for the funds provided to the Environmental Protection Agency in this title for that fiscal year.

SEC. 613. For this fiscal year and each fiscal year thereafter, such sums as are available in the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 at the end of the preceding fiscal year from taxes received in the Treasury under subsection (b)(1) of such section shall be available, without further appropriation, to be used to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 614. (a) DRINKING WATER.—There is authorized to be appropriated to carry out the purposes of section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), in addition to amounts otherwise authorized to be appropriated for those purposes, an additional $1,126,000,000 for each of fiscal years 2022 through 2026.

(b) CLEAN WATER.—There is authorized to be appropriated to carry out the purposes of title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.), in addition to amounts otherwise authorized to be appropriated for those purposes, an additional $1,639,000,000 for each of fiscal years 2022 through 2026.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For an additional amount for "Forest and Rangeland Research", $10,000,000, to remain available until September 30, 2029, for the Secretary of Agriculture, acting through the Chief of the Forest Service, to carry out activities of the Joint Fire Science Program, as authorized in section 40803 of division D of this Act: *Provided*, That $2,000,000, to remain available until September 30, 2025, shall be made available for fiscal year 2022, $2,000,000, to remain available until September 30, 2026, shall be made available for fiscal year 2023, $2,000,000, to remain available until September

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30, 2027, shall be made available for fiscal year 2024, $2,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2025, and $2,000,000, to remain available until September 30, 2029, shall be made available for fiscal year 2026: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STATE AND PRIVATE FORESTRY

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "State and Private Forestry", $1,526,800,000, to remain available until September 30, 2029: *Provided*, That $305,360,000, to remain available until September 30, 2025, shall be made available for fiscal year 2022, $305,360,000, to remain available until September 30, 2026, shall be made available for fiscal year 2023, $305,360,000, to remain available until September 30, 2027, shall be made available for fiscal year 2024, $305,360,000, to remain available until September 30, 2028, shall be made available for fiscal year 2025, and $305,360,000, to remain available until September 30, 2029, shall be made available for fiscal year 2026: *Provided further*, That of the funds made available under this heading in this Act, the following amounts shall be for the following purposes in equal amounts for each of fiscal years 2022 through 2026—

(1) $718,000,000 for the Secretary of Agriculture, acting through the Chief of the Forest Service, to carry out activities for the Department of Agriculture, as authorized in sections 40803 and 40804 of division D of this Act;

(2) In addition to amounts made available in paragraph (1) for grants to at-risk communities for wildfire mitigation activities, not less than $500,000,000 for such purposes;

(3) Not less than $88,000,000 for State Fire Assistance; and

(4) Not less than $20,000,000 for Volunteer Fire Assistance: *Provided further*, That amounts made available under this heading in this Act for each of fiscal years 2022 through 2026 may be transferred between accounts affected by the Forest Service budget restructure outlined in section 435 of division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) to carry out the activities in support of this heading: *Provided further*, That up to 3 percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Agriculture for oversight of funding provided to the Forest Service in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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NATIONAL FOREST SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "National Forest System", $2,854,000,000, to remain available until expended: *Provided*, That $734,800,000, to remain available until expended, shall be made available for fiscal year 2022, $529,800,000, to remain available until expended, shall be made available for fiscal year 2023, $529,800,000, to remain available until expended, shall be made available for fiscal year 2024, $529,800,000, to remain available until expended, shall be made available for fiscal year 2025, and $529,800,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the funds made available under this heading in this Act, the following amounts shall be for the following purposes—

(1) $2,115,000,000 for the Secretary of Agriculture, acting through the Chief of the Forest Service, to carry out activities for the Department of Agriculture as authorized in sections 40803 and 40804 of division D of this Act, of which $587,000,000, to remain available until expended, shall be made available for fiscal year 2022 and $382,000,000, to remain available until expended, shall be made available for each of fiscal years 2023 through 2026;

(2) In addition to amounts made available in paragraph (1) for hazardous fuels management activities, $102,800,000 for each of fiscal years 2022 through 2026 for such purposes; and

(3) In addition to amounts made available in paragraph (1) for burned area recovery, $45,000,000 for each of fiscal years 2022 through 2026 for such purposes:

Provided further, That up to $12,000,000 for each of fiscal years 2022 through 2026 from funds made available in paragraph (2) of the preceding proviso may be used to make grants, using any authorities available for the Forest Service under the "State and Private Forestry" appropriation for the purposes of creating incentives for increased use of biomass from National Forest System lands, including the Community Wood Energy Program and the Wood Innovation Grants Program: *Provided further*, That up to $8,000,000 for each of fiscal years 2022 through 2026 from funds made available in paragraph (2) of the preceding proviso shall be for implementation of the Tribal Forestry Protection Act, as amended (Public Law 108–278): *Provided further*, That funds appropriated under this heading in this Act may be transferred to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, may authorize the transfer of funds provided under this heading in this Act between the Departments for the purpose of carrying out activities as authorized in section 40804(b)(1) of division D of this Act: *Provided further*, That amounts made available under this heading in this Act for each of fiscal years 2022 through 2026 may be transferred between accounts affected by the Forest

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Service budget restructure outlined in section 435 of division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) to carry out the activities in support of this heading: *Provided further*, That amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be available for salaries and expenses: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Agriculture for oversight of funding provided to the Forest Service in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Capital Improvement and Maintenance", $360,000,000, to remain available until September 30, 2029: *Provided*, That $72,000,000, to remain available until September 30, 2025, shall be made available for fiscal year 2022, $72,000,000, to remain available until September 30, 2026, shall be made available for fiscal year 2023, $72,000,000, to remain available until September 30, 2027, shall be made available for fiscal year 2024, $72,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2025, and $72,000,000, to remain available until September 30, 2029, shall be made available for fiscal year 2026: *Provided further*, That of the funds made available under this heading in this Act, the following amounts shall be for the following purposes in equal amounts for each of fiscal years 2022 through 2026—

(1) $250,000,000 to carry out activities of the Legacy Road and Trail Remediation Program, as authorized in Public Law 88–657 (16 U.S.C. 532 et seq.) (commonly known as the "Forest Roads and Trails Act"), as amended by section 40801 of division D of this Act;

(2) $100,000,000 for construction of temporary roads or reconstruction and maintenance of roads to facilitate forest restoration and management projects that reduce wildfire risk; and

(3) $10,000,000 for the removal of non-hydropower Federal dams and for providing dam removal technical assistance:

Provided further, That funds appropriated under this heading in this Act may be transferred to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That amounts made available under this heading in this Act for each of fiscal years 2022 through 2026 may be transferred between accounts affected by the Forest Service budget restructure outlined in section 435 of division D of the Further Consolidated Appropriations Act, 2020

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(Public Law 116–94) to carry out the activities in support of this heading: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Agriculture for oversight of funding provided to the Forest Service in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Wildland Fire Management", $696,200,000 to remain available until expended, for the Secretary of Agriculture, acting through the Chief of the Forest Service, to carry out activities for the Department of Agriculture as authorized in section 40803 of division D of this Act: *Provided*, That $552,200,000, to remain available until expended, shall be made available for fiscal year 2022, $36,000,000, to remain available until expended, shall be made available for fiscal year 2023, $36,000,000, to remain available until expended, shall be made available for fiscal year 2024, $36,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $36,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That funds appropriated under this heading in this Act may be transferred to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That amounts made available under this heading in this Act for each of fiscal years 2022 through 2026 may be transferred between accounts affected by the Forest Service budget restructure outlined in section 435 of division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116– 94) to carry out the activities in support of this heading: *Provided further*, That amounts made available under this heading in this Act in each of fiscal years 2022 through 2026, shall be available for salaries and expenses to carry out such purposes: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Agriculture for oversight of funding provided to the Forest Service in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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ADMINISTRATIVE PROVISION—FOREST SERVICE

Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall submit to the House and Senate Committees on Appropriations a detailed spend plan for the funds provided to the Forest Service in this title in this Act for fiscal year 2022, and for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary shall submit a detailed spend plan for the funds provided to the Forest Service in this title in this Act for that fiscal year.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Indian Health Facilities", $3,500,000,000, to remain available until expended, for the provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (68 Stat. 674): *Provided*, That $700,000,000, to remain available until expended, shall be made available for fiscal year 2022, $700,000,000, to remain available until expended, shall be made available for fiscal year 2023, $700,000,000, to remain available until expended, shall be made available for fiscal year 2024, $700,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $700,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amounts made available under this heading, up to $2,200,000,000 shall be for projects that exceed the economical unit cost and shall be available until expended: *Provided further*, That up to three percent of the amounts made available in each fiscal year shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Health and Human Services for oversight of funding provided to the Department of Health and Human Services in this title in this Act: *Provided further*, That no funds available to the Indian Health Service for salaries, expenses, administration, and oversight shall be available for contracts, grants, compacts, or cooperative agreements under the provisions of the Indian Self-Determination and Education Assistance Act as amended: *Provided further*, That funds under this heading made available 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, are nonrecurring, and 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 shall only be used for the purposes identified in this heading: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the House and Senate Committees on Appropriations a detailed

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spend plan for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Health and Human Services shall submit a detailed spend plan for that fiscal year: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VII—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low Income Home Energy Assistance", $500,000,000, to remain available through September 30, 2026, for making payments under subsection (b) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.): *Provided*, That $100,000,000, to remain available until September 30, 2026, shall be made available in fiscal year 2022, $100,000,000, to remain available until September 30, 2026, shall be made available in fiscal year 2023, $100,000,000, to remain available until September 30, 2026, shall be made available in fiscal year 2024, $100,000,000, to remain available until September 30, 2026, shall be made available in fiscal year 2025, and $100,000,000, to remain available until September 30, 2026, shall be made available in fiscal year 2026: *Provided further*, That, of the amount available for obligation in a fiscal year under this heading in this Act, $50,000,000 shall be allocated as though the total appropriation for such payments for such fiscal year was less than $1,975,000,000: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VIII—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

NATIONAL INFRASTRUCTURE INVESTMENTS

For an additional amount for "National Infrastructure Investments", $12,500,000,000, to remain available until expended, for necessary expenses to carry out chapter 67 of title 49, United States Code, of which $5,000,000,000 shall be to carry out section 6701 of such title and $7,500,000,000 shall be to carry out section 6702 of such title: *Provided*, That, of the amount made available

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under this heading in this Act to carry out section 6701 of title 49, United States Code, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2022, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2023, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2024, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That, of the amount made available under this heading in this Act to carry out section 6702 of title 49, United States Code, $1,500,000,000, to remain available until September 30, 2026, shall be made available for fiscal year 2022, $1,500,000,000, to remain until September 30, 2027, shall be made available for fiscal year 2023, $1,500,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2024, $1,500,000,000, to remain available until September 30, 2029, shall be made available for fiscal year 2025, and $1,500,000,000, to remain available September 30, 2030, shall be made available for fiscal year 2026: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and pursuant to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SAFE STREETS AND ROADS FOR ALL GRANTS

For an additional amount for "Safe Streets and Roads for All Grants", $5,000,000,000, to remain available until expended, for competitive grants, as authorized under section 24112 of division B of this Act: *Provided*, That $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2022, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2023, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2024, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That the Secretary shall issue a notice of funding opportunity not later than 180 days after each date upon which funds are made available under the preceding proviso: *Provided further*, That the Secretary shall make awards not later than 270 days after issuing the notices of funding opportunity required under the preceding proviso: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL CULVERT REMOVAL, REPLACEMENT, AND RESTORATION GRANTS

For an additional amount for "National Culvert Removal, Replacement, and Restoration Grants", $1,000,000,000, to remain available until expended, as authorized by section 6203 of title 49, United States Code: *Provided*, That $200,000,000, to remain

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available until expended, shall be made available for fiscal year 2022, $200,000,000, to remain available until expended, shall be made available for fiscal year 2023, $200,000,000, to remain available until expended, shall be made available for fiscal year 2024, $200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STRENGTHENING MOBILITY AND REVOLUTIONIZING TRANSPORTATION GRANT PROGRAM

For an additional amount for "Strengthening Mobility and Revolutionizing Transportation Grant Program", $500,000,000, to remain available until expended, as authorized by section 25005 of division B of this Act: *Provided*, That $100,000,000, to remain available until expended, shall be made available for fiscal year 2022, $100,000,000, to remain available until expended, shall be made available for fiscal year 2023, $100,000,000, to remain available until expended, shall be made available for fiscal year 2024, $100,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $100,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 801. (a) Amounts made available to the Secretary of Transportation or the Department of Transportation's Operating Administrations in this title in this Act and in section 117 of title 23, United States Code, for fiscal years 2022 through 2026 for the costs of award, administration, or oversight of financial assistance under the programs administered by the Office of Multimodal Infrastructure and Freight may be transferred to an "Office of Multimodal Infrastructure and Freight" account, to remain available until expended, for the necessary expenses of award, administration, or oversight of any discretionary financial assistance programs funded under this title in this Act or division A of this Act: *Provided*, That one-half of one percent of the amounts transferred pursuant to the authority in this section in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That the amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget

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for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) In addition to programs identified in section 118(d) of title 49, United States Code, the Office of Multimodal Infrastructure and Freight shall administer, with support from the Department's Operating Administrations, the following financial assistance programs—

(1) the national infrastructure projects program under section 6701 of title 49, United States Code;

(2) the local and regional projects program under section 6702 of title 49, United States Code;

(3) the strengthening mobility and revolutionizing transportation grant program under section 25005 of division B of this Act;

(4) the nationally significant freight and highways projects under section 117 of title 23, United States Code;

(5) the national culvert removal, replacement, and restoration grant program under section 6203 of title 49, United States Code; and

(6) other discretionary financial assistance programs that the Secretary determines should be administered by the Office of Multimodal Infrastructure and Freight, subject to the approval of the House and Senate Committees on Appropriations as required under section 405 of Division L of the Consolidated Appropriations Act, 2021.

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

For an additional amount for "Facilities and Equipment", $5,000,000,000, to remain available until expended: *Provided*, That $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2022, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2023, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2024, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That amounts made available under this heading in this Act shall be derived from the general fund of the Treasury: *Provided further*, That funds provided under this heading in this Act shall be for: (1) replacing terminal and en route air traffic control facilities; (2) improving air route traffic control center and combined control facility buildings; (3) improving air traffic control en route radar facilities; (4) improving air traffic control tower and terminal radar approach control facilities; (5) national airspace system facilities OSHA and environmental standards compliance; (6) landing and navigational aids; (7) fuel storage tank replacement and management; (8) unstaffed infrastructure sustainment; (9) real property disposition; (10) electrical power system sustain and support; (11) energy maintenance and compliance; (12) hazardous materials management and environmental cleanup; (13) facility security risk management; (14) mobile asset management program; and (15) administrative expenses, including salaries and expenses, administration, and oversight: *Provided further*, That not less than $200,000,000 of

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the funds made available under this heading in this Act shall be for air traffic control towers that are owned by the Federal Aviation Administration and staffed through the contract tower program: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the House and Senate Committees on Appropriations a detailed spend plan, including a list of project locations of air traffic control towers and contract towers, to be funded for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Transportation shall submit a detailed spend plan for funding that will be made available under this heading in the upcoming fiscal year, including a list of projects for replacing facilities that are owned by the Federal Aviation Administration, including air traffic control towers that are staffed through the contract tower program: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRPORT INFRASTRUCTURE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Airport Infrastructure Grants", $15,000,000,000, to remain available until September 30, 2030: *Provided*, That $3,000,000,000, to remain available until September 30, 2026, shall be made available for fiscal year 2022, $3,000,000,000, to remain available until September 30, 2027, shall be made available for fiscal year 2023, $3,000,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2024, $3,000,000,000, to remain available until September 30, 2029, shall be made available for fiscal year 2025, and $3,000,000,000, to remain available until September 30, 2030, shall be made available for fiscal year 2026: *Provided further*, That amounts made available under this heading in this Act shall be derived from the general fund of the Treasury: *Provided further*, That amounts made available under this heading in this Act shall be made available to sponsors of any airport eligible to receive grants under section 47115 of title 49, United States Code, for airport-related projects defined under section 40117(a)(3) of title 49, United States Code: *Provided further*, That of the funds made available under this heading in this Act, in each of fiscal years 2022 through 2026—

(1) Not more than $2,480,000,000 shall be available for primary airports as defined in section 47102(16) of title 49, United States Code, and certain cargo airports: *Provided*, That such funds shall not be subject to the reduced apportionments of section 47114(f) of title 49, United States Code: *Provided further*, That such funds shall first be apportioned as set forth in sections 47114(c)(1)(A), 47114(c)(1)(C)(i), 47114(c)(1)(C)(ii), 47114(c)(2)(A), 47114(c)(2)(B), and 47114(c)(2)(E), 47114(c)(1)(J) of title 49, United States Code: *Provided further*, That there shall be no maximum apportionment limit: *Provided further*,

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That any remaining funds after such apportionment shall be distributed to all sponsors of primary airports (as defined in section 47102(16) of title 49, United States Code) based on each such airport's passenger enplanements compared to total passenger enplanements of all airports defined in section 47102(16) of title 49, United States Code, for calendar year 2019 in fiscal years 2022 and 2023 and thereafter for the most recent calendar year enplanements upon which the Secretary has apportioned funds pursuant to section 47114(c) of title 49, United States Code;

(2) Not more than $500,000,000 shall be for general aviation and commercial service airports that are not primary airports as defined in paragraphs (7), (8), and (16) of section 47102 of title 49, United States Code: *Provided*, That the Secretary of Transportation shall apportion the remaining funds to each non-primary airport based on the categories published in the most current National Plan of Integrated Airport Systems, reflecting the percentage of the aggregate published eligible development costs for each such category, and then dividing the allocated funds evenly among the eligible airports in each category, rounding up to the nearest thousand dollars: *Provided further*, That any remaining funds under this paragraph in this Act shall be distributed as described in paragraph (3) in this proviso under this heading in this Act; and

(3) $20,000,000 for the Secretary of Transportation to make competitive grants to sponsors of airports participating in the contract tower program and the contract tower cost share program under section 47124 of title 49, United States Code to: (1) sustain, construct, repair, improve, rehabilitate, modernize, replace or relocate nonapproach control towers; (2) acquire and install air traffic control, communications, and related equipment to be used in those towers; and (3) construct a remote tower certified by the Federal Aviation Administration, including acquisition and installation of air traffic control, communications, or related equipment: *Provided*, That the Federal Aviation Administration shall give priority consideration to projects that enhance aviation safety and improve air traffic efficiency: *Provided further*, That the Federal share of the costs for which a grant is made under this paragraph shall be 100 percent:

Provided further, That any funds made available in a given fiscal year that remain unobligated at the end of the fourth fiscal year after which they were first made available for obligation shall be made available in the fifth fiscal year after which they were first made available for obligation to the Secretary for competitive grants: *Provided further*, That of the amounts made available to the Secretary for competitive grants under the preceding proviso, the Secretary shall first provide up to $100,000,000, as described in paragraph (3) of the fourth proviso, and any remaining unobligated balances in excess of that amount shall be available to the Secretary for competitive grants otherwise eligible under the third proviso that reduce airport emissions, reduce noise impact to the surrounding community, reduce dependence on the electrical grid, or provide general benefits to the surrounding community: *Provided further*, That none of the amounts made available under this heading in this Act may be used to pay for airport debt service: *Provided further*, That a grant made from funds made available

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under this heading in this Act shall be treated as having been made pursuant to the Secretary's authority under section 47104(a) of title 49, United States Code: *Provided further*, That up to 3 percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for personnel, contracting, and other costs to administer and oversee grants, of which $1,000,000 in each fiscal year shall be transferred to the Office of Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That the Federal share of the costs of a project under paragraphs (1) and (2) of the fourth proviso under this heading shall be the percent for which a project for airport development would be eligible under section 47109 of title 49, United States Code: *Provided further*, That obligations of funds under this heading in this Act shall not be subject to any limitations on obligations provided in any Act making annual appropriations: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRPORT TERMINAL PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Airport Terminal Program", $5,000,000,000, to remain available until September 30, 2030, for the Secretary of Transportation to provide competitive grants for airport terminal development projects that address the aging infrastructure of the nation's airports: *Provided*, That $1,000,000,000, to remain available until September 30, 2026, shall be made available for fiscal year 2022, $1,000,000,000, to remain available until September 30, 2027, shall be made available for fiscal year 2023, $1,000,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2024, $1,000,000,000, to remain available until September 30, 2029, shall be made available for fiscal year 2025, and $1,000,000,000, to remain available until September 30, 2030, shall be made available for fiscal year 2026: *Provided further*, That amounts made available under this heading in this Act shall be derived from the general fund of the Treasury: *Provided further*, That the Secretary shall issue a notice of funding opportunity not later than 60 days after the date of enactment of this Act: *Provided further*, That of the funds made available under this heading in this Act, not more than 55 percent shall be for large hub airports, not more than 15 percent shall be for medium hub airports, not more than 20 percent shall be for small hub airports, and not less than 10 percent shall be for nonhub and nonprimary airports: *Provided further*, That in awarding grants for terminal development projects from funds made available under this heading in this Act, the Secretary may consider projects that qualify as "terminal development" (including multimodal terminal development), as that term is defined in 49 U.S.C. §47102(28), projects for on-airport rail access projects as set forth in Passenger Facility Charge (PFC) Update 75–21, and projects for relocating, reconstructing, repairing, or improving an airport-owned air traffic

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control tower: *Provided further*, That in awarding grants for terminal development projects from funds made available under this heading in this Act, the Secretary shall give consideration to projects that increase capacity and passenger access; projects that replace aging infrastructure; projects that achieve compliance with the Americans with Disabilities Act and expand accessibility for persons with disabilities; projects that improve airport access for historically disadvantaged populations; projects that improve energy efficiency, including upgrading environmental systems, upgrading plant facilities, and achieving Leadership in Energy and Environmental Design (LEED) accreditation standards; projects that improve airfield safety through terminal relocation; and projects that encourage actual and potential competition: *Provided further*, That the Federal share of the cost of a project carried out from funds made available under this heading in this Act shall be 80 percent for large and medium hub airports and 95 percent for small hub, nonhub, and nonprimary airports: *Provided further*, That a grant made from funds made available under this heading in this Act shall be treated as having been made pursuant to the Secretary's authority under section 47104(a) of title 49, United States Code: *Provided further*, That the Secretary may provide grants from funds made available under this heading in this Act for a project at any airport that is eligible to receive a grant from the discretionary fund under section 47115(a) of title 49, United States Code: *Provided further*, That in making awards from funds made available under this heading in this Act, the Secretary shall provide a preference to projects that achieve a complete development objective, even if awards for the project must be phased, and the Secretary shall prioritize projects that have received partial awards: *Provided further*, That up to 3 percent of the amounts made available under this heading in this Act in each fiscal year shall be for personnel, contracting and other costs to administer and oversee grants, of which $1,000,000 in each fiscal year shall be transferred to the Office of Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY INFRASTRUCTURE PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Highway Infrastructure Programs", $47,272,000,000, to remain available until expended except as otherwise provided under this heading: *Provided*, That of the amount provided under this heading in this Act, $9,454,400,000, to remain available until September 30, 2025, shall be made available for fiscal year 2022, $9,454,400,000, to remain available until September 30, 2026, shall be made available for fiscal year 2023, $9,454,400,000, to remain available until September 30, 2027, shall be made available for fiscal year 2024, $9,454,400,000, to remain

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available until September 30, 2028, shall be made available for fiscal year 2025, and $9,454,400,000, to remain available until September 30, 2029, shall be made available for fiscal year 2026: *Provided further*, That the funds made available under this heading in this Act shall be derived from the general fund of the Treasury, shall be in addition to any other amounts made available for such purpose, and shall not affect the distribution or amount of funds provided in any Act making annual appropriations: *Provided further*, That, except for funds provided in paragraph (1) under this heading in this Act, up to 1.5 percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for operations and administrations of the Federal Highway Administration, of which $1,000,000 in each fiscal year shall be transferred to the Office of the Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That the amounts made available in the preceding proviso may be combined with the funds made available in paragraph (1) under this heading in this Act for the same purposes in the same account: *Provided further*, That the funds made available under this heading in this Act shall not be subject to any limitation on obligations for Federal-aid highways or highway safety construction programs set forth in any Act making annual appropriations: *Provided further*, That, of the amount provided under this heading in this Act, the following amounts shall be for the following purposes in equal amounts for each of fiscal years 2022 through 2026—

(1) $27,500,000,000 shall be for a bridge replacement, rehabilitation, preservation, protection, and construction program: *Provided further*, That, except as otherwise provided under this paragraph in this Act, the funds made available under this paragraph in this Act shall be administered as if apportioned under chapter 1 of title 23, United States Code: *Provided further*, That a project funded with funds made available under this paragraph in this Act shall be treated as a project on a Federal-aid highway: *Provided further*, That, of the funds made available under this paragraph in this Act for a fiscal year, 3 percent shall be set aside to carry out section 202(d) of title 23, United States Code: *Provided further*, That funds set aside under the preceding proviso to carry out section 202(d) of such title shall be in addition to funds otherwise made available to carry out such section and shall be administered as if made available under such section: *Provided further*, That for funds set aside under the third proviso of this paragraph in this Act to carry out section 202(d) of title 23, United States Code, the Federal share of the costs shall be 100 percent: *Provided further*, That, for the purposes of funds made available under this paragraph in this Act: (1) the term "State" has the meaning given such term in section 101 of title 23, United States Code; (2) the term "off-system bridge" means a highway bridge located on a public road, other than a bridge on a Federal-aid highway; and (3) the term "Federal-aid highway" means a public highway eligible for assistance under chapter 1 of title 23, United States Code, other than a highway functionally classified as a local road or rural minor collector: *Provided further*, That up to one-half of one percent of the amounts made available under this

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paragraph in this Act in each fiscal year shall be for the administration and operations of the Federal Highway Administration: *Provided further*, That, after setting aside funds under the third proviso of this paragraph in this Act the Secretary shall distribute the remaining funds made available under this paragraph in this Act among States as follows—

(A) 75 percent by the proportion that the total cost of replacing all bridges classified in poor condition in such State bears to the sum of the total cost to replace all bridges classified in poor condition in all States; and

(B) 25 percent by the proportion that the total cost of rehabilitating all bridges classified in fair condition in such State bears to the sum of the total cost to rehabilitate all bridges classified in fair condition in all States:

Provided further, That the amounts calculated under the preceding proviso shall be adjusted such that each State receives, for each of fiscal years 2022 through 2026, no less than $45,000,000 under such proviso: *Provided further*, That for purposes of the preceding 2 provisos, the Secretary shall determine replacement and rehabilitation costs based on the average unit costs of bridges from 2016 through 2020, as submitted by States to the Federal Highway Administration, as required by section 144(b)(5) of title 23, United States Code: *Provided further*, That for purposes of determining the distribution of funds to States under this paragraph in this Act, the Secretary shall calculate the total deck area of bridges classified as in poor or fair condition based on the National Bridge Inventory as of December 31, 2020: *Provided further*, That, subject to the following proviso, funds made available under this paragraph in this Act that are distributed to States shall be used for highway bridge replacement, rehabilitation, preservation, protection, or construction projects on public roads: *Provided further*, That of the funds made available under this paragraph in this Act that are distributed to a State, 15 percent shall be set aside for use on off-system bridges for the same purposes as described in the preceding proviso: *Provided further*, That, except as provided in the following proviso, for funds made available under this paragraph in this Act that are distributed to States, the Federal share shall be determined in accordance with section 120 of title 23, United States Code: *Provided further*, That for funds made available under this paragraph in this Act that are distributed to States and used on an off-system bridge that is owned by a county, town, township, city, municipality or other local agency, or federally-recognized Tribe the Federal share shall be 100 percent;

(2) $5,000,000,000, to remain available until expended for amounts made available for each of fiscal years 2022 through 2026, shall be to carry out a National Electric Vehicle Formula Program (referred to in this paragraph in this Act as the "Program") to provide funding to States to strategically deploy electric vehicle charging infrastructure and to establish an interconnected network to facilitate data collection, access, and reliability: *Provided*, That funds made available under this paragraph in this Act shall be used for: (1) the acquisition and installation of electric vehicle charging infrastructure to serve as a catalyst for the deployment of such infrastructure and to connect it to a network to facilitate data collection, access, and reliability; (2) proper operation and maintenance of electric vehicle charging infrastructure; and (3) data sharing

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about electric vehicle charging infrastructure to ensure the long-term success of investments made under this paragraph in this Act: *Provided further*, That for each of fiscal years 2022 through 2026, the Secretary shall distribute among the States the funds made available under this paragraph in this Act so that each State receives an amount equal to the proportion that the total base apportionment or allocation determined for the State under subsection (c) of section 104 or under section 165 of title 23, United States Code, bears to the total base apportionments or allocations for all States under subsection (c) of section 104 and section 165 of title 23, United States Code: *Provided further*, That the Federal share payable for the cost of a project funded under this paragraph in this Act shall be 80 percent: *Provided further*, That the Secretary shall establish a deadline by which a State shall provide a plan to the Secretary, in such form and such manner that the Secretary requires (to be made available on the Department's website), describing how such State intends to use funds distributed to the State under this paragraph in this Act to carry out the Program for each fiscal year in which funds are made available: *Provided further*, That, not later than 120 days after the deadline established in the preceding proviso, the Secretary shall make publicly available on the Department's website and submit to the House Committee on Transportation and Infrastructure, the Senate Committee on Environment and Public Works, and the House and Senate Committees on Appropriations, a report summarizing each plan submitted by a State to the Department of Transportation and an assessment of how such plans make progress towards the establishment of a national network of electric vehicle charging infrastructure: *Provided further*, That if a State fails to submit the plan required under the fourth proviso of this paragraph in this Act to the Secretary by the date specified in such proviso, or if the Secretary determines a State has not taken action to carry out its plan, the Secretary may withhold or withdraw, as applicable, funds made available under this paragraph in this Act for the fiscal year from the State and award such funds on a competitive basis to local jurisdictions within the State for use on projects that meet the eligibility requirements under this paragraph in this Act: *Provided further*, That, prior to the Secretary making a determination that a State has not taken actions to carry out its plan, the Secretary shall notify the State, consult with the State, and identify actions that can be taken to rectify concerns, and provide at least 90 days for the State to rectify concerns and take action to carry out its plan: *Provided further*, That the Secretary shall provide notice to a State on the intent to withhold or withdraw funds not less than 60 days before withholding or withdrawing any funds, during which time the States shall have an opportunity to appeal a decision to withhold or withdraw funds directly to the Secretary: *Provided further*, That if the Secretary determines that any funds withheld or withdrawn from a State under the preceding proviso cannot be fully awarded to local jurisdictions within the State under the preceding proviso in a manner consistent with the purpose of this paragraph in this Act, any such funds remaining shall be distributed among other States (except States for which funds for that fiscal year

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have been withheld or withdrawn under the preceding proviso) in the same manner as funds distributed for that fiscal year under the second proviso under this paragraph in this Act, except that the ratio shall be adjusted to exclude States for which funds for that fiscal year have been withheld or withdrawn under the preceding proviso: *Provided further*, That funds distributed under the preceding proviso shall only be available to carry out this paragraph in this Act: *Provided further*, That funds made available under this paragraph in this Act may be used to contract with a private entity for acquisition and installation of publicly accessible electric vehicle charging infrastructure and the private entity may pay the non-Federal share of the cost of a project funded under this paragraph: *Provided further*, That funds made available under this paragraph in this Act shall be for projects directly related to the charging of a vehicle and only for electric vehicle charging infrastructure that is open to the general public or to authorized commercial motor vehicle operators from more than one company: *Provided further*, That any electric vehicle charging infrastructure acquired or installed with funds made available under this paragraph in this Act shall be located along a designated alternative fuel corridor: *Provided further*, That no later than 90 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Secretary of Energy, shall develop guidance for States and localities to strategically deploy electric vehicle charging infrastructure, consistent with this paragraph in this Act: *Provided further*, That the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider the following in developing the guidance described in the preceding proviso: (1) the distance between publicly available electric vehicle charging infrastructure; (2) connections to the electric grid, including electric distribution upgrades; vehicle-to-grid integration, including smart charge management or other protocols that can minimize impacts to the grid; alignment with electric distribution interconnection processes, and plans for the use of renewable energy sources to power charging and energy storage; (3) the proximity of existing off-highway travel centers, fuel retailers, and small businesses to electric vehicle charging infrastructure acquired or funded under this paragraph in this Act; (4) the need for publicly available electric vehicle charging infrastructure in rural corridors and underserved or disadvantaged communities; (5) the long-term operation and maintenance of publicly available electric vehicle charging infrastructure to avoid stranded assets and protect the investment of public funds in that infrastructure; (6) existing private, national, State, local, Tribal, and territorial government electric vehicle charging infrastructure programs and incentives; (7) fostering enhanced, coordinated, public-private or private investment in electric vehicle charging infrastructure; (8) meeting current and anticipated market demands for electric vehicle charging infrastructure, including with regard to power levels and charging speed, and minimizing the time to charge current and anticipated vehicles; and (9) any other factors, as determined by the Secretary: *Provided further*, That if a State determines, and the Secretary certifies, that the designated alternative fuel corridors in the States are fully built out, then the State may use funds provided

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under this paragraph for electric vehicle charging infrastructure on any public road or in other publically accessible locations, such as parking facilities at public buildings, public schools, and public parks, or in publically accessible parking facilities owned or managed by a private entity: *Provided further*, That subject to the minimum standards and requirements established under the following proviso, funds made available under this paragraph in this Act may be used for: (1) the acquisition or installation of electric vehicle charging infrastructure; (2) operating assistance for costs allocable to operating and maintaining electric vehicle charging infrastructure acquired or installed under this paragraph in this Act, for a period not to exceed five years; (3) the acquisition or installation of traffic control devices located in the right-of-way to provide directional information to electric vehicle charging infrastructure acquired, installed, or operated under this paragraph in this Act; (4) on-premises signs to provide information about electric vehicle charging infrastructure acquired, installed, or operated under this paragraph in this Act; (5) development phase activities relating to the acquisition or installation of electric vehicle charging infrastructure, as determined by the Secretary; or (6) mapping and analysis activities to evaluate, in an area in the United States designated by the eligible entity, the locations of current and future electric vehicle owners, to forecast commuting and travel patterns of electric vehicles and the quantity of electricity required to serve electric vehicle charging stations, to estimate the concentrations of electric vehicle charging stations to meet the needs of current and future electric vehicle drivers, to estimate future needs for electric vehicle charging stations to support the adoption and use of electric vehicles in shared mobility solutions, such as micro-transit and transportation network companies, and to develop an analytical model to allow a city, county, or other political subdivision of a State or a local agency to compare and evaluate different adoption and use scenarios for electric vehicles and electric vehicle charging stations: *Provided further*, That not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Secretary of Energy and in consultation with relevant stakeholders, shall, as appropriate, develop minimum standards and requirements related to: (1) the installation, operation, or maintenance by qualified technicians of electric vehicle charging infrastructure under this paragraph in this Act; (2) the interoperability of electric vehicle charging infrastructure under this paragraph in this Act; (3) any traffic control device or on-premises sign acquired, installed, or operated under this paragraph in this Act; (4) any data requested by the Secretary related to a project funded under this paragraph in this Act, including the format and schedule for the submission of such data; (5) network connectivity of electric vehicle charging infrastructure; and (6) information on publicly available electric vehicle charging infrastructure locations, pricing, real-time availability, and accessibility through mapping applications: *Provided further*, That not later than 1 year after the date of enactment of this Act, the Secretary shall designate national electric vehicle charging corridors that identify the near- and long-term need for, and the location of, electric vehicle charging

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infrastructure to support freight and goods movement at strategic locations along major national highways, the National Highway Freight Network established under section 167 of title 23, United States Code, and goods movement locations including ports, intermodal centers, and warehousing locations: *Provided further*, That the report issued under section 151(e) of title 23, United States Code, shall include a description of efforts to achieve strategic deployment of electric vehicle charging infrastructure in electric vehicle charging corridors, including progress on the implementation of the Program under this paragraph in this Act: *Provided further*, That, for fiscal year 2022, before distributing funds made available under this paragraph in this Act to States, the Secretary shall set aside from funds made available under this paragraph in this Act to carry out this paragraph in this Act not more than $300,000,000, which may be transferred to the Joint Office described in the twenty-fourth proviso of this paragraph in this Act, to establish such Joint Office and carry out its duties under this paragraph in this Act: *Provided further*, That, for each of fiscal years 2022 through 2026, after setting aside funds under the preceding proviso, and before distributing funds made available under this paragraph in this Act to States, the Secretary shall set aside from funds made available under this paragraph in this Act for such fiscal year to carry out this paragraph in this Act 10 percent for grants to States or localities that require additional assistance to strategically deploy electric vehicle charging infrastructure: *Provided further*, That not later than 1 year after the date of enactment of this Act, the Secretary shall establish a grant program to administer to States or localities the amounts set aside under the preceding proviso: *Provided further*, That, except as otherwise specified under this paragraph in this Act, funds made available under this paragraph in this Act, other than funds transferred under the nineteenth proviso of this paragraph in this Act to the Joint Office, shall be administered as if apportioned under chapter 1 of title 23, United States Code: *Provided further*, That funds made available under this paragraph in this Act shall not be transferable under section 126 of title 23, United States Code: *Provided further*, That there is established a Joint Office of Energy and Transportation (referred to in this paragraph in this Act as the "Joint Office") in the Department of Transportation and the Department of Energy to study, plan, coordinate, and implement issues of joint concern between the two agencies, which shall include: (1) technical assistance related to the deployment, operation, and maintenance of zero emission vehicle charging and refueling infrastructure, renewable energy generation, vehicle-to-grid integration, including microgrids, and related programs and policies; (2) data sharing of installation, maintenance, and utilization in order to continue to inform the network build out of zero emission vehicle charging and refueling infrastructure; (3) performance of a national and regionalized study of zero emission vehicle charging and refueling infrastructure needs and deployment factors, to support grants for community resilience and electric vehicle integration; (4) development and deployment of training and certification programs; (5) establishment and implementation of a program to promote renewable

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energy generation, storage, and grid integration, including microgrids, in transportation rights-of-way; (6) studying, planning, and funding for high-voltage distributed current infrastructure in the rights-of way of the Interstate System and for constructing high-voltage and or medium-voltage transmission pilots in the rights-of-way of the Interstate System; (7) research, strategies, and actions under the Departments' statutory authorities to reduce transportation-related emissions and mitigate the effects of climate change; (8) development of a streamlined utility accommodations policy for high-voltage and medium-voltage transmission in the transportation right-of-way; and (9) any other issues that the Secretary of Transportation and the Secretary of Energy identify as issues of joint interest: *Provided further*, That the Joint Office of Energy and Transportation shall establish and maintain a public database, accessible on both Department of Transportation and Department of Energy websites, that includes: (1) information maintained on the Alternative Fuel Data Center by the Office of Energy Efficiency and Renewable Energy of the Department of Energy with respect to the locations of electric vehicle charging stations; (2) potential locations for electric vehicle charging stations identified by eligible entities through the program; and (3) the ability to sort generated results by various characteristics with respect to electric vehicle charging stations, including location, in terms of the State, city, or county; status (operational, under construction, or planned); and charging type, in terms of Level 2 charging equipment or Direct Current Fast Charging Equipment: *Provided further*, That the Secretary of Transportation and the Secretary of Energy shall cooperatively administer the Joint Office consistent with this paragraph in this Act: *Provided further*, That the Secretary of Transportation and the Secretary of Energy may transfer funds between the Department of Transportation and the Department of Energy from funds provided under this paragraph in this Act to establish the Joint Office and to carry out its duties under this paragraph in this Act and any such funds or portions thereof transferred to the Joint Office may be transferred back to and merged with this account: *Provided further*, That the Secretary of Transportation and the Secretary of Energy shall notify the House and Senate Committees on Appropriations not less than 15 days prior to transferring any funds under the previous proviso: *Provided further*, That for the purposes of funds made available under this paragraph in this Act: (1) the term "State" has the meaning given such term in section 101 of title 23, United States Code; and (2) the term "Federal-aid highway" means a public highway eligible for assistance under chapter 1 of title 23, United States Code, other than a highway functionally classified as a local road or rural minor collector: *Provided further*, That, of the funds made available in this division or division A of this Act for the Federal lands transportation program under section 203 of title 23, United States Code, not less than $7,000,000 shall be made available for each Federal agency otherwise eligible to compete for amounts made available under that section for each of fiscal years 2022 through 2026;

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(3) $3,200,000,000 shall be to carry out the Nationally Significant Freight and Highway Projects program under section 117 of title 23, United States Code;

(4) $9,235,000,000 shall be to carry out the Bridge Investment Program under section 124 of title 23, United States Code: *Provided*, That, of the funds made available under this paragraph in this Act for a fiscal year, $20,000,000 shall be set aside to carry out section 202(d) of title 23, United States Code: *Provided further*, That, of the funds made available under this paragraph in this Act for a fiscal year, $20,000,000 shall be set aside to provide grants for planning, feasibility analysis, and revenue forecasting associated with the development of a project that would subsequently be eligible to apply for assistance under this paragraph: *Provided further*, That funds set aside under the first proviso of this paragraph in this Act to carry out section 202(d) of such title shall be in addition to funds otherwise made available to carry out such section and shall be administered as if made available under such section: *Provided further*, That for funds set aside under the first proviso of this paragraph in this Act to carry out section 202(d) of title 23, United States Code, the Federal share of the costs shall be 100 percent;

(5) $150,000,000 shall be to carry out the Reduction of Truck Emissions at Port Facilities Program under section 11402 of division A of this Act: *Provided*, That, except as otherwise provided in section 11402 of division A of this Act, the funds made available under this paragraph in this Act shall be administered as if apportioned under chapter 1 of title 23, United States Code;

(6) $95,000,000, to remain available until expended for amounts made available for each of fiscal years 2022 through 2026, shall be to carry out the University Transportation Centers Program under section 5505 of title 49, United States Code;

(7) $500,000,000, to remain available until expended for amounts made available for each of fiscal years 2022 through 2026, shall be to carry out the Reconnecting Communities Pilot Program (referred to under this paragraph in this Act as the "pilot program") under section 11509 of division A of this Act, of which $100,000,000 shall be for planning grants under section 11509(c) of division A of this Act and of which $400,000,000 shall be available for capital construction grants under section 11509(d) of division A of this Act: *Provided*, That of the amounts made available under this paragraph in this Act for section 11509(c) of division A of this Act, the Secretary may use not more than $15,000,000 during the period of fiscal years 2022 through 2026 to provide technical assistance under section 11509(c)(3) of division A of this Act: *Provided further*, That, except as otherwise provided in section 11509 of division A of this Act, amounts made available under this paragraph in this Act shall be administered as if made available under chapter 1 of title 23, United States Code;

(8) $342,000,000, to remain available until expended for amounts made available for each of fiscal years 2022 through 2026, shall be to carry out the Construction of Ferry Boats and Ferry Terminal Facilities program under section 147 of title 23, United States Code: *Provided*, That amounts made

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available under this paragraph in this Act shall be administered as if made available under section 147 of title 23, United States Code; and

(9) $1,250,000,000, to remain available until expended for amounts made available for each of fiscal years 2022 through 2026, shall be for construction of the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240: *Provided*, That, for the purposes of funds made available under this paragraph in this Act for construction of the Appalachian Development Highway System, the term "Appalachian State" means a State that contains 1 or more counties (including any political subdivision located within the area) in the Appalachian region, as defined in section 14102(a) of title 40, United States Code: *Provided further*, That a project carried out with funds made available under this paragraph in this Act for construction of the Appalachian Development Highway System shall be made available for obligation in the same manner as if apportioned under chapter 1 of title 23, United States Code, except that: (1) the Federal share of the cost of any project carried out with those amounts shall be determined in accordance with section 14501 of title 40, United States Code; and (2) the amounts shall be available to construct highways and access roads under section 14501 of title 40, United States Code: *Provided further*, That, subject to the following two provisos, in consultation with the Appalachian Regional Commission, the funds made available under this paragraph in this Act for construction of the Appalachian Development Highway System shall be apportioned to Appalachian States according to the percentages derived from the 2021 Appalachian Development Highway System Cost-to-Complete Estimate, dated March 2021, and confirmed as each Appalachian State's relative share of the estimated remaining need to complete the Appalachian Development Highway System, adjusted to exclude those corridors that such States have no current plans to complete, as reported in the 2013 Appalachian Development Highway System Completion Report, unless those States have modified and assigned a higher priority for completion of an Appalachian Development Highway System corridor, as reported in the 2020 Appalachian Development Highway System Future Outlook: *Provided further*, That the Secretary shall adjust apportionments made under the third proviso in this paragraph in this Act so that no Appalachian State shall be apportioned an amount in excess of 30 percent of the amount made available for construction of the Appalachian Development Highway System under this heading: *Provided further*, That the Secretary shall adjust apportionments made under the third proviso in this paragraph in this Act so that: (1) each State shall be apportioned an amount not less than $10,000,000 for each of fiscal years 2022 through 2026; and (2) notwithstanding paragraph (1) of this proviso, a State shall not receive an apportionment that exceeds the remaining funds needed to complete the Appalachian development highway corridor or corridors in the State, as identified in the latest available cost to complete estimate for the system prepared by the Appalachian Regional Commission: *Provided further*, That the Federal share of the cost of any project carried out with

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funds made available under this paragraph in this Act shall be up to 100 percent, as determined by the State:
Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAM

For an additional amount for "Motor Carrier Safety Operations and Program", $50,000,000, to remain available until September 30, 2029, to carry out motor carrier safety operations and programs pursuant to section 31110 of title 49, United States Code, in addition to amounts otherwise provided for such purpose: *Provided*, That $10,000,000, to remain available until September 30, 2025, shall be made available for fiscal year 2022, $10,000,000, to remain available until September 30, 2026, shall be made available for fiscal year 2023, $10,000,000, to remain available until September 30, 2027, shall be made available for fiscal year 2024, $10,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2025, and $10,000,000, to remain available until September 30, 2029, shall be made available for fiscal year 2026: *Provided further*, That amounts made available under this heading in this Act shall be derived from the general fund of the Treasury, shall be in addition to any other amounts made available for such purpose, and shall not affect the distribution or amount of funds provided in any Act making annual appropriations: *Provided further*, That obligations of funds under this heading in this Act shall not be subject to any limitations on obligations provided in any Act making annual appropriations: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and pursuant to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MOTOR CARRIER SAFETY GRANTS

For an additional amount for "Motor Carrier Safety Grants", $622,500,000, to remain available until September 30, 2029, to carry out sections 31102, 31103, 31104, and 31313 of title 49, United States Code, in addition to amounts otherwise provided for such purpose: *Provided*, That $124,500,000, to remain available until September 30, 2025, shall be made available for fiscal year 2022, $124,500,000, to remain available until September 30, 2026, shall be made available for fiscal year 2023, $124,500,000, to remain available until September 30, 2027, shall be made available for fiscal year 2024, $124,500,000, to remain available until September 30, 2028, shall be made available for fiscal year 2025, and $124,500,000, to remain available until September 30, 2029, shall be made available for fiscal year 2026: *Provided further*, That, of the amounts provided under this heading in this Act, the following amounts shall be available for the following purposes in equal amounts for each of fiscal years 2022 through 2026—

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(1) up to $400,000,000 shall be for the motor carrier safety assistance program;

(2) up to $80,000,000 shall be for the commercial driver's license program implementation program;

(3) up to $132,500,000 shall be for the high priority activities program; and

(4) up to $10,000,000 shall be for commercial motor vehicle operators grants:

Provided further, That amounts made available under this heading in this Act shall be derived from the general fund of the Treasury, shall be in addition to any other amounts made available for such purpose, and shall not affect the distribution or amount of funds provided in any Act making annual appropriations: *Provided further*, That obligations of funds under this heading in this Act shall not be subject to any limitations on obligations provided in any Act making annual appropriations: *Provided further*, That up to 1.5 percent of the amounts made available under this heading in this Act in each fiscal year shall be for oversight and administration: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and pursuant to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

CRASH DATA

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Crash Data", $750,000,000, to remain available until September 30, 2029, to carry out section 24108 of division B of this Act: *Provided*, That $150,000,000, to remain available until September 30, 2025, shall be made available for fiscal year 2022, $150,000,000, to remain available until September 30, 2026, shall be made available for fiscal year 2023, $150,000,000, to remain available until September 30, 2027, shall be made available for fiscal year 2024, $150,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2025, and $150,000,000, to remain available until September 30, 2029, shall be made available for fiscal year 2026: *Provided further*, That up to 3 percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for salaries and expenses, administration, and oversight, and shall be transferred and merged with the appropriations under the heading "Operations and Research": *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the House and Senate Committees on Appropriations a funding allocation plan for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Transportation shall submit a funding allocation plan for funding that will be made available under this heading in the upcoming fiscal year: *Provided further*, That such amount

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is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and pursuant to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

VEHICLE SAFETY AND BEHAVIORAL RESEARCH PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Vehicle Safety and Behavioral Research Programs", $548,500,000, to remain available until September 30, 2029, to carry out the provisions of section 403 of title 23, United States Code, including behavioral research on Automated Systems and Advanced Driver Assistance Systems and improving consumer responses to safety recalls, and chapter 303 of title 49, United States Code, in addition to amounts otherwise provided for such purpose: *Provided*, That $109,700,000, to remain available until September 30, 2025, shall be made available for fiscal year 2022, $109,700,000, to remain available until September 30, 2026, shall be made available for fiscal year 2023, $109,700,000, to remain available until September 30, 2027, shall be made available for fiscal year 2024, $109,700,000, to remain available until September 30, 2028, shall be made available for fiscal year 2025, and $109,700,000 to remain available until September 30, 2029, shall be made available for fiscal year 2026: *Provided further*, That amounts made available under this heading in this Act shall be derived from the general fund of the Treasury: *Provided further*, That obligations of funds under this heading in this Act shall not be subject to any limitations on obligations provided in any Act making annual appropriations: *Provided further*, That of the amounts made available under this heading in this Act, up to $350,000,000 may be transferred to "Operations and Research" to carry out traffic and highway safety authorized under chapter 301 and part C of subtitle VI of title 49, United States Code: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the House and Senate Committees on Appropriations a funding allocation for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Transportation shall submit a funding allocation for funding that will be made available under this heading in the upcoming fiscal year: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and pursuant to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SUPPLEMENTAL HIGHWAY TRAFFIC SAFETY PROGRAMS

For an additional amount for "Supplemental Highway Traffic Safety Programs", $310,000,000, to remain available until September 30, 2029, to carry out sections 402 and 405 of title 23, United States Code, and section 24101(a)(5) of division B of this Act: *Provided*, That $62,000,000, to remain available until September 30, 2025, shall be made available for fiscal year 2022,

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$62,000,000, to remain available until September 30, 2026, shall be made available for fiscal year 2023, $62,000,000, to remain available until September 30, 2027, shall be made available for fiscal year 2024, $62,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2025, and $62,000,000 to remain available until September 30, 2029, shall be made available for fiscal year 2026: *Provided further*, That amounts made available under this heading in this Act shall be derived from the general fund of the Treasury: *Provided further*, That obligations of funds under this heading in this Act shall not be subject to any limitations on obligations provided in any Act making annual appropriations: *Provided further*, That, of the amounts provided under this heading in this Act, the following amounts shall be for the following purposes in equal amounts for each of fiscal years 2022 through 2026:

(1) $100,000,000 shall be for highway safety programs under section 402 of title 23, United States Code;

(2) $110,000,000 shall be for national priority safety programs under section 405 of title 23, United States Code; and

(3) $100,000,000 shall be for administrative expenses under section 24101(a)(5) of division B of this Act:

Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and pursuant to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL RAILROAD ADMINISTRATION

CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS

For an additional amount for "Consolidated Rail Infrastructure and Safety Improvements", $5,000,000,000, to remain available until expended, for competitive grants, as authorized under section 22907 of title 49, United States Code: *Provided*, That $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2022, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2023, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2024, $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $1,000,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That the Secretary may withhold up to 2 percent of the amounts provided under this heading in this Act in each fiscal year for the costs of award and project management oversight of grants carried out under section 22907 of title 49, United States Code: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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NORTHEAST CORRIDOR GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Northeast Corridor Grants to the National Railroad Passenger Corporation", $6,000,000,000, to remain available until expended, for activities associated with the Northeast Corridor, as authorized by section 22101(a) of division B of this Act: *Provided*, That $1,200,000,000, to remain available until expended, shall be made available for fiscal year 2022, $1,200,000,000, to remain available until expended, shall be made available for fiscal year 2023, $1,200,000,000, to remain available until expended, shall be made available for fiscal year 2024, $1,200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $1,200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That the amounts made available under this heading in this Act shall be made available for capital projects for the purpose of eliminating the backlog of obsolete assets and Amtrak's deferred maintenance backlog of rolling stock, facilities, stations, and infrastructure: *Provided further*, That amounts made available under this heading in this Act shall be made available for the following capital projects—

(1) acquiring new passenger rolling stock for the replacement of single-level passenger cars used in Amtrak's Northeast Corridor services, and associated rehabilitation, upgrade, and expansion of facilities used to maintain and store such equipment;

(2) bringing Amtrak-served stations to full compliance with the Americans with Disabilities Act;

(3) eliminating the backlog of deferred capital work on sole-benefit Amtrak-owned assets located on the Northeast Corridor; or

(4) carrying out Northeast Corridor capital renewal backlog projects:

Provided further, That not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the House and Senate Committees on Appropriations a detailed spend plan, including a list of project locations under the preceding proviso to be funded for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Transportation shall submit a detailed spend plan for that fiscal year, including a list of project locations under the third proviso: *Provided further*, That amounts made available under this heading in this Act shall be in addition to other amounts made available for such purposes, including to enable the Secretary of Transportation to make or amend existing grants to Amtrak for activities associated with the Northeast Corridor, as authorized by section 22101(a) of division B of this Act: *Provided further*, That amounts made available under this heading in this Act may be used by Amtrak to fund, in whole or in part, the capital costs of Northeast Corridor capital renewal backlog projects, including the costs of joint public transportation and intercity passenger rail capital projects, notwithstanding the limitations in section 24319(g) and section 24905(c) of title 49,

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United States Code: *Provided further*, That notwithstanding section 24911(f) of title 49, United States Code, amounts made available under this heading in this Act may be used as non-Federal share for Northeast Corridor projects selected for award under such section after the date of enactment of this Act: *Provided further*, That the Secretary may retain up to one half of 1 percent of the amounts made available under both this heading in this Act and the "National Network Grants to the National Railroad Passenger Corporation" heading in this Act to fund the costs of oversight of Amtrak, as authorized by section 22101(c) of division B of this Act: *Provided further*, That in addition to the oversight funds authorized under section 22101(c) of division B of this Act, the Secretary may retain up to $5,000,000 of the funds made available under this heading in this Act for each fiscal year for the Northeast Corridor Commission established under section 24905 of title 49, United States Code, to facilitate a coordinated and efficient delivery of projects carried out under this heading in this Act: *Provided further*, That amounts made available under this heading in this Act may be transferred to and merged with amounts made available under the heading "National Network Grants to the National Railroad Passenger Corporation" in this Act for the purposes authorized under that heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL NETWORK GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "National Network Grants to the National Railroad Passenger Corporation", $16,000,000,000, to remain available until expended, for activities associated with the National Network, as authorized by section 22101(b) of division B of this Act: *Provided*, That $3,200,000,000, to remain available until expended, shall be made available for fiscal year 2022, $3,200,000,000, to remain available until expended, shall be made available for fiscal year 2023, $3,200,000,000, to remain available until expended, shall be made available for fiscal year 2024, $3,200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $3,200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That amounts made available under this heading in this Act shall be made available for capital projects for the purpose of eliminating Amtrak's deferred maintenance backlog of rolling stock, facilities, stations and infrastructure, including—

(1) acquiring new passenger rolling stock to replace obsolete passenger equipment used in Amtrak's long-distance and state-supported services, and associated rehabilitation, upgrade, or expansion of facilities used to maintain and store such equipment;

(2) bringing Amtrak-served stations to full compliance with the Americans with Disabilities Act;

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(3) eliminating the backlog of deferred capital work on Amtrak-owned railroad assets not located on the Northeast Corridor; and

(4) projects to eliminate the backlog of obsolete assets associated with Amtrak's national rail passenger transportation system, such as systems for reservations, security, training centers, and technology:

Provided further, That not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the House and Senate Committees on Appropriations a detailed spend plan, including a list of project locations under the preceding proviso to be funded for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Transportation shall submit a detailed spend plan for that fiscal year, including a list of project locations under the third proviso: *Provided further*, That of the amounts made available under this heading in this Act, and in addition to amounts made available for similar purposes under this heading in prior Acts, Amtrak shall use such amounts as necessary for the replacement of single-level passenger cars and associated rehabilitation, upgrade, and expansion of facilities used to maintain and store such passenger cars, and such amounts shall be for its direct costs and in lieu of payments from States for such purposes, notwithstanding section 209 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432), as amended: *Provided further*, That amounts made available under this heading in this Act shall be in addition to other amounts made available for such purposes, including to enable the Secretary of Transportation to make or amend existing grants to Amtrak for activities associated with the National Network, as authorized by section 22101(b) of division B of this Act: *Provided further*, That in addition to the oversight funds authorized under section 22101(c) of division B of this Act, the Secretary may retain up to $3,000,000 of the funds made available under this heading in this Act for each fiscal year for the State-Supported Route Committee established under section 24712(a) of title 49, United States Code: *Provided further*, That of the funds made available under this heading in this Act, the Secretary may retain up to $3,000,000 for each fiscal year for interstate rail compact grants, as authorized by section 22910 of title 49, United States Code: *Provided further*, That of the funds made available under this heading in this Act, not less than $50,000,000 for each fiscal year shall be used to make grants, as authorized under section 22908 of title 49 United States Code consistent with the requirements of that section: *Provided further*, That of the amounts made available under this heading in this Act, such sums as are necessary, shall be available for purposes authorized in section 22214 of division B of this Act: *Provided further*, That amounts made available under this heading in this Act may be transferred to and merged with amounts made available under the heading "Northeast Corridor Grants to the National Railroad Passenger Corporation" in this Act for the purposes authorized under that heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year

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2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RAILROAD CROSSING ELIMINATION PROGRAM

For an additional amount for "Railroad Crossing Elimination Program", $3,000,000,000, to remain available until expended, for competitive grants, as authorized under section 22909 of title 49, United States Code: *Provided*, That $600,000,000, to remain available until expended, shall be made available for fiscal year 2022, $600,000,000, to remain available until expended, shall be made available for fiscal year 2023, $600,000,000, to remain available until expended, shall be made available for fiscal year 2024, $600,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $600,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That the Secretary may withhold up to 2 percent of the amounts provided under this heading in this Act for the costs of award and project management oversight of grants carried out under section 22909 of title 49, United States Code: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL-STATE PARTNERSHIP FOR INTERCITY PASSENGER RAIL GRANTS

For an additional amount for "Federal-State Partnership for Intercity Passenger Rail Grants", $36,000,000,000, to remain available until expended, for grants, as authorized section 24911 of title 49, United States Code: *Provided*, That $7,200,000,000, to remain available until expended, shall be made available for fiscal year 2022, $7,200,000,000, to remain available until expended, shall be made available for fiscal year 2023, $7,200,000,000, to remain available until expended, shall be made available for fiscal year 2024, $7,200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $7,200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That, notwithstanding subsection 24911(d)(3) of title 49, United States Code, not more than $24,000,000,000 of the amounts made available under this heading in this Act for fiscal years 2022 through 2026 shall be for projects for the Northeast Corridor: *Provided further*, That amounts made available under the heading "Northeast Corridor Grants to the National Railroad Passenger Corporation" in this Act may be used as non-Federal share for Northeast Corridor projects selected for award under section 24911 of title 49, United States Code, after the date of enactment of this Act, notwithstanding subsection 24911(f) of such title: *Provided further*, That the Secretary may withhold up to 2 percent of the amount provided under this heading in this Act in each fiscal year for the costs of award and project management oversight of grants carried out under section 24911 of title 49, United States Code: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018,

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and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 802. Amounts made available to the Secretary of Transportation or to the Federal Railroad Administration in this title in this Act for the costs of award, administration, and project management oversight of financial assistance under the programs that are administered by the Federal Railroad Administration may be transferred to a "Financial Assistance Oversight and Technical Assistance" account, to remain available until expended, for the necessary expenses to support the award, administration, project management oversight, and technical assistance of programs administered by the Federal Railroad Administration under this Act: *Provided*, That one-quarter of one percent of the amounts transferred pursuant to the authority in this section in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That one-quarter of one percent of the amounts transferred pursuant to the authority in this section in each of fiscal years 2022 through 2026 shall be transferred to the National Railroad Passenger Corporation Office of Inspector General for oversight of funding provided to the National Railroad Passenger Corporation in this title in this Act.

FEDERAL TRANSIT ADMINISTRATION

TRANSIT INFRASTRUCTURE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Transit Infrastructure Grants", $10,250,000,000, to remain available until expended: *Provided*, That $2,050,000,000, to remain available until expended, shall be made available for fiscal year 2022, $2,050,000,000, to remain available until expended, shall be made available for fiscal year 2023, $2,050,000,000, to remain available until expended, shall be made available for fiscal year 2024, $2,050,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $2,050,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That the funds made available under this heading in this Act shall be derived from the general fund of the Treasury, shall be in addition to any other amounts made available for such purpose, and shall not affect the distribution of funds provided in any Act making annual appropriations: *Provided further*, That the funds made available under this heading in this Act shall not be subject to any limitation on obligations for the Federal Public Transportation Assistance Program set forth in any Act making annual appropriations: *Provided further*, That, of the amount provided under this heading in this Act, the following amounts shall be for the following purposes in equal amounts for each of fiscal years 2022 through 2026—

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(1) $4,750,000,000 shall be to carry out the state of good repair grants under section 5337(c) and (d) of title 49, United States Code;

(2) $5,250,000,000 shall be to carry out the low or no emission grants under section 5339(c) of title 49, United States Code; and

(3) $250,000,000 shall be to carry out the formula grants for the enhanced mobility of seniors and individuals with disabilities as authorized under section 5310 of title 49, United States Code:

Provided further, That not more than two percent of the funds made available under this heading in this Act shall be available for administrative and oversight expenses as authorized under section 5334 and section 5338(c) of title 49, United States Code, and shall be in addition to any other appropriations for such purpose: *Provided further*, That one-half of one percent of the amounts in the preceding proviso shall be transferred to the Office of Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Capital Investment Grants", $8,000,000,000, to remain available until expended: *Provided*, That $1,600,000,000, to remain available until expended, shall be made available for fiscal year 2022, $1,600,000,000, to remain available until expended, shall be made available for fiscal year 2023, $1,600,000,000, to remain available until expended, shall be made available for fiscal year 2024, $1,600,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $1,600,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That not more than 55 percent of the funds made available under this heading in this Act in each fiscal year may be available for projects authorized under section 5309(d) of title 49, United States Code: *Provided further*, That not more than 20 percent of the funds made available under this heading in this Act in each fiscal year may be available for projects authorized under section 5309(e) of title 49, United States Code: *Provided further*, That not more than 15 percent of the funds made available under this heading in this Act in each fiscal year may be available for projects authorized under section 5309(h) of title 49, United States Code: *Provided further*, That not more than 10 percent of the funds made available under this heading in this Act in each fiscal year may be available for projects authorized under section 3005(b) of the Fixing America's Surface Transportation Act: *Provided further*, That the Secretary may adjust the percentage limitations in any of the preceding four provisos by up to 5 percent in each fiscal year for which funds are made available under this heading in this Act only

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when there are unobligated carry over balances from funds provided for section 5309(d), section 5309(e), or section 5309(h) of title 49, United States Code, or section 3005(b) of the Fixing America's Transportation Act that are equal to or greater than amounts provided under this heading in this Act: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Transportation shall submit a list of potential projects eligible for the funds made available under this heading in this Act for that fiscal year, including project locations and proposed funding amounts consistent with the projects Full Funding Grant Agreement annual funding profile where applicable: *Provided further*, That funds allocated to any project during fiscal years 2015 or 2017 pursuant to section 5309 of title 49, United States Code, shall remain allocated to that project through fiscal year 2023: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ALL STATIONS ACCESSIBILITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "All Stations Accessibility Program", $1,750,000,000, to remain available until expended, for the Secretary of Transportation to make competitive grants to assist eligible entities in financing capital projects to upgrade the accessibility of legacy rail fixed guideway public transportation systems for persons with disabilities, including those who use wheelchairs, by increasing the number of existing (as of the date of enactment of this Act) stations or facilities for passenger use that meet or exceed the new construction standards of title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.): *Provided*, That $350,000,000, to remain available until expended, shall be made available for fiscal year 2022, $350,000,000, to remain available until expended, shall be made available for fiscal year 2023, $350,000,000, to remain available until expended, shall be made available for fiscal year 2024, $350,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $350,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That the funds made available under this heading in this Act shall be derived from the general fund of the Treasury: *Provided further*, That eligible entities under this heading in this Act shall include a State or local government authority: *Provided further*, That an eligible entity may use a grant awarded under this heading in this Act: (1) for a project to repair, improve, modify, retrofit, or relocate infrastructure of stations or facilities for passenger use, including load-bearing members that are an essential part of the structural frame; or (2) to develop or modify a plan for pursuing public transportation accessibility projects, assessments of accessibility, or assessments of planned modifications to stations or facilities for passenger use: *Provided further*, That eligible entities are

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encouraged to consult with appropriate stakeholders and the surrounding community to ensure accessibility for individuals with disabilities, including accessibility for individuals with physical disabilities, including those who use wheelchairs, accessibility for individuals with sensory disabilities, and accessibility for individuals with intellectual or developmental disabilities: *Provided further*, That all projects shall at least meet the new construction standards of title II of the Americans with Disabilities Act of 1990: *Provided further*, That eligible costs for a project funded with a grant awarded under this heading in this Act shall be limited to the costs associated with carrying out the purpose described in the preceding proviso: *Provided further*, That an eligible entity may not use a grant awarded under this heading in this Act to upgrade a station or facility for passenger use that is accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, consistent with current (as of the date of the upgrade) new construction standards under title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.): *Provided further*, That a grant for a project made with amounts made available under this heading in this Act shall be for 80 percent of the net project cost: *Provided further*, That the total Federal financial assistance available under chapter 53 of title 49, United States Code, for an eligible entity that receives a grant awarded under this heading in this Act may not exceed 80 percent: *Provided further*, That the recipient of a grant made with amounts made available under this heading in this Act may provide additional local matching amounts: *Provided further*, That not more than two percent of the funds made available under this heading in this Act shall be available for administrative and oversight expenses as authorized under section 5334 and section 5338(c) of title 49, United States Code, and shall be in addition to any other appropriations for such purpose: *Provided further*, That one-half of one percent of the of the amounts in the preceding proviso shall be transferred to the Office of Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ELECTRIC OR LOW-EMITTING FERRY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For competitive grants for electric or low-emitting ferry pilot program grants as authorized under section 71102 of division G of this Act, $250,000,000, to remain available until expended: *Provided*, That $50,000,000, to remain available until expended, shall be made available for fiscal year 2022, $50,000,000, to remain available until expended, shall be made available for fiscal year 2023, $50,000,000, to remain available until expended, shall be made available for fiscal year 2024, $50,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $50,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That amounts made

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available under this heading in this Act shall be derived from the general fund of the Treasury: *Provided further*, That the amounts made available under this heading in this Act shall not be subject to any limitation on obligations for transit programs set forth in any Act making annual appropriations: *Provided further*, That not more than two percent of the funds made available under this heading in this Act shall be available for administrative and oversight expenses as authorized under section 5334 and section 5338(c) of title 49, United States Code, and shall be in addition to any other appropriations for such purpose: *Provided further*, That one-half of one percent of the of the amounts in the preceding proviso shall be transferred to the Office of Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FERRY SERVICE FOR RURAL COMMUNITIES

(INCLUDING TRANSFER OF FUNDS)

For competitive grants to States for eligible essential ferry service as authorized under section 71103 of division G of this Act, $1,000,000,000, to remain available until expended: *Provided*, That $200,000,000, to remain available until expended, shall be made available for fiscal year 2022, $200,000,000, to remain available until expended, shall be made available for fiscal year 2023, $200,000,000, to remain available until expended, shall be made available for fiscal year 2024, $200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and $200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That amounts made available under this heading in this Act shall be derived from the general fund of the Treasury: *Provided further*, That amounts made available under this heading in this Act shall not be subject to any limitation on obligations for the Federal Public Transportation Assistance Program set forth in any Act making annual appropriations: *Provided further*, That not more than two percent of the funds made available under this heading in this Act shall be available for administrative and oversight expenses as authorized under section 5334 and section 5338(c) of title 49, United States Code, and shall be in addition to any other appropriations for such purpose: *Provided further*, That one-half of one percent of the amounts in the preceding proviso shall be transferred to the Office of Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

For an additional amount for "Operations and Training", $25,000,000, to remain available until September 30, 2032, for the America's Marine Highway Program to make grants for the purposes authorized under sections 55601(b)(1) and (3) of title 46, United States Code: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

For an additional amount for "Port Infrastructure Development Program", $2,250,000,000, to remain available until September 30, 2036: *Provided*, That $450,000,000, to remain available until September 30, 2032, shall be made available for fiscal year 2022, $450,000,000, to remain available until September 30, 2033, shall be made available for fiscal year 2023, $450,000,000, to remain available until September 30, 2034, shall be made available for fiscal year 2024, $450,000,000, to remain available until September 30, 2035, shall be made available for fiscal year 2025, and $450,000,000, to remain available until September 30, 2036, shall be made available for fiscal year 2026: *Provided further*, That for the purposes of amounts made available under this heading in this Act and in prior Acts, and in addition to projects already eligible for awards under this heading, eligible projects, as defined under section 50302(c)(3) of title 46, United States Code, shall also include projects that improve the resiliency of ports to address sea-level rise, flooding, extreme weather events, earthquakes, and tsunami inundation, as well as projects that reduce or eliminate port-related criteria pollutant or greenhouse gas emissions, including projects for—

(1) Port electrification or electrification master planning;
(2) Harbor craft or equipment replacements/retrofits;
(3) Development of port or terminal micro-grids;
(4) Providing idling reduction infrastructure;
(5) Purchase of cargo handling equipment and related infrastructure;
(6) Worker training to support electrification technology;
(7) Installation of port bunkering facilities from ocean-going vessels for fuels;
(8) Electric vehicle charge or hydrogen refueling infrastructure for drayage, and medium or heavy duty trucks and locomotives that service the port and related grid upgrades; or
(9) Other related to port activities including charging infrastructure, electric rubber-tired gantry cranes, and anti-idling technologies:

Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

NATURAL GAS DISTRIBUTION INFRASTRUCTURE SAFETY AND MODERNIZATION GRANT PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Natural Gas Distribution Infrastructure Safety and Modernization Grant Program", $1,000,000,000, to remain available until expended for the Secretary of Transportation to make competitive grants for the modernization of natural gas distribution pipelines: *Provided*, That $200,000,000, to remain available until September 30, 2032, shall be made available for fiscal year 2022, $200,000,000, to remain available until September 30, 2033, shall be made available for fiscal year 2023, $200,000,000, to remain available until September 30, 2034, shall be made available for fiscal year 2024, $200,000,000, to remain available until September 30, 2035, shall be made available for fiscal year 2025, and $200,000,000, to remain available until September 30, 2036, shall be made available for fiscal year 2026: *Provided further*, That grants from funds made available under this heading in this Act shall be available to a municipality or community owned utility (not including for-profit entities) to repair, rehabilitate, or replace its natural gas distribution pipeline system or portions thereof or to acquire equipment to (1) reduce incidents and fatalities and (2) avoid economic losses: *Provided further*, That in making grants from funds made available under this heading in this Act, the Secretary shall establish procedures for awarding grants that take into consideration the following: (1) the risk profile of the existing pipeline system operated by the applicant, including the presence of pipe prone to leakage; (2) the potential of the project for creating jobs; (3) the potential for benefiting disadvantaged rural and urban communities; and (4) economic impact or growth: *Provided further*, That the Secretary shall not award more than 12.5 percent of the funds available under this heading to a single municipality or community-owned utility: *Provided further*, That the Secretary shall issue a notice of funding opportunity not later than 180 days after each date upon which funds are made available under the first proviso: *Provided further*, That the Secretary shall make awards not later than 270 days after issuing the notices of funding opportunity required under the preceding proviso: *Provided further*, That not more than 2 percent of the amounts made available in each fiscal year shall be available to pay the administrative costs of carrying out the grant program under this heading in this Act: *Provided further*, That one-half of one percent of the amounts transferred pursuant to the authority in this section in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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GENERAL PROVISION—DEPARTMENT OF TRANSPORTATION

SEC. 803. Any funds transferred to the Office of Inspector General of the Department of Transportation from amounts made available in this division in this Act shall remain available until expended.

TITLE IX—GENERAL PROVISIONS—THIS DIVISION

SEC. 901. Each amount appropriated or made available by this division is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 902. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 903. Unless otherwise provided for by this division, the additional amounts appropriated by this division to appropriations accounts for a fiscal year shall be available under the authorities and conditions applicable to such appropriations accounts for that fiscal year.

SEC. 904. Any amount appropriated by this division, designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, and transferred pursuant to transfer authorities provided by this division shall retain such designation.

BUDGETARY EFFECTS

SEC. 905. (a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division and amounts rescinded in section 90007 of division I that were previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this division and amounts rescinded in section 90007 of division I that were previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(7) and (c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division and amounts rescinded in section 90007 of division I that were previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be estimated for purposes of section 251 of such Act and as appropriations for discretionary accounts for purposes of the allocation to the Committee on Appropriations pursuant to section 302(a) of the Congressional Budget Act of 1974

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and section 4112 of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

This division may be cited as the "Infrastructure Investments and Jobs Appropriations Act".

DIVISION K—MINORITY BUSINESS DEVELOPMENT

SEC. 100001. SHORT TITLE.

This division may be cited as the "Minority Business Development Act of 2021".

SEC. 100002. DEFINITIONS.

In this division:

(1) AGENCY.—The term "Agency" means the Minority Business Development Agency of the Department of Commerce.

(2) COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) ELIGIBLE ENTITY.—Except as otherwise expressly provided, the term "eligible entity"—

(A) means—

(i) a private sector entity;

(ii) a public sector entity; or

(iii) a Native entity; and

(B) includes an institution of higher education.

(4) FEDERAL AGENCY.—The term "Federal agency" has the meaning given the term "agency" in section 551 of title 5, United States Code.

(5) FEDERALLY RECOGNIZED AREA OF ECONOMIC DISTRESS.—The term "federally recognized area of economic distress" means—

(A) a HUBZone, as that term is defined in section 31(b) of the Small Business Act (15 U.S.C. 657a(b));

(B) an area that—

(i) has been designated as—

(I) an empowerment zone under section 1391 of the Internal Revenue Code of 1986; or

(II) a Promise Zone by the Secretary of Housing and Urban Development; or

(ii) is a low or moderate income area, as determined by the Department of Housing and Urban Development;

(C) a qualified opportunity zone, as that term is defined in section 1400Z–1 of the Internal Revenue Code of 1986; or

(D) any other political subdivision or unincorporated area of a State determined by the Under Secretary to be an area of economic distress.

(6) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(7) MBDA BUSINESS CENTER.—The term "MBDA Business Center" means a business center that—

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(A) is established by the Agency; and

(B) provides technical business assistance to minority business enterprises consistent with the requirements of this division.

(8) MBDA BUSINESS CENTER AGREEMENT.—The term "MBDA Business Center agreement" means a legal instrument—

(A) reflecting a relationship between the Agency and the recipient of a Federal assistance award that is the subject of the instrument; and

(B) that establishes the terms by which the recipient described in subparagraph (A) shall operate an MBDA Business Center.

(9) MINORITY BUSINESS ENTERPRISE.—

(A) IN GENERAL.—The term "minority business enterprise" means a business enterprise—

(i) that is not less than 51 percent-owned by 1 or more socially or economically disadvantaged individuals; and

(ii) the management and daily business operations of which are controlled by 1 or more socially or economically disadvantaged individuals.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) may be construed to exclude a business enterprise from qualifying as a "minority business enterprise" under that subparagraph because of—

(i) the status of the business enterprise as a for-profit or not-for-profit enterprise; or

(ii) the annual revenue of the business enterprise.

(10) NATIVE ENTITY.—The term "Native entity" means—

(A) a Tribal Government;

(B) an Alaska Native village or Regional or Village Corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(C) a Native Hawaiian organization, as that term is defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517);

(D) the Department of Hawaiian Home Lands; and

(E) the Office of Hawaiian Affairs.

(11) PRIVATE SECTOR ENTITY.—The term "private sector entity"—

(A) means an entity that is not a public sector entity; and

(B) does not include—

(i) the Federal Government;

(ii) any Federal agency; or

(iii) any instrumentality of the Federal Government.

(12) PUBLIC SECTOR ENTITY.—The term "public sector entity" means—

(A) a State;

(B) an agency of a State;

(C) a political subdivision of a State;

(D) an agency of a political subdivision of a State; or

(E) a Native entity.

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(13) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(14) SOCIALLY OR ECONOMICALLY DISADVANTAGED BUSINESS CONCERN.—The term "socially or economically disadvantaged business concern" means a for-profit business enterprise—

(A)(i) that is not less than 51 percent owned by 1 or more socially or economically disadvantaged individuals; or

(ii) that is socially or economically disadvantaged; or

(B) the management and daily business operations of which are controlled by 1 or more socially or economically disadvantaged individuals.

(15) SOCIALLY OR ECONOMICALLY DISADVANTAGED INDIVIDUAL.—

(A) IN GENERAL.—The term "socially or economically disadvantaged individual" means an individual who has been subjected to racial or ethnic prejudice or cultural bias (or the ability of whom to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities, as compared to others in the same line of business and competitive market area) because of the identity of the individual as a member of a group, without regard to any individual quality of the individual that is unrelated to that identity.

(B) PRESUMPTION.—In carrying out this division, the Under Secretary shall presume that the term "socially or economically disadvantaged individual" includes any individual who is—

(i) Black or African American;

(ii) Hispanic or Latino;

(iii) American Indian or Alaska Native;

(iv) Asian;

(v) Native Hawaiian or other Pacific Islander; or

(vi) a member of a group that the Agency determines under part 1400 of title 15, Code of Federal Regulations, as in effect on November 23, 1984, is a socially disadvantaged group eligible to receive assistance.

(16) SPECIALTY CENTER.—The term "specialty center" means an MBDA 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 Agency.

(17) STATE.—The term "State" means—

(A) each of the States of the United States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) the United States Virgin Islands;

(E) Guam;

(F) American Samoa;

(G) the Commonwealth of the Northern Mariana Islands; and

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(H) each Tribal Government.

(18) TRIBAL GOVERNMENT.—The term "Tribal Government" means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this division pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(19) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Commerce for Minority Business Development, who is appointed as described in section _____3(b) to administer this division.

SEC. 100003. MINORITY BUSINESS DEVELOPMENT AGENCY.

(a) IN GENERAL.—There is within the Department of Commerce the Minority Business Development Agency.

(b) UNDER SECRETARY.—

(1) APPOINTMENT AND DUTIES.—The Agency shall be headed by the Under Secretary of Commerce for Minority Business Development, who shall—

(A) be appointed by the President, by and with the advice and consent of the Senate;

(B) except as otherwise expressly provided, be responsible for the administration of this division; and

(C) report directly to the Secretary.

(2) COMPENSATION.—

(A) IN GENERAL.—The Under Secretary shall be compensated at an annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(B) TECHNICAL AND CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by striking "and Under Secretary of Commerce for Travel and Tourism" and inserting "Under Secretary of Commerce for Travel and Tourism, and Under Secretary of Commerce for Minority Business Development".

(3) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Director of the Agency shall be deemed to be a reference to the Under Secretary.

(c) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes—

(1) the organizational structure of the Agency;

(2) the organizational position of the Agency within the Department of Commerce; and

(3) a description of how the Agency shall function in relation to the operations carried out by each other component of the Department of Commerce.

(d) OFFICE OF BUSINESS CENTERS.—

(1) ESTABLISHMENT.—There is established within the Agency the Office of Business Centers.

(2) DIRECTOR.—The Office of Business Centers shall be administered by a Director, who shall be appointed by the Under Secretary.

(e) OFFICES OF THE AGENCY.—

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(1) IN GENERAL.—In addition to the regional offices that the Under Secretary is required to establish under paragraph (2), the Under Secretary shall establish such other offices within the Agency as are necessary to carry out this division.

(2) REGIONAL OFFICES.—

(A) IN GENERAL.—In order to carry out this division, the Under Secretary shall establish a regional office of the Agency for each of the regions of the United States, as determined by the Under Secretary.

(B) DUTIES.—Each regional office established under subparagraph (A) shall expand the reach of the Agency and enable the Federal Government to better serve the needs of minority business enterprises in the region served by the office, including by—

(i) understanding and participating in the business environment of that region;

(ii) working with—

(I) MBDA Business Centers that are located in that region;

(II) resource and lending partners of other appropriate Federal agencies that are located in that region; and

(III) Federal, State, and local procurement offices that are located in that region;

(iii) being aware of business retention or expansion programs that are specific to that region;

(iv) seeking out opportunities to collaborate with regional public and private programs that focus on minority business enterprises; and

(v) promoting business continuity and preparedness.

TITLE I—EXISTING INITIATIVES

Subtitle A—Market Development, Research, and Information

SEC. 100101. PRIVATE SECTOR DEVELOPMENT.

The Under Secretary shall, whenever the Under Secretary determines such action is necessary or appropriate—

(1) provide Federal assistance to minority business enterprises operating in domestic and foreign markets by making available to those business enterprises, either directly or in cooperation with private sector entities, including community-based organizations and national nonprofit organizations—

(A) resources relating to management;

(B) technological and technical assistance;

(C) financial, legal, and marketing services; and

(D) services relating to workforce development;

(2) encourage minority business enterprises to establish joint ventures and projects—

(A) with other minority business enterprises; or

(B) in cooperation with public sector entities or private sector entities, including community-based organizations and national nonprofit organizations, to increase the share

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of any market activity being performed by minority business enterprises; and

(3) facilitate the efforts of private sector entities and Federal agencies to advance the growth of minority business enterprises.

SEC. 100102. PUBLIC SECTOR DEVELOPMENT.

The Under Secretary shall, whenever the Under Secretary determines such action is necessary or appropriate—

(1) consult and cooperate with public sector entities for the purpose of leveraging resources available in the jurisdictions of those public sector entities to promote the position of minority business enterprises in the local economies of those public sector entities, including by assisting public sector entities to establish or enhance—

(A) programs to procure goods and services through minority business enterprises and goals for that procurement;

(B) programs offering assistance relating to—

(i) management;

(ii) technology;

(iii) law;

(iv) financing, including accounting;

(v) marketing; and

(vi) workforce development; and

(C) informational programs designed to inform minority business enterprises located in the jurisdictions of those public sector entities about the availability of programs described in this section;

(2) meet with leaders and officials of public sector entities for the purpose of recommending and promoting local administrative and legislative initiatives needed to advance the position of minority business enterprises in the local economies of those public sector entities; and

(3) facilitate the efforts of public sector entities and Federal agencies to advance the growth of minority business enterprises.

SEC. 100103. RESEARCH AND INFORMATION.

(a) IN GENERAL.—In order to achieve the purposes of this division, the Under Secretary—

(1) shall—

(A) collect and analyze data, including data relating to the causes of the success or failure of minority business enterprises;

(B) conduct research, studies, and surveys of—

(i) economic conditions generally in the United States; and

(ii) how the conditions described in clause (i) particularly affect the development of minority business enterprises; and

(C) provide outreach, educational services, and technical assistance in, at a minimum, the 5 most commonly spoken languages in the United States to ensure that limited English proficient individuals receive culturally and linguistically appropriate access to the services and information provided by the Agency; and

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(2) may perform an evaluation of programs carried out by the Under Secretary that are designed to assist the development of minority business enterprises.

(b) INFORMATION CLEARINGHOUSE.—The Under Secretary shall—

(1) establish and maintain an information clearinghouse for the collection and dissemination to relevant parties (including business owners and researchers) of demographic, economic, financial, managerial, and technical data relating to minority business enterprises; and

(2) take such steps as the Under Secretary may determine to be necessary and desirable to—

(A) search for, collect, classify, coordinate, integrate, record, and catalog the data described in paragraph (1); and

(B) in a manner that is consistent with section 552a of title 5, United States Code, protect the privacy of the minority business enterprises to which the data described in paragraph (1) relates.

Subtitle B—Minority Business Development Agency Business Center Program

SEC. 100111. DEFINITION.

In this subtitle, the term "MBDA Business Center Program" means the program established under section _____113.

SEC. 100112. PURPOSE.

The purpose of the MBDA Business Center Program shall be to create a national network of public-private partnerships that—

(1) assist minority business enterprises in—

(A) accessing capital, contracts, and grants; and

(B) creating and maintaining jobs;

(2) provide counseling and mentoring to minority business enterprises; and

(3) facilitate the growth of minority business enterprises by promoting trade.

SEC. 100113. ESTABLISHMENT.

(a) IN GENERAL.—There is established in the Agency a program—

(1) that shall be known as the MBDA Business Center Program;

(2) that shall be separate and distinct from the efforts of the Under Secretary under section _____101; and

(3) under which the Under Secretary shall make Federal assistance awards to eligible entities to operate MBDA Business Centers, which shall, in accordance with section _____114, provide technical assistance and business development services, or specialty services, to minority business enterprises.

(b) COVERAGE.—The Under Secretary shall take all necessary actions to ensure that the MBDA Business Center Program, in accordance with section _____114, offers the services described in subsection (a)(3) in all regions of the United States.

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SEC. 100114. GRANTS AND COOPERATIVE AGREEMENTS.

(a) REQUIREMENTS.—An MBDA Business Center (referred to in this subtitle as a "Center"), with respect to the Federal financial assistance award made to operate the Center under the MBDA Business Center Program—

(1) shall—

(A) provide to minority business enterprises programs and services determined to be appropriate by the Under Secretary, which may include—

(i) referral services to meet the needs of minority business enterprises; and

(ii) programs and services to accomplish the goals described in section _____101(1);

(B) develop, cultivate, and maintain a network of strategic partnerships with organizations that foster access by minority business enterprises to economic markets, capital, or contracts;

(C) continue to upgrade and modify the services provided by the Center, as necessary, in order to meet the changing and evolving needs of the business community;

(D) establish or continue a referral relationship with not less than 1 community-based organization; and

(E) collaborate with other Centers; and

(2) in providing programs and services under the applicable MBDA Business Center agreement, may—

(A) operate on a fee-for-service basis; or

(B) generate income through the collection of—

(i) client fees;

(ii) membership fees; and

(iii) any other appropriate fees proposed by the Center in the application submitted by the Center under subsection (e).

(b) TERM.—Subject to subsection (g)(3), the term of an MBDA Business Center agreement shall be not less than 3 years.

(c) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The amount of financial assistance provided by the Under Secretary under an MBDA Business Center agreement shall be not less than $250,000 for the term of the agreement.

(2) MATCHING REQUIREMENT.—

(A) IN GENERAL.—A Center shall match not less than ⅓ of the amount of the financial assistance awarded to the Center under the terms of the applicable MBDA Business Center agreement, unless the Under Secretary determines that a waiver of that requirement is necessary after a demonstration by the Center of a substantial need for that waiver.

(B) FORM OF FUNDS.—A Center may meet the matching requirement under subparagraph (A) by using—

(i) cash or in-kind contributions, without regard to whether the contribution is made by a third party; or

(ii) Federal funds received from other Federal programs.

(3) USE OF FINANCIAL ASSISTANCE AND PROGRAM INCOME.—A Center shall use—

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(A) all financial assistance awarded to the Center under the applicable MBDA Business Center agreement to carry out subsection (a); and

(B) all income that the Center generates in carrying out subsection (a)—

(i) to meet the matching requirement under paragraph (2) of this subsection; and

(ii) if the Center meets the matching requirement under paragraph (2) of this subsection, to carry out subsection (a).

(d) CRITERIA FOR SELECTION.—The Under Secretary shall—

(1) establish criteria that—

(A) the Under Secretary shall use in determining whether to enter into an MBDA Business Center agreement with an eligible entity; and

(B) may include criteria relating to whether an eligible entity is located in—

(i) an area, the population of which is composed of not less than 51 percent socially or economically disadvantaged individuals, as determined in accordance with data collected by the Bureau of the Census;

(ii) a federally recognized area of economic distress; or

(iii) a State that is underserved with respect to the MBDA Business Center Program, as defined by the Under Secretary; and

(2) make the criteria and standards established under paragraph (1) publicly available, including—

(A) on the website of the Agency; and

(B) in each Notice of Funding Opportunity soliciting MBDA Business Center agreements.

(e) APPLICATIONS.—An eligible entity desiring to enter into an MBDA Business Center agreement shall submit to the Under Secretary an application that includes—

(1) a statement of—

(A) how the eligible entity will carry out subsection (a); and

(B) any experience or plans of the eligible entity with respect to—

(i) assisting minority business enterprises to—

(I) obtain—

(aa) large-scale contracts, grants, or procurements;

(bb) financing; or

(cc) legal assistance;

(II) access established supply chains; and

(III) engage in—

(aa) joint ventures, teaming arrangements, and mergers and acquisitions; or

(bb) large-scale transactions in global markets;

(ii) supporting minority business enterprises in increasing the size of the workforces of those enterprises, including, with respect to a minority business enterprise that does not have employees, aiding the minority business enterprise in becoming an enterprise that has employees; and

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(iii) advocating for minority business enterprises; and

(2) the budget and corresponding budget narrative that the eligible entity will use in carrying out subsection (a) during the term of the applicable MBDA Business Center agreement.

(f) NOTIFICATION.—If the Under Secretary grants an application of an eligible entity submitted under subsection (e), the Under Secretary shall notify the eligible entity that the application has been granted not later than 150 days after the last day on which an application may be submitted under that subsection.

(g) PROGRAM EXAMINATION; ACCREDITATION; EXTENSIONS.—

(1) EXAMINATION.—Not later than 180 days after the date of enactment of this Act, and biennially thereafter, the Under Secretary shall conduct a programmatic financial examination of each Center.

(2) ACCREDITATION.—The Under Secretary may provide financial support, by contract or otherwise, to an association, not less than 51 percent of the members of which are Centers, to—

(A) pursue matters of common concern with respect to Centers; and

(B) develop an accreditation program with respect to Centers.

(3) EXTENSIONS.—

(A) IN GENERAL.—The Under Secretary may extend the term under subsection (b) of an MBDA Business Center agreement to which a Center is a party, if the Center consents to the extension.

(B) FINANCIAL ASSISTANCE.—If the Under Secretary extends the term of an MBDA Business Center agreement under paragraph (1), the Under Secretary shall, in the same manner and amount in which financial assistance was provided during the initial term of the agreement, provide financial assistance under the agreement during the extended term of the agreement.

(h) MBDA INVOLVEMENT.—The Under Secretary may take actions to ensure that the Agency is substantially involved in the activities of Centers in carrying out subsection (a), including by—

(1) providing to each Center training relating to the MBDA Business Center Program;

(2) requiring that the operator and staff of each Center—

(A) attend—

(i) a conference with the Agency to establish the services and programs that the Center will provide in carrying out the requirements before the date on which the Center begins providing those services and programs; and

(ii) training provided under paragraph (1);

(B) receive necessary guidance relating to carrying out the requirements under subsection (a); and

(C) work in coordination and collaboration with the Under Secretary to carry out the MBDA Business Center Program and other programs of the Agency;

(3) facilitating connections between Centers and—

(A) Federal agencies other than the Agency, as appropriate; and

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(B) other institutions or entities that use Federal resources, such as—

(i) small business development centers, as that term is defined in section 3(t) of the Small Business Act (15 U.S.C. 632(t));

(ii) women's business centers described in section 29 of the Small Business Act (15 U.S.C. 656);

(iii) eligible entities, as that term is defined in section 2411 of title 10, United States Code, that provide services under the program carried out under chapter 142 of that title; and

(iv) entities participating in the Hollings Manufacturing Extension Partnership Program established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k);

(4) monitoring projects carried out by each Center; and

(5) establishing and enforcing administrative and reporting requirements for each Center to carry out subsection (a).

(i) REGULATIONS.—The Under Secretary shall issue and publish regulations that establish minimum standards regarding verification of minority business enterprise status for clients of entities operating under the MBDA Business Center Program.

SEC. 100115. MINIMIZING DISRUPTIONS TO EXISTING MBDA BUSINESS CENTER PROGRAM.

The Under Secretary shall ensure that each Federal assistance award made under the Business Centers program of the Agency, as is in effect on the day before the date of enactment of this Act, is carried out in a manner that, to the greatest extent practicable, prevents disruption of any activity carried out under that award.

SEC. 100116. PUBLICITY.

In carrying out the MBDA Business Center Program, the Under Secretary shall widely publicize the MBDA Business Center Program, including—

(1) on the website of the Agency;

(2) via social media outlets; and

(3) by sharing information relating to the MBDA Business Center Program with community-based organizations, including interpretation groups where necessary, to communicate in the most common languages spoken by the groups served by those organizations.

TITLE II—NEW INITIATIVES TO PROMOTE ECONOMIC RESILIENCY FOR MINORITY BUSINESSES

SEC. 100201. ANNUAL DIVERSE BUSINESS FORUM ON CAPITAL FORMATION.

(a) RESPONSIBILITY OF AGENCY.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Under Secretary shall conduct a Government-business forum to review the current status of problems and programs relating to capital formation by minority business enterprises.

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(b) PARTICIPATION IN FORUM PLANNING.—The Under Secretary shall invite the heads of other Federal agencies, such as the Chairman of the Securities and Exchange Commission, the Secretary of the Treasury, and the Chairman of the Board of Governors of the Federal Reserve System, organizations representing State securities commissioners, representatives of leading minority chambers of commerce, not less than 1 certified owner of a minority business enterprise, business organizations, and professional organizations concerned with capital formation to participate in the planning of each forum conducted under subsection (a).

(c) PREPARATION OF STATEMENTS AND REPORTS.—

(1) REQUESTS.—The Under Secretary may request that any head of a Federal agency, department, or organization, including those described in subsection (b), or any other group or individual, prepare a statement or report to be delivered at any forum conducted under subsection (a).

(2) COOPERATION.—Any head of a Federal agency, department, or organization who receives a request under paragraph (1) shall, to the greatest extent practicable, cooperate with the Under Secretary to fulfill that request.

(d) TRANSMITTAL OF PROCEEDINGS AND FINDINGS.—The Under Secretary shall—

(1) prepare a summary of the proceedings of each forum conducted under subsection (a), which shall include the findings and recommendations of the forum; and

(2) transmit the summary described in paragraph (1) with respect to each forum conducted under subsection (a) to—

(A) the participants in the forum;

(B) Congress; and

(C) the public, through a publicly available website.

(e) REVIEW OF FINDINGS AND RECOMMENDATIONS; PUBLIC STATEMENTS.—

(1) IN GENERAL.—A Federal agency to which a finding or recommendation described in subsection (d)(1) relates shall—

(A) review that finding or recommendation; and

(B) promptly after the finding or recommendation is transmitted under subsection (d)(2)(C), issue a public statement—

(i) assessing the finding or recommendation; and

(ii) disclosing the action, if any, the Federal agency intends to take with respect to the finding or recommendation.

(2) JOINT STATEMENT PERMITTED.—If a finding or recommendation described in subsection (d)(1) relates to more than 1 Federal agency, the applicable Federal agencies may, for the purposes of the public statement required under paragraph (1)(B), issue a joint statement.

SEC. 100202. AGENCY STUDY ON ALTERNATIVE FINANCING SOLUTIONS.

(a) PURPOSE.—The purpose of this section is to provide information relating to alternative financing solutions to minority business enterprises, as those business enterprises are more likely to struggle in accessing, particularly at affordable rates, traditional sources of capital.

(b) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Under Secretary shall—

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(1) conduct a study on opportunities for providing alternative financing solutions to minority business enterprises; and

(2) submit to Congress, and publish on the website of the Agency, a report describing the findings of the study carried out under paragraph (1).

SEC. 100203. EDUCATIONAL DEVELOPMENT RELATING TO MANAGEMENT AND ENTREPRENEURSHIP.

(a) DUTIES.—The Under Secretary shall, whenever the Under Secretary determines such action is necessary or appropriate—

(1) promote the education and training of socially or economically disadvantaged individuals in subjects directly relating to business administration and management;

(2) encourage institutions of higher education, leaders in business and industry, and other public sector entities and private sector entities, particularly minority business enterprises, to—

(A) develop programs to offer scholarships and fellowships, apprenticeships, and internships relating to business to socially or economically disadvantaged individuals; and

(B) sponsor seminars, conferences, and similar activities relating to business for the benefit of socially or economically disadvantaged individuals;

(3) stimulate and accelerate curriculum design and improvement in support of development of minority business enterprises; and

(4) encourage and assist private institutions and organizations and public sector entities to undertake activities similar to the activities described in paragraphs (1), (2), and (3).

(b) PARREN J. MITCHELL ENTREPRENEURSHIP EDUCATION GRANTS.—

(1) DEFINITION.—In this subsection, the term "eligible institution" means an institution of higher education described in any of paragraphs (1) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(2) GRANTS.—The Under Secretary shall award grants to eligible institutions to develop and implement entrepreneurship curricula.

(3) REQUIREMENTS.—An eligible institution to which a grant is awarded under this subsection shall use the grant funds to—

(A) develop a curriculum that includes training in various skill sets needed by contemporary successful entrepreneurs, including—

(i) business management and marketing;
(ii) financial management and accounting;
(iii) market analysis;
(iv) competitive analysis;
(v) innovation;
(vi) strategic and succession planning;
(vii) marketing;
(viii) general management;
(ix) technology and technology adoption;
(x) leadership; and
(xi) human resources; and

(B) implement the curriculum developed under subparagraph (A) at the eligible institution.

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(4) IMPLEMENTATION TIMELINE.—The Under Secretary shall establish and publish a timeline under which an eligible institution to which a grant is awarded under this section shall carry out the requirements under paragraph (3).

(5) REPORTS.—Each year, the Under Secretary shall submit to all applicable committees of Congress, and as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, a report evaluating the awarding and use of grants under this subsection during the fiscal year immediately preceding the fiscal year in which the report is submitted, which shall include, with respect to the fiscal year covered by the report—

(A) a description of each curriculum developed and implemented under each grant awarded under this section;

(B) the date on which each grant awarded under this section was awarded; and

(C) the number of eligible entities that were recipients of grants awarded under this section.

TITLE III—RURAL MINORITY BUSINESS CENTER PROGRAM

SEC. 100301. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

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

(B) the Committee on Financial Services of the House of Representatives.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a minority-serving institution; or

(B) a consortium of institutions of higher education that is led by a minority-serving institution.

(3) MBDA RURAL BUSINESS CENTER.—The term "MBDA Rural Business Center" means an MBDA Business Center that provides technical business assistance to minority business enterprises located in rural areas.

(4) MBDA RURAL BUSINESS CENTER AGREEMENT.—The term "MBDA Rural Business Center agreement" means an MBDA Business Center agreement that establishes the terms by which the recipient of the Federal assistance award that is the subject of the agreement shall operate an MBDA Rural Business Center.

(5) MINORITY-SERVING INSTITUTION.—The term "minority-serving institution" means an institution described in any of paragraphs (1) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

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

(7) RURAL MINORITY BUSINESS ENTERPRISE.—The term "rural minority business enterprise" means a minority business enterprise located in a rural area.

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SEC. 100302. BUSINESS CENTERS.

(a) IN GENERAL.—The Under Secretary may establish MBDA Rural Business Centers.

(b) PARTNERSHIP.—

(1) IN GENERAL.—With respect to an MBDA Rural Business Center established by the Under Secretary, the Under Secretary shall establish the MBDA Rural Business Center in partnership with an eligible entity in accordance with paragraph (2).

(2) MBDA AGREEMENT.—

(A) IN GENERAL.—With respect to each MBDA Rural Business Center established by the Under Secretary, the Under Secretary shall enter into a cooperative agreement with an eligible entity that provides that—

(i) the eligible entity shall provide space, facilities, and staffing for the MBDA Rural Business Center;

(ii) the Under Secretary shall provide funding for, and oversight with respect to, the MBDA Rural Business Center; and

(iii) subject to subparagraph (B), the eligible entity shall match 20 percent of the amount of the funding provided by the Under Secretary under clause (ii), which may be calculated to include the costs of providing the space, facilities, and staffing under clause (i).

(B) LOWER MATCH REQUIREMENT.—Based on the available resources of an eligible entity, the Under Secretary may enter into a cooperative agreement with the eligible entity that provides that—

(i) the eligible entity shall match less than 20 percent of the amount of the funding provided by the Under Secretary under subparagraph (A)(ii); or

(ii) if the Under Secretary makes a determination, upon a demonstration by the eligible entity of substantial need, the eligible entity shall not be required to provide any match with respect to the funding provided by the Under Secretary under subparagraph (A)(ii).

(C) ELIGIBLE FUNDS.—An eligible entity may provide matching funds required under an MBDA Rural Business Center agreement with Federal funds received from other Federal programs.

(3) TERM.—The initial term of an MBDA Rural Business Center agreement shall be not less than 3 years.

(4) EXTENSION.—The Under Secretary and an eligible entity may agree to extend the term of an MBDA Rural Business Center agreement with respect to an MBDA Rural Business Center.

(c) FUNCTIONS.—An MBDA Rural Business Center shall—

(1) primarily serve clients that are—

(A) rural minority business enterprises; or

(B) minority business enterprises that are located more than 50 miles from an MBDA Business Center (other than that MBDA Rural Business Center);

(2) focus on—

(A) issues relating to—

(i) the adoption of broadband internet access service (as defined in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation),

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digital literacy skills, and e-commerce by rural minority business enterprises;

(ii) advanced manufacturing;

(iii) the promotion of manufacturing in the United States;

(iv) ways in which rural minority business enterprises can meet gaps in the supply chain of critical supplies and essential goods and services for the United States;

(v) improving the connectivity of rural minority business enterprises through transportation and logistics;

(vi) promoting trade and export opportunities by rural minority business enterprises;

(vii) securing financial capital;

(viii) facilitating entrepreneurship in rural areas; and

(ix) creating jobs in rural areas; and

(B) any other issue relating to the unique challenges faced by rural minority business enterprises; and

(3) provide education, training, and legal, financial, and technical assistance to minority business enterprises.

(d) APPLICATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Under Secretary shall issue a Notice of Funding Opportunity requesting applications from eligible entities that desire to enter into MBDA Rural Business Center agreements.

(2) CRITERIA AND PRIORITY.—In selecting an eligible entity with which to enter into an MBDA Rural Business Center agreement, the Under Secretary shall—

(A) select an eligible entity that demonstrates—

(i) the ability to collaborate with governmental and private sector entities to leverage capabilities of minority business enterprises through public-private partnerships;

(ii) the research and extension capacity to support minority business enterprises;

(iii) knowledge of the community that the eligible entity serves and the ability to conduct effective outreach to that community to advance the goals of an MBDA Rural Business Center;

(iv) the ability to provide innovative business solutions, including access to contracting opportunities, markets, and capital;

(v) the ability to provide services that advance the development of science, technology, engineering, and math jobs within minority business enterprises;

(vi) the ability to leverage resources from within the eligible entity to advance an MBDA Rural Business Center;

(vii) that the mission of the eligible entity aligns with the mission of the Agency;

(viii) the ability to leverage relationships with rural minority business enterprises; and

(ix) a referral relationship with not less than 1 community-based organization; and

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(B) give priority to an eligible entity that—

(i) is located in a State or region that has a significant population of socially or economically disadvantaged individuals;

(ii) has a history of serving socially or economically disadvantaged individuals; or

(iii) in the determination of the Under Secretary, has not received an equitable allocation of land and financial resources under—

(I) the Act of July 2, 1862 (commonly known as the "First Morrill Act") (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.); or

(II) the Act of August 30, 1890 (commonly known as the "Second Morrill Act") (26 Stat. 417, chapter 841; 7 U.S.C. 321 et seq.).

(3) CONSIDERATIONS.—In determining whether to enter into an MBDA Rural Business Center agreement with an eligible entity under this section, the Under Secretary shall consider the needs of the eligible entity.

SEC. 100303. REPORT TO CONGRESS.

Not later than 1 year after the date of enactment of this Act, the Under Secretary shall submit to the appropriate congressional committees a report that includes—

(1) a summary of the efforts of the Under Secretary to provide services to minority business enterprises located in States that lack an MBDA Business Center, as of the date of enactment of this Act, and especially in those States that have significant minority populations; and

(2) recommendations for extending the outreach of the Agency to underserved areas.

SEC. 100304. STUDY AND REPORT.

(a) IN GENERAL.—The Under Secretary, in coordination with relevant leadership of the Agency and relevant individuals outside of the Department of Commerce, shall conduct a study that addresses the ways in which minority business enterprises can meet gaps in the supply chain of the United States, with a particular focus on the supply chain of advanced manufacturing and essential goods and services.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Under Secretary shall submit to the appropriate congressional committees a report that includes the results of the study conducted under subsection (a), which shall include recommendations regarding the ways in which minority business enterprises can meet gaps in the supply chain of the United States.

TITLE IV—MINORITY BUSINESS DEVELOPMENT GRANTS

SEC. 100401. GRANTS TO NONPROFIT ORGANIZATIONS THAT SUPPORT MINORITY BUSINESS ENTERPRISES.

(a) DEFINITION.—In this section, the term "covered entity" means a private nonprofit organization that—

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(1) is described in paragraph (3), (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

(2) can demonstrate that a primary activity of the organization is to provide services to minority business enterprises, whether through education, making grants or loans, or other similar activities.

(b) PURPOSE.—The purpose of this section is to make grants to covered entities to help those covered entities continue the necessary work of supporting minority business enterprises.

(c) DESIGNATION OF OFFICE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Under Secretary shall designate an office to make and administer grants under this section.

(2) CONSIDERATIONS.—In designating an office under paragraph (1), the Under Secretary shall ensure that the office designated has adequate staffing to carry out the responsibilities of the office under this section.

(d) APPLICATION.—A covered entity desiring a grant under this section shall submit to the Under Secretary an application at such time, in such manner, and containing such information as the Under Secretary may require.

(e) PRIORITY.—The Under Secretary shall, in carrying out this section, prioritize granting an application submitted by a covered entity that is located in a federally recognized area of economic distress.

(f) USE OF FUNDS.—A covered entity to which a grant is made under this section may use the grant funds to support the development, growth, or retention of minority business enterprises.

(g) PROCEDURES.—The Under Secretary shall establish procedures to—

(1) discourage and prevent waste, fraud, and abuse by applicants for, and recipients of, grants made under this section; and

(2) ensure that grants are made under this section to a diverse array of covered entities, which may include—

(A) covered entities with a national presence;

(B) community-based covered entities;

(C) covered entities with annual budgets below $1,000,000; or

(D) covered entities that principally serve low-income and rural communities.

(h) INSPECTOR GENERAL AUDIT.—Not later than 180 days after the date on which the Under Secretary begins making grants under this section, the Inspector General of the Department of Commerce shall—

(1) conduct an audit of grants made under this section, which shall seek to identify any discrepancies or irregularities with respect to those grants; and

(2) submit to Congress a report regarding the audit conducted under paragraph (1).

(i) UPDATES TO CONGRESS.—Not later than 90 days after the date on which the Under Secretary makes the designation required under subsection (c), and once every 30 days thereafter, the Under Secretary shall submit to Congress a report that contains—

(1) the number of grants made under this section during the period covered by the report; and

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(2) with respect to the grants described in paragraph (1)—

(A) the geographic distribution of those grants by State and county;

(B) if applicable, demographic information with respect to the minority business enterprises served by the covered entities to which the grants were made; and

(C) information regarding the industries of the minority business enterprises served by the covered entities to which the grants were made.

TITLE V—MINORITY BUSINESS ENTERPRISES ADVISORY COUNCIL

SEC. 100501. PURPOSE.

The Under Secretary shall establish the Minority Business Enterprises Advisory Council (referred to in this title as the "Council") to advise and assist the Agency.

SEC. 100502. COMPOSITION AND TERM.

(a) COMPOSITION.—The Council shall be composed of 9 members of the private sector and 1 representative from each of not fewer than 10 Federal agencies that support or otherwise have duties that relate to business formation, including duties relating to labor development, monetary policy, national security, energy, agriculture, transportation, and housing.

(b) CHAIR.—The Under Secretary shall designate 1 of the private sector members of the Council as the Chair of the Council for a 1-year term.

(c) TERM.—The Council shall meet at the request of the Under Secretary and members shall serve for a term of 2 years. Members of the Council may be reappointed.

SEC. 100503. DUTIES.

(a) IN GENERAL.—The Council shall provide advice to the Under Secretary by—

(1) serving as a source of knowledge and information on developments in areas of the economic and social life of the United States that affect socially or economically disadvantaged business concerns;

(2) providing the Under Secretary with information regarding plans, programs, and activities in the public and private sectors that relate to socially or economically disadvantaged business concerns; and

(3) advising the Under Secretary regarding—

(A) any measures to better achieve the objectives of this division; and

(B) problems and matters the Under Secretary refers to the Council.

(b) CAPACITY.—Members of the Council shall not be compensated for service on the Council but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) TERMINATION.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Council shall terminate on the date that is 5 years after the date of enactment of this Act.

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TITLE VI—FEDERAL COORDINATION OF MINORITY BUSINESS PROGRAMS

SEC. 100601. GENERAL DUTIES.

The Under Secretary may coordinate, as consistent with law, the plans, programs, and operations of the Federal Government that affect, or may contribute to, the establishment, preservation, and strengthening of socially or economically disadvantaged business concerns.

SEC. 100602. PARTICIPATION OF FEDERAL DEPARTMENTS AND AGENCIES.

The Under Secretary shall—

(1) consult with other Federal agencies and departments as appropriate to—

(A) develop policies, comprehensive plans, and specific program goals for the programs carried out under subtitle B of title I and title III;

(B) establish regular performance monitoring and reporting systems to ensure that goals established by the Under Secretary with respect to the implementation of this division are being achieved; and

(C) evaluate the impact of Federal support of socially or economically disadvantaged business concerns in achieving the objectives of this division;

(2) conduct a coordinated review of all proposed Federal training and technical assistance activities in direct support of the programs carried out under subtitle B of title I and title III to ensure consistency with program goals and to avoid duplication; and

(3) convene, for purposes of coordination, meetings of the heads of such Federal agencies and departments, or their designees, the programs and activities of which may affect or contribute to the carrying out of this division.

TITLE VII—ADMINISTRATIVE POWERS OF THE AGENCY; MISCELLANEOUS PROVISIONS

SEC. 100701. ADMINISTRATIVE POWERS.

(a) IN GENERAL.—In carrying out this division, the Under Secretary may—

(1) adopt and use a seal for the Agency, which shall be judicially noticed;

(2) hold hearings, sit and act, and take testimony as the Under Secretary may determine to be necessary or appropriate to carry out this division;

(3) acquire, in any lawful manner, any property that the Under Secretary determines to be necessary or appropriate to carry out this division;

(4) with the consent of another Federal agency, enter into an agreement with that Federal agency to utilize, with or without reimbursement, any service, equipment, personnel, or facility of that Federal agency;

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(5) coordinate with the heads of the Offices of Small and Disadvantaged Business Utilization of Federal agencies;

(6) develop procedures under which the Under Secretary may evaluate the compliance of a recipient of assistance under this Act with the requirements of this Act;

(7) deobligate assistance provided under this Act to a recipient that has demonstrated an insufficient level of performance with respect to the assistance, or has engaged in wasteful or fraudulent spending; and

(8) provide that a recipient of assistance under this Act that has demonstrated an insufficient level of performance with respect to the assistance, or has engaged in wasteful or fraudulent spending, shall be ineligible to receive assistance under this Act for a period determined by the Under Secretary, consistent with the considerations under section 180.865 of title 2, Code of Federal Regulations (or any successor regulation), beginning on the date on which the Under Secretary makes the applicable finding.

(b) USE OF PROPERTY.—

(1) IN GENERAL.—Subject to paragraph (2), in carrying out this division, the Under Secretary may, without cost (except for costs of care and handling), allow any public sector entity, or any recipient nonprofit organization, for the purpose of the development of minority business enterprises, to use any real or tangible personal property acquired by the Agency in carrying out this division.

(2) TERMS, CONDITIONS, RESERVATIONS, AND RESTRICTIONS.—The Under Secretary may impose reasonable terms, conditions, reservations, and restrictions upon the use of any property under paragraph (1).

SEC. 100702. FEDERAL ASSISTANCE.

(a) IN GENERAL.—

(1) PROVISION OF FEDERAL ASSISTANCE.—To carry out sections _____101, _____102, and _____103(a), the Under Secretary may provide Federal assistance to public sector entities and private sector entities in the form of grants or cooperative agreements.

(2) NOTICE.—Not later than 120 days after the date on which amounts are appropriated to carry out this section, the Under Secretary shall, in accordance with subsection (b), broadly publish a statement regarding Federal assistance that will, or may, be provided under paragraph (1) during the fiscal year for which those amounts are appropriated, including—

(A) the actual, or anticipated, amount of Federal assistance that will, or may, be made available;

(B) the types of Federal assistance that will, or may, be made available;

(C) the manner in which Federal assistance will be allocated among public sector entities and private sector entities, as applicable; and

(D) the methodology used by the Under Secretary to make allocations under subparagraph (C).

(3) CONSULTATION.—The Under Secretary shall consult with public sector entities and private sector entities, as applicable, in deciding the amounts and types of Federal assistance to make available under paragraph (1).

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(b) PUBLICITY.—In carrying out this section, the Under Secretary shall broadly publicize all opportunities for Federal assistance available under this section, including through the means required under section _____116.

SEC. 100703. RECORDKEEPING.

(a) IN GENERAL.—Each recipient of assistance under this division shall keep such records as the Under Secretary shall prescribe, including records that fully disclose, with respect to the assistance received by the recipient under this division—

(1) the amount and nature of that assistance;

(2) the disposition by the recipient of the proceeds of that assistance;

(3) the total cost of the undertaking for which the assistance is given or used;

(4) the amount and nature of the portion of the cost of the undertaking described in paragraph (3) that is supplied by a source other than the Agency;

(5) the return on investment, as defined by the Under Secretary; and

(6) any other record that will facilitate an effective audit with respect to the assistance.

(b) ACCESS BY GOVERNMENT OFFICIALS.—The Under Secretary, the Inspector General of the Department of Commerce, and the Comptroller General of the United States, or any duly authorized representative of any such individual, shall have access, for the purpose of audit, investigation, and examination, to any book, document, paper, record, or other material of the Agency or an MBDA Business Center.

SEC. 100704. REVIEW AND REPORT BY COMPTROLLER GENERAL.

Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a thorough review of the programs carried out under this division; and

(2) submit to Congress a detailed report of the findings of the Comptroller General of the United States under the review carried out under paragraph (1), which shall include—

(A) an evaluation of the effectiveness of the programs in achieving the purposes of this division;

(B) a description of any failure by any recipient of assistance under this division to comply with the requirements under this division; and

(C) recommendations for any legislative or administrative action that should be taken to improve the achievement of the purposes of this division.

SEC. 100705. BIANNUAL REPORTS; RECOMMENDATIONS.

(a) BIANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and 90 days after the last day of each odd-numbered year thereafter, the Under Secretary shall submit to Congress, and publish on the website of the Agency, a report of each activity of the Agency carried out under this division during the period covered by the report.

(b) RECOMMENDATIONS.—The Under Secretary shall periodically submit to Congress and the President recommendations for legislation or other actions that the Under Secretary determines to be necessary or appropriate to promote the purposes of this division.

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SEC. 100706. SEPARABILITY.

If a provision of this division, or the application of a provision of this division to any person or circumstance, is held by a court of competent jurisdiction to be invalid, that judgment—

(1) shall not affect, impair, or invalidate—

(A) any other provision of this division; or

(B) the application of this division to any other person or circumstance; and

(2) shall be confined in its operation to—

(A) the provision of this division with respect to which the judgment is rendered; or

(B) the application of the provision of this division to each person or circumstance directly involved in the controversy in which the judgment is rendered.

SEC. 100707. EXECUTIVE ORDER 11625.

The powers and duties of the Agency shall be determined—

(1) in accordance with this division and the requirements of this division; and

(2) without regard to Executive Order 11625 (36 Fed. Reg. 19967; relating to prescribing additional arrangements for developing and coordinating a national program for minority business enterprise).

SEC. 100708. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Under Secretary $110,000,000 for each of fiscal years 2021 through 2025 to carry out this division, of which—

(1) a majority shall be used in each such fiscal year to carry out the MBDA Business Center Program under subtitle B of title I, including the component of that program relating to specialty centers; and

(2) $20,000,000 shall be used in each such fiscal year to carry out title III.

Speaker of the House of Representatives.

Vice President of the United States and
President of the Senate.

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AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Union Calendar No. 94

117TH CONGRESS
1ST SESSION

H. R. 5376

[Report No. 117–130]

To provide for reconciliation pursuant to title II of S. Con. Res. 14.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2021

Mr. YARMUTH, from the Committee on the Budget, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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A BILL

To provide for reconciliation pursuant to title II of S. Con. Res. 14.

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MO-REP-21-1608-E-001063

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 treat-

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ed 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;

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(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

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(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

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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;

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(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 non-lethal 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 pur-

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poses 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—

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(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:

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(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 dis-

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connecting 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;

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(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 sec-

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tion 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,

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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);

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(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;

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(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 collabo-

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rative 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

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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;

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(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

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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.

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(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

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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

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(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.

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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 Devel-

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opment 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.

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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.

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(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 Consoli-

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dated 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;

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(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)).

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(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

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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

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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,

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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—

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(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

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(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

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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

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(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

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(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, including 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.

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(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.

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(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

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(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,

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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

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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))—

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(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

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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

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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

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(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

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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 Agricultural 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

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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

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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—

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(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

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(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

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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

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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.

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(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 agen-

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cy 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

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(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 edu-

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cational 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;

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(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

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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:

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(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—

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(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.—

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(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

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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 char-

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ter 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

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(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

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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

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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.

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

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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.

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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 infrastructure 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

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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),'';

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(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

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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

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"(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

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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).

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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.—

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"(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

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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

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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 en-

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rolled 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 sec-

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tion 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 Com-

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monwealth 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.

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"(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,

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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.

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''(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);

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"(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 quality 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

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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.

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"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

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"(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;

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"(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 ac-

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cordance 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

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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 ac-

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tivities 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.—

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"(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:

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"(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:

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"(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';

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"(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';

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"(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

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"(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

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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

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"(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.

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"(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

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"(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

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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.

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"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

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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 sec-

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tion 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 sec-

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tion 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).

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"(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

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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

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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;

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"(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—

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''(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.''.

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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

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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;

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"(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;

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''(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 reten-

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tion, 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.

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"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 de-

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scribed 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

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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

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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

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(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.

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''(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:

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"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.

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"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).

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"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

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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.

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"(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

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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.

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"(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—

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"(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—

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''(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

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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 eligi-

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ble 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.

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"(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

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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

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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.

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"(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

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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.

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"(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 (except 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

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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 com-

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pletion 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.".

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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 increase 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

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(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.

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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.—

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"(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—

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(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;

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(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 Education 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

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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

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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

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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

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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—

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(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.

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"(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.—

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"(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.

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"(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.

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"(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 in-

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crease 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

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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

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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 eligi-

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ble 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

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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.''.

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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 with-

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in 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.

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(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.

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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)—

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(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 GE-

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NETIC 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—

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(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:

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"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

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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, ex-

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cept 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

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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 ex-

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cluded 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

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"(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

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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

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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

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(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

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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—

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(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

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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.

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(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 informa-

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tion 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

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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

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(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

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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)).

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(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

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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 in-

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formation 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

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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.

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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—

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(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

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(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

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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:

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(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.).

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(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, 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), 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

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$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))

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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.).

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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,

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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

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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

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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

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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

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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 relation-

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ship 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.

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(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;

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(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

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(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 em-

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ployer 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 em-

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ployment 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:

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(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

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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;

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(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 de-

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scribed 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.—

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(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

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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));

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(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).

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(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.

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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;

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(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

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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

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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—

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(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

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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;

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(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 identification 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

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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;

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(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

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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

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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).

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(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

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(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.—

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(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

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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

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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

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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

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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.

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(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

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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 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).

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.

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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.

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(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

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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

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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

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(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, children 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)—

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(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

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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

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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.

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(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

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(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.

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(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 as-

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sistance 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.

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(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

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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—

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(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

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subclause (I), so that providers at each tier of the tiered system for measuring provider quality described in subparagraph (B) receive a payment 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 creden-

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tials 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—

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(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 facili-

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tate 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

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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

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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

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(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 man-

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ner 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.

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(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, providing 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

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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).

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(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 pay-

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ment 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

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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:

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(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

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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 De-

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velopment 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

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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

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(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

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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

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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—

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(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

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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.

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(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

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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

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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 attain-

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ment 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

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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

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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.—

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(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 re-

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view 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

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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

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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—

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(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.

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(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.—

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(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 objec-

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tives 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).

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(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

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(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

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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.

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(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.

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(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

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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 development 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

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(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).

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(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—

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(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.

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(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;

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(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 deter-

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mined 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 require-

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ments 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.

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(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

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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.—

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(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), teach-

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er 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

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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

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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—

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(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

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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, includ-

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ing 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)

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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

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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

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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:

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"(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));

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"(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

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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

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(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 re-

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ceives 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

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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

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(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

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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

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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—

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"(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

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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—

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"(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

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"(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

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any money in the Treasury not otherwise appropriated, such sums, to remain available for the period described 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 pro-

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gram 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—

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"(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

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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—

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(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

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(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

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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;

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(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);

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(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;

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(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

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(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, investigations, 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

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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.

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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:

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"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

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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).

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''(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;

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"(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:

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"(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—

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"(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.".

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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;

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"(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;

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"(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—

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"(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.

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"(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—

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(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 re-

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sulting 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

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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

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(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,

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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.

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''(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 do-

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mestic 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 environmental 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 emis-

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sions 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 re-

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serve 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

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(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.

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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.

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(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

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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

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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.—

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"(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.

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''(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.

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"(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;

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"(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 sys-

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tems, 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,

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$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

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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

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(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.

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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

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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.

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(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

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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 sec-

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tion 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.

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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.

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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)).

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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

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(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

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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 sec-

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tion 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 sub-

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section (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

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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—

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"(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

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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.

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"(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.—

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"(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 re-

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port 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

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"(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 elec-

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tricity 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

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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

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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 tech-

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nology 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:

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(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 Re-

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newable 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 onsite 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);

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(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—

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(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

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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—

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(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 ret-

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rofit 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;

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(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

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(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 MULTIFAMILY 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

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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

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(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

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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

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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:

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(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;

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(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;

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(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 vulner-

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able 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

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"(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

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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 cri-

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teria 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;

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"(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.—

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"(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

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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

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"(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

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(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.

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"(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 elec-

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trification 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

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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 pro-

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vider 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,

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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

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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.—

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"(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

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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 Sec-

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retary 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;

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"(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;

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"(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.

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"(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

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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.

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"(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

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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

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"(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—

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"(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

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"(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 cer-

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tified, 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—

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"(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.

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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

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(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;

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(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;

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(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;

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(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—

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(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—

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(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.

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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 dis-

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bursed 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;

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(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

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(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

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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.

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(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—

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(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);

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(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

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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

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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

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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 di-

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rect 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

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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

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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 education, 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;

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(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;

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(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 reasonable 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;

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(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.

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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 respon-

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sible 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, includ-

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ing 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

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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

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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

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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

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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;

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(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.

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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.

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(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).

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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

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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—

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"(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.

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"(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).

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"(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

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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.

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(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

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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.

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(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 in-

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crease 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:

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(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.

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(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

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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:

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(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 pro-

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viding 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

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(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

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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, environ-

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mental 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;

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(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.

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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

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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—

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(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 materials, 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.

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(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

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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

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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

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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

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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

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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

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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.—

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(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;

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(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:

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(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.

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(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.

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(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

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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 commu-

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nity-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—

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(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.

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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

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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,

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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:

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"(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.

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"(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

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(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

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"(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

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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

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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 edu-

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cational 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.

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"(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

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(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—

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"(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

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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

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"(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—

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"(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

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''(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.

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"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).

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"(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

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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.

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"(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

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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

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paragraph (3) with respect to a year that is less than the percentage otherwise specified 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.—

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"(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.—

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"(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 individuals residing in such State for such year without application of this part; exceeds

"(II) the estimated amount of premium tax credits under section

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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

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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

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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:

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"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 en-

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rollments 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

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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

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(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—

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"(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

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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 con-

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tract 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

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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).

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"(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 as-

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sistance 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,

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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

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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 Sec-

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retary 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 re-

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spect 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 re-

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spect 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

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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, limiting 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

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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 geo-

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graphic 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)—

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"(1) require an eligible entity with a contract under subsection (b) to report the data required to be reported under section 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

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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

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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.

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''(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 pro-

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visions 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

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"(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

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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.''.

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(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

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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).

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(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

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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)).

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(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)));

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(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

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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.—

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(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

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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

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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 geo-

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graphical 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.

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(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.

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(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.

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(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 serv-

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ices, 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,

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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

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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 improvement 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.

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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 de-

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termined 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.

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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 quar-

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ters 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

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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—

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"(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 serv-

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ices, 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

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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 em-

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ployment, 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 devel-

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oping 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, pro-

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viders, 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)),

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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 serv-

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ices 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

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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

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"(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 di-

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rect 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

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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.

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"(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'.".

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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 work-

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force 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 ex-

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panding 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:

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"(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)—

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(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:

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"(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:

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"(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

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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—

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"(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

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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

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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 serv-

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ices 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

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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:

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"(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—

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(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 as-

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sistance 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

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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

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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

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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 eli-

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gible 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

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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 FAMI-

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LIES.—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)—

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(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.

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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—

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(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

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(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

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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 con-

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sumers (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''.

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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)'';

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(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

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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, in-

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cluding 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)''.

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(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.

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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:

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"(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

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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 den-

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tal 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:

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"(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;

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"(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 pre-

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vious 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.

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"(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

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(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".

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(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'';

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(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

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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

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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

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'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.

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(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.—

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(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

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"(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

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(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

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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

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(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 subse-

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quent 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;

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(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

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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,

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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

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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)

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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—

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"(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.—

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(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

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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

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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

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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

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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

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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 re-

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ceiving 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

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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

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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

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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

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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)).

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(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 alter-

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ation, 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).

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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 under-

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represented 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;

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(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.

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(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

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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;

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(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

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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

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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 car-

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rying 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;

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(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

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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).

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(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

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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.

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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 ex-

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panding 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.

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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 Di-

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rector 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 supported 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;

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(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 phar-

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maceutical 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

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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, im-

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proving, 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 organiza-

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tions, 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

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(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).

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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.

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(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

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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

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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.

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(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 organiza-

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tions, 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

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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.

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(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 sub-

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stance 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

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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.

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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.

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(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 available 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,

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$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,

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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

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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

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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

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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 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 evaluate, develop, and expand the use of technology-enabled collaborative learning.

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(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.

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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

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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.

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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 ex-

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pand 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

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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.

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(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 Service

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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

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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

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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 Supplemental 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.—

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(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.

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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.

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(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 eli-

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gible 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—

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(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

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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.

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(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

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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 Assistant 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)).

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(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

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(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''—

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(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.

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(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;

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(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 common 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

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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

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(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).

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(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 coordination 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

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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,

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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 competi-

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tive 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 con-

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strued 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.

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(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,

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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 Trust-

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ed 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,

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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;

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(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.

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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 September 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—

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(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, re-

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search 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).

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(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

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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 ad-

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vance 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),

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(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 Pro-

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gram (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

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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

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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

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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—

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(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—

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(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 establish for experience and success in

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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.

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(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 sub-

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section (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.

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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

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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

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statute 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. 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—

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(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

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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,

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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,

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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.

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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 re-

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quirement 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.

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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

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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.

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(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.

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(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

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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.

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(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.

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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

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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.

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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 vio-

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lence, 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

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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

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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 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; 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

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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 sub-

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sections (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 section, including to en-

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sure 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,

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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

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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 se-

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lection, 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

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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.);

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(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—

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(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.

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(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 determina-

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tion 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.

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(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.

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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

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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

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(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—

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(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

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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.

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(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—

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(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 nec-

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essary 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.

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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

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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—

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(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

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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;

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(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:

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(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, scientific, 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

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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

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(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 development strategies related to sustainability, fair housing, and location efficiency;

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(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.

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(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.

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(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, re-

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ducing 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).

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(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

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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.

(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

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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 para-

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graph (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,

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$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.

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(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

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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

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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

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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.

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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:

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(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

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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 operational 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

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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—

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(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)));

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(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;

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(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;

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(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, including the production, acquisition, and rehabilitation of

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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:

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(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

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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.

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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, includ-

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ing 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

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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.

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(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

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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

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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.—

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(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;

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(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

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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 home-

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buyer, 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 do-

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mestic 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.

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(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—

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(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

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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

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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 assist-

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ance, 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.

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(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.

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(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;

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(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.

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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.—

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(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 pe-

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riod 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

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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 re-

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quested 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 origi-

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nated 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 guaran-

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teed 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

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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 prin-

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cipal 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

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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

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(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

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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

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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—

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(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

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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

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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

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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

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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;

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(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);

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(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 limitations 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.

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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,

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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

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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 orga-

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nizations 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

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(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—

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(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 Busi-

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ness 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;

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(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

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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

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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.

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(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

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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);

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(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—

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(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—

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(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

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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 afford-

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ability, 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

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(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;

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(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

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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

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(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—

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"(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—

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"(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 adjustment 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 pe-

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riod 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.

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"(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

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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.

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"(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

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"(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

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"(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 im-

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migrants 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 em-

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ployment-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 accordance 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

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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—

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"(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—

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"(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

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"(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.";

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(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.

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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

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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,

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$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 Sep-

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tember 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.

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(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

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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,

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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 Sep-

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tember 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

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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 appro-

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priated, $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.

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MO-REP-21-1608-E-001985

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 With-

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drawal 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 reha-

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bilitation 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.

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(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

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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.

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(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.

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(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;

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(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 policymaking 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

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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 identi-

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fied 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.

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(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 (in-

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cluding improved fireshed mapping and management), emergency rehabilitation, rural fire assistance, non-commercial 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

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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.

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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 home-schooled 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

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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)

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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.

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(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

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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

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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.

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(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—

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"(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 fis-

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cal 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,

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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 reliable 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—

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"(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 lo-

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cated 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.

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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

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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.

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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 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 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 sub-

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section (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

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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 dis-

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trict, 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

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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, including through meas-

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urable 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 deter-

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mined 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 in-

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crease 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 develop-

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ment 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.

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(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 Man-

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agement 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 Geo-

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detic 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

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309 of the National Marine Sanctuaries Act (16 U.S.C. 1440); for research and extension 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, ty-

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phoon, 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.

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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 produc-

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tion 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

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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.

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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)).

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(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)).

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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).

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(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

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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

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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 Serv-

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ice 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,

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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.

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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

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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 North-

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ern 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.'';

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(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:

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"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 suit-

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ability 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.

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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 re-

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turned 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—

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(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'';

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(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

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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''.

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(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 subsection, but not less than $15 per acre of the area covered by the applicable expression of interest.

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''(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)'';

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(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—

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(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,

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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.—

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(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:

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"(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,

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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

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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

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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.

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"(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.—

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''(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

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(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

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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 non-operational 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

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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—

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(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.'';

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(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

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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

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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

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(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''.

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(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

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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

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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

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(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:

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"(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

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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.

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"(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

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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.''.

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(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

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"(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.—

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(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,

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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

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(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

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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

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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

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(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

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''(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 lo-

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cated 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

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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 hold-

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ing 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

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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

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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

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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 op-

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erator 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

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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

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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

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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.

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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 state-

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ment, representation, or certification, or knowingly fails to make any statement, representation, or certification, 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''—

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(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.

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(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.—

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(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

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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—

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(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

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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

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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.

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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

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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 expended, to be deposited into the Postal Service Fund established under section 2003 of title 39, United States Code, to perform

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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

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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.

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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.

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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

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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;

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(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;

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(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;

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(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;

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(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;

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(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

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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

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(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 activi-

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ties 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 alternative 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

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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 proc-

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esses 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

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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, devel-

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opment, 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

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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

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cumulative impacts of pollution 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.

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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.

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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

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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 Inspec-

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tor 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

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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

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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 Na-

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tional 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,

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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.

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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:

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(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

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(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 Atmos-

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pheric 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 Atmos-

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pheric 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.

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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

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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 Oceanic 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

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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

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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 Foundation 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 Sep-

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tember 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

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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.

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(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 profes-

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sional 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:

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"(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.".

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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—

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"(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

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"(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

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(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

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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—

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"(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

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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

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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

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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—

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(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

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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—

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"(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

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"(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

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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:

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"(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).

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"(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;

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"(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 par-

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enthetically) 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

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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 fail-

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ure 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.

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''(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 In-

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dian 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;

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"(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:

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''(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

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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);

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"(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

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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.".

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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.

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(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;

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"(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.

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''(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 Ad-

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ministrator 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:

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(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;

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(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, engineer-

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ing, 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

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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)—

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(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

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(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:

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"(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 pursuant 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

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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.

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"(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.—

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"(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

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"(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.—

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(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

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"(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;

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''(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

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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

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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

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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

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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

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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

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(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;

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(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—

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(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

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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;

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(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,

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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).

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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—

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"(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

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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

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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 Feder-

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ally 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,

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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

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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—

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(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.—

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"(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;

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"(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

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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

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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);

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"(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),

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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.

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(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;

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"(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

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"(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;

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"(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

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"(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

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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 repayment 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.—

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(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).

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''(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 appro-

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priated 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.

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''(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)).

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(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)).

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(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

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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 ex-

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penses 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.

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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, persistent poverty communities, or for low-income riders generally; or

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(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;

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(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,

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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;

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(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

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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

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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:

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(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

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(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,

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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—

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(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;

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(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,

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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);

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(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;

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(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;

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(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—

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(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;

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(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

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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

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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 appro-

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priated, $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.

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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 appropriated, $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

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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

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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—

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(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.

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(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.—

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(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.

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(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-emission 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);

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(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.

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(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—

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(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;

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(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—

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(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

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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.

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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

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(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.

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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

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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.

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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.

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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.

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(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.

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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

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(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 September 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).

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(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 accord-

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ance 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.

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(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

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(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 remain-

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ing 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.

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(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

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(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.

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(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

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(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 Recov-

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ery 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.

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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–

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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 trans-

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portation 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 Transpor-

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tation 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.

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(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—

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(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

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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

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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

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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

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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

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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.

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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.

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TITLE XII—COMMITTEE ON VETERANS AFFAIRS

SEC. 12001. DEPARTMENT OF VETERANS AFFAIRS INFRASTRUCTURE IMPROVEMENTS.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,200,000,000, to remain available until September 30, 2031, for facilities under the jurisdiction of, or for the use of, the Department of Veterans Affairs to carry out sections 2400, 2403, 2404, 2406, 2407, 2412, 8101 through 8110, 8122, and 8161 through 8169 of title 38, United States Code, taking into consideration the integration of climate resiliency into infrastructure as well as the needs of underserved areas and underserved veteran populations.

SEC. 12002. MODIFICATIONS TO ENHANCED-USE LEASE AUTHORITY OF DEPARTMENT OF VETERANS AFFAIRS.

(a) MODIFICATIONS TO AUTHORITY.—Paragraph (2) of section 8162(a) of title 38, United States Code, is amended to read as follows:

"(2)(A) The Secretary may enter into an enhanced-use lease on or after the date of the enactment of this paragraph only if the Secretary determines—

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''(i) that the lease will not be inconsistent with, and will not adversely affect—

''(I) the mission of the Department; or

''(II) the operation of facilities, programs, and services of the Department in the local area; and

''(ii) that—

''(I) the lease will enhance the use of the leased property by directly or indirectly benefitting veterans; or

''(II) the leased property will provide supportive housing.

''(B) The Secretary shall give priority to enhanced-use leases that, on the leased property—

''(i) provide supportive housing for veterans;

''(ii) provide direct services or benefits targeted to veterans; or

''(iii) provide services or benefits that indirectly support veterans.''.

(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, $455,000,000 for the Department of Veterans Affairs, to remain available until expended, to enter into en-

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hanced-use leases pursuant to section 8162 of title 38, United States Code, as amended by this section.

(c) MODIFICATION OF SUNSET.—Section 8169 of such title is amended by striking ''December 31, 2023'' and inserting ''September 30, 2026''.

SEC. 12003. MAJOR MEDICAL FACILITY LEASES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) AUTHORITY TO ENTER INTO MAJOR MEDICAL FACILITY LEASES.—Paragraph (2) of subsection (a) of section 8104 of title 38, United States Code, is amended—

(1) by striking ''No funds'' and inserting ''(A) No funds'';

(2) by striking ''or any major medical facility lease'';

(3) by striking ''or lease''; and

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

''(B) Funds may be appropriated for a fiscal year, and the Secretary may obligate and expend funds, including for advance planning and design, for any major medical facility lease.''.

(b) MODIFICATION OF DEFINITION OF MAJOR MEDICAL FACILITY LEASE.—Subparagraph (B) of paragraph (3) of such subsection is amended to read as follows:

''(B) The term 'major medical facility lease'—

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"(i) means a lease for space for use as a new medical facility approved through the General Services Administration under section 3307(a)(2) of title 40 at an average annual rent equal to or greater than the dollar threshold described in such section, which shall be subject to annual adjustment in accordance with section 3307(h) of such title; and

"(ii) does not include a lease for space for use as a shared Federal medical facility for which the Department's estimated share of the lease costs does not exceed such dollar threshold.".

(c) INTERIM LEASING ACTIONS.—Such section is further amended by adding at the end the following new subsection:

"(i)(1) The Secretary may carry out interim leasing actions as the Secretary considers necessary for major medical facility leases (as defined in subsection (a)(3)(B)).

"(2) In this subsection, the term 'interim leasing actions' has the meaning given that term by the Administrator of the General Services Administration.".

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to a lease that has not been specifically authorized by law on or before the date

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of the enactment of this Act and is included as part of the annual budget submission of the President for fiscal year 2022, 2023, or 2024.

(e) PURCHASE OPTIONS.—The Secretary of Veterans Affairs may obligate and expend funds to exercise a purchase option included in any major medical facility lease described in subsection (d).

(f) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,805,000,000, to remain available until expended, for major medical facility leases pursuant to subchapter I of chapter 81 of title 38, United States Code, as amended by this section, as requested in the annual budget submission of the President for fiscal year 2022, 2023, or 2024.

(g) TERMINATION AND RESTORATION.—

(1) IN GENERAL.—Effective upon the date of execution of the final lease award for leases described in subsection (d), subsections (a) through (e) of this section and the amendments made by those subsections are repealed and any provision of law amended by those subsections is restored as if those subsections had not been enacted into law.

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(2) NOTIFICATION.—The Secretary of Veterans Affairs shall submit to Congress and the Law Revision Counsel of the House of Representatives written notification of the date specified in paragraph (1) not later than 30 days before such date.

SEC. 12004. INCREASE IN NUMBER OF HEALTH PROFESSIONS RESIDENCY POSITIONS AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES.

(a) INCREASE.—In carrying out section 7302(a)(1) of title 38, United States Code, during the seven-year period beginning on the day that is one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall increase the number of health professions residency positions at medical facilities of the Department of Veterans Affairs by not more than 700 positions (which shall be allocated among occupations included in the most current determination published in the Federal Register pursuant to section 7412(a) of such title, or allocated pursuant to a prioritization by the Secretary of occupations in primary care, mental health care, and any other health professions occupation the Secretary determines appropriate) through the establishment of such new positions at—

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(1) medical facilities where the Secretary established such positions pursuant to section 301(b)(2) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 7302 note); or

(2) any medical facility—

(A) the director of which expresses an interest in establishing or expanding a health professions residency program at the medical facility; or

(B) that is located in a community that has a high concentration of veterans or is experiencing a shortage of health care professionals.

(b) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Veterans Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $375,000,000, to remain available until September 30, 2029, for the purpose of carrying out this section.

SEC. 12005. VETERAN RECORDS SCANNING.

In addition to amounts otherwise available, there is appropriated to the Veterans Benefits Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2023, for costs of record scanning

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and claims processing, to carry out sections 7701 and 7703 of title 38, United States Code.

SEC. 12006. FUNDING FOR DEPARTMENT OF VETERANS AFFAIRS OFFICE OF INSPECTOR GENERAL.

In addition to amounts otherwise available, there is appropriated to the Office of Inspector General of the Department of Veterans Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2031, for audits, investigations, and other oversight of projects and activities carried out with funds made available to the Department of Veterans Affairs.

TITLE XIII—COMMITTEE ON WAYS AND MEANS

Subtitle A—Universal Paid Family and Medical Leave

SEC. 130001. PAID FAMILY AND MEDICAL LEAVE.

The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end the following:

"TITLE XXII—PAID FAMILY AND MEDICAL LEAVE BENEFITS

"SEC. 2201. TABLE OF CONTENTS.

''The table of contents for this title is as follows:

''Sec. 2201. Table of contents.
''Sec. 2202. Paid family and medical leave benefit eligibility.
''Sec. 2203. Benefit amount.
''Sec. 2204. Benefit determination and payment.
''Sec. 2205. Appeals.

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''Sec. 2206. Stewardship.
''Sec. 2207. Funding for benefit payments, grants, and program administration.
''Sec. 2208. Funding for outreach, public education, and research.
''Sec. 2209. Funding for State administration option for legacy States.
''Sec. 2210. Reimbursement option for employer-sponsored paid leave benefits.
''Sec. 2211. Funding for small business assistance.
''Sec. 2212. Definitions.

''SEC. 2202. PAID FAMILY AND MEDICAL LEAVE BENEFIT ELIGIBILITY.

''(a) ENTITLEMENT.—Every individual who—

''(1) has filed an application for a paid family and medical leave benefit in accordance with section 2204(a);

''(2) has, or anticipates having, at least 4 caregiving hours in a week ending at any time during the period that begins 90 days before the date on which such application is filed or not later than 180 days after such date; and

''(3) has wages or self-employment income at any time during the period—

''(A) beginning with the most recent calendar quarter that ends at least 4 months prior to the beginning of the individual's benefit period specified in subsection (b); and

''(B) ending with the month before the month in which such benefit period begins,

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shall be entitled to such a benefit for each month during such benefit period, except as otherwise provided in this section.

''(b) BENEFIT PERIOD.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the benefit period specified in this subsection is the period beginning with the month in which ends the 1st week in which the individual has at least 4 caregiving hours and otherwise meets the criteria specified in paragraphs (1), (2), and (3) of subsection (a) and ending with the month in which ends the 52nd week ending during such period.

''(2) RETROACTIVE BENEFITS.—In the case of an application for benefits under this section with respect to an individual who has at least 4 caregiving hours in a week at any time during the period that begins 90 days before the date on which such application is filed, the benefit period specified in this subsection is the period beginning with the later of—

''(A) the month in which ends the 1st week in which the individual has at least 4 caregiving hours; or

''(B) the 1st month that begins during such 90-day period,

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and ending with the month in which ends the 52nd week ending during such period.

''(3) LIMITATION.—Notwithstanding paragraphs (1) and (2), no benefit period under this title may begin with any month beginning prior to July 2023.

''(c) CAREGIVING HOURS.—

''(1) CAREGIVING HOUR DEFINED.—For purposes of this title, the term 'caregiving hour' means a 1-hour period during which the individual engaged in qualified caregiving (determined on the basis of information filed with the Secretary pursuant to subsection (c) of section 2204).

''(2) QUALIFIED CAREGIVING.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'qualified caregiving' means any activity engaged in by an individual in lieu of work, other than for monetary compensation, for any reason described in paragraph (1) or (3) of section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)), except that for purposes of this paragraph such section shall be applied—

''(i) by treating such individual as the employee referred to in such paragraph;

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"(ii) as if paragraph (1)(C) were amended to read as follows:

"'(C)(i) In order to care for a qualified family member of the employee, if such qualified family member has a serious health condition.

"'(ii) For purposes of clause (i), the term "qualified family member" means, with respect to an employee—

"'(I) a spouse (including a domestic partner in a civil union or other registered domestic partnership recognized by a State) and a spouse's parent;

"'(II) a child and a child's spouse;

"'(III) a parent and a parent's spouse;

"'(IV) a sibling and a sibling's spouse;

"'(V) a grandparent, a grandchild, or a spouse of a grandparent or grandchild; and

"'(VI) any other individual who is related by blood or affinity and whose association with the employee is equivalent of a family relationship (as determined under

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regulations issued by the Secretary of the Treasury).'; and

"(iii) by treating the criterion in paragraph (1)(D) that an individual is 'unable to perform the functions of the position of such employee' because of a serious health condition as a criterion that the individual is unable to satisfy the requirements needed to continue receiving the wages or self-employment income described in subsection (a)(3) with respect to the individual because of such serious health condition;

"(iv) as if paragraph (1)(E) were amended to read as follows:

"'(E) Because of any qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that a qualified family member of the employee (as defined in subparagraph (C)(ii)) is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.'; and

"(v) as if paragraph (1) were amended by adding at the end the following:

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"'(G) Because of the death of a spouse, parent, or child of the employee.'.

"(vi) as if paragraph (3) were amended by striking 'the spouse, son, daughter, parent, or next of kin' and inserting 'a qualified family member of the employee (as defined in subparagraph (C)(ii))'.

"(B) NO MONETARY COMPENSATION PERMITTED.—For purposes of subparagraph (A), an activity shall be considered to be engaged in by an individual for monetary compensation if the individual received any form of wage compensation from an employer, including paid vacation, paid sick leave, and any other form of accrued paid time off (but not including any such form of accrued paid time off or any non-accrued paid family and medical leave benefits sponsored by an employer to the extent that the sum of such accrued or non-accrued paid leave and any paid family and medical leave benefits under section 2202 does not exceed 100 percent of the individual's regular rate of pay (as determined under section 7(e) of the Fair Labor Standards Act of 1938)), for the time during which the individual was so engaged.

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"(C) TREATMENT OF INDIVIDUALS ELIGIBLE FOR EMPLOYER SPONSORED PAID FAMILY AND MEDICAL LEAVE BENEFITS.—For purposes of subparagraph (A), an activity engaged in by an individual shall not be considered to be engaged in in lieu of work if, for the time during which the individual was so engaged, the individual would be eligible for paid family and medical leave benefits under a program sponsored by an employer who receives a grant with respect to such program under section 2210.

"(D) TREATMENT OF INDIVIDUALS EMPLOYED IN LEGACY STATES.—For purposes of subparagraph (A), an activity engaged in by an individual shall not be considered to be engaged in in lieu of work if the time during which the individual was so engaged constitutes leave from employment for which the individual would be eligible to receive paid family or medical leave benefits under the law of a legacy State (as defined in section 2209(b)).

"(d) TREATMENT OF BEREAVEMENT LEAVE.—In the case of an activity engaged in by an individual in lieu of work for a reason described in paragraph (1)(G) of section 102(a) of the Family and Medical Leave Act of 1993 (as

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such section is applied for purposes of paragraph (2) of subsection (c)), the total number of caregiving hours attributable to such activity, for each death described in such paragraph (1)(G), that may be credited under section 2203(c) to weeks during the individual's benefit period may not exceed ⅗ of the number of hours in the individual's regular workweek (within the meaning of section 2203(d)).

''(e) NO CAREGIVING HOURS IN INDIVIDUAL'S WEEK OF DEATH.—No caregiving hours of an individual may be credited under section 2203(c) to the week during which the individual dies.

''(f) DISQUALIFICATION FOLLOWING CERTAIN CONVICTIONS.—An individual who has been found to have used false statements or representation to secure benefits under this title shall be ineligible for benefits under this title for a 5-year period following the date of such finding.

''SEC. 2203. BENEFIT AMOUNT.

''(a) IN GENERAL.—The amount of the benefit to which an individual is entitled under section 2202 for a month shall be an amount equal to the sum of the weekly benefit amounts for each week ending during such month. The weekly benefit amount of an individual for a week shall be equal to the product of the individual's weekly

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benefit rate (as determined under subsection (b)) multiplied by a fraction—

"(1) the numerator of which is the number of caregiving hours of the individual credited to such week (as determined in subsection (c)); and

"(2) the denominator of which is the number of hours in a regular workweek of the individual (as determined in subsection (d)).

"(b) WEEKLY BENEFIT RATE.—

"(1) IN GENERAL.—For purposes of this section, an individual's weekly benefit rate shall be an amount equal to the sum of—

"(A) 85 percent of the individual's average weekly earnings to the extent that such earnings do not exceed the amount established for purposes of this subparagraph by paragraph (2);

"(B) 75 percent of the individual's average weekly earnings to the extent that such earnings exceed the amount established for purposes of subparagraph (A) but do not exceed the amount established for purposes of this subparagraph by paragraph (2);

"(C) 55 percent of the individual's average weekly earnings to the extent that such earn-

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ings exceed the amount established for purposes of subparagraph (B) but do not exceed the amount established for purposes of this subparagraph by paragraph (2);

''(D) 25 percent of the individual's average weekly earnings to the extent that such earnings exceed the amount established for purposes of subparagraph (C) but do not exceed the amount established for purposes of this subparagraph by paragraph (2); and

''(E) 5 percent of the individual's average weekly earnings to the extent that such earnings exceed the amount established for purposes of subparagraph (D) but do not exceed the amount established for purposes of this subparagraph by paragraph (2).

''(2) AMOUNTS ESTABLISHED.—

''(A) INITIAL AMOUNTS.—For individuals whose benefit period under this title begins in or before calendar year 2024, the amount established for purposes of subparagraphs (A), (B), (C), (D), and (E) of paragraph (1) shall be 1/52 of $15,080, $34,248, $72,000, $100,000, and $250,000, respectively.

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"(B) WAGE INDEXING.—For individuals whose benefit period under this title begins in any calendar year after 2024, each of the amounts so established shall equal the corresponding amount established for the calendar year preceding such calendar year, or, if larger, the product of the corresponding amount established with respect to the calendar year 2024 and the quotient obtained by dividing—

"(i) the national average wage index (as defined in section 2212) for the second calendar year preceding such calendar year, by

"(ii) the national average wage index (as so defined) for 2022.

"(C) ROUNDING.—Each amount established under subparagraph (B) for any calendar year shall be rounded to the nearest $1, except that any amount so established which is a multiple of $0.50 but not of $1 shall be rounded to the next higher $1.

"(3) AVERAGE WEEKLY EARNINGS.—For purposes of this subsection, an individual's average weekly earnings, as calculated by the Secretary, shall be equal to the quotient obtained by dividing—

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"(A) the total of the wages and self-employment income received by the individual during the most recent 8-calendar quarter period that ends at least 4 months prior to the beginning of the individual's benefit period; by

"(B) 104.

"(4) EVIDENCE OF EARNINGS.—For purposes of determining the wages and self-employment income of an individual with respect to an application for benefits under section 2202, the Secretary shall make such determination on the basis of wage data provided to the Secretary from the National Directory of New Hires pursuant to section 453(j)(5) and self-employment income data provided by the Secretary, except that the Secretary shall also consider any more recent or additional evidence of wages or self-employment income the individual chooses to additionally submit.

"(c) CREDITING OF CAREGIVING HOURS TO A WEEK.—The number of caregiving hours of an individual credited to a week as determined under this subsection shall equal the number of caregiving hours of the individual occurring during such week, except that—

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"(1) such number may not exceed the number of hours in a regular workweek of the individual (as determined in subsection (d));

"(2) no caregiving hours may be credited to a week in which fewer than 4 caregiving hours of the individual occur;

"(3) no caregiving hours of the individual may be credited to the individual's waiting period, consisting of the first week during an individual's benefit period in which at least 4 caregiving hours occur (regardless of whether the individual received paid vacation, paid sick leave, or any other form of accrued paid time off from the individual's employer during such week in accordance with section 2202(c)(2)(B)); and

"(4) the total number of caregiving hours credited to weeks during the individual's benefit period may not exceed the product of 12 multiplied by the number of hours in a regular workweek of the individual (as so determined).

"(d) NUMBER OF HOURS IN A REGULAR WORKWEEK.—For purposes of this section, the number of hours in a regular workweek of an individual shall be the number of hours that the individual regularly works in a week for all employers (or regularly worked in the case of an indi-

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vidual no longer employed), as determined under guidance to be issued by the Secretary.

"SEC. 2204. BENEFIT DETERMINATION AND PAYMENT.

"(a) IN GENERAL.—An individual seeking benefits under section 2202 shall file an application with the Secretary containing the information described in subsection (b) and such other information as the Secretary may require. Any information contained in an application for benefits under section 2202, or in a periodic benefit claim report filed with respect to such benefits, shall be presumed to be true and accurate, unless the Secretary demonstrates by a preponderance of the evidence that information contained in the application or periodic benefit claim report is false, except that the Secretary shall establish procedures to validate the identity of the individual filing the application.

"(b) REQUIRED CONTENTS OF INITIAL APPLICATION.—An application for a paid family and medical leave benefit filed by an individual shall include—

"(1) an attestation that the individual has, or anticipates having, at least 4 caregiving hours in a week ending at any time during the period that begins 90 days before the date on which such application is filed or not later than 180 days after such date;

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"(2) except as otherwise provided in this subsection, a certification, issued by a relevant authority determined under regulations issued by the Secretary, that contains such information as the Secretary shall specify in such regulations as necessary to affirm the circumstances giving rise to the need for such caregiving hours, which shall be no more than the information that is required to be stated under section 103(b) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613(b));

"(3) an attestation from the individual that notice of the individual's need to be absent from work during such caregiving hours has been provided, not later than 7 days after such need arises, to the individual's employer (except in cases of hardship or other extenuating circumstances or if the individual does not have (or no longer has) an employer);

"(4) pay stubs or such other evidence as the individual may provide demonstrating the individual's wages or self-employment income during the period described in section 2202(a)(3), except that the Secretary may waive this requirement in any case in which such evidence is otherwise available to the Secretary;

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"(5) an attestation from the individual stating the number of hours in a regular workweek of the individual (within the meaning of section 2203(d)); and

"(6) an attestation from the individual stating that the leave from employment with respect to which the individual is filing such application is not employment for which the individual has received—

"(A) a notice from a State pursuant to subsection (b)(2)(B) of section 2209 stating that such employment would be eligible for paid family and medical leave benefits under a State legacy program described in such section; or

"(B) a notice from the individual's employer pursuant to subsection (b)(1)(F)(iv) of section 2210 stating that such employment would be eligible for paid family and medical leave benefits under an employer-sponsored program described in such section.

In the case of an individual who applies for a paid family and medical leave benefit in the anticipation of caregiving hours occurring after the date of application, the certification described in paragraph (2), the attestation described in paragraph (3), and the evidence described in

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paragraph (4) may be provided after the 1st week in which at least 4 such caregiving hours occur.

''(c) PERIODIC BENEFIT CLAIM REPORT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), not later than 60 days (or such longer period as may be provided in any case in which the Secretary determines that good cause exists for an extension) after the end of each month during the benefit period of an individual entitled to benefits under section 2202, the individual shall file a periodic benefit claim report with the Secretary. Such periodic benefit claim report shall specify the caregiving hours of the individual that occurred during each week that ended in such month and shall include such other information as the Secretary may require. No periodic benefit claim report shall be required with respect to any week in which fewer than 4 caregiving hours occurred.

''(2) RETROACTIVE APPLICATIONS.—In the case of an application filed by an individual for a paid family and medical leave benefit with a benefit period that begins, in accordance with section 2202(b)(2), with a month that ends before the date on which such application is filed, the individual may include with such application the information de-

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scribed in the second sentence of paragraph (1) with respect to each week in the benefit period that ends before such date.

"(d) DETERMINATIONS AND NOTICE REQUIREMENTS.—

"(1) INITIAL APPLICATION.—

"(A) IN GENERAL.—The Secretary shall determine the initial eligibility of an individual applying for benefits under this title in accordance with section 2202.

"(B) NOTICES.—To ensure payment of benefits in the correct amount and that beneficiaries are aware of the right to appeal a benefit determination of the Secretary—

"(i) not later than 15 days after each application for benefits from an individual under this title is filed, the Secretary shall provide notice to the individual of—

"(I) the initial determination of eligibility for such benefits;

"(II)(aa) the calendar quarter that begins the period described in section 2202(a)(3) with respect to the individual, the 8 calendar quarters used to compute the individual's aver-

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age weekly earnings under section 2203(b)(3), and the wages and self-employment income received by the individual during each of those 8 quarters as recorded by the Secretary; and

''(bb) the individual's right under section 2203(b)(4) to submit more recent or additional evidence of such wages or self-employment income, including a statement that eligibility could change or benefits could increase if such additional evidence results in more recent or higher average weekly earnings;

''(III) the estimated weekly benefit amount for a week to which 4 caregiving hours of the individual are credited;

''(IV) the estimated weekly benefit amount for a week to which a number of caregiving hours are credited equal to the number of hours in a regular workweek of the individual

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(as determined in subsection 2203(d));

"(V) the number of caregiving hours credited to weeks ending prior to the date of such application;

"(VI) the beginning and ending dates of the individual's benefit period; and

"(VII) the individual's right to appeal such initial determination in accordance with the provisions of section 2205; and

"(ii) in any case in which an individual submits additional information with respect to such an application, the Secretary shall provide an updated notice to the individual containing the same information provided in the notice described in clause (i), including a specific indication of any such information that has been updated as a result of the additional information submitted by the individual.

"(2) MONTHLY BENEFIT DETERMINATIONS.—

"(A) IN GENERAL.—On the basis of the information filed with the Secretary pursuant to

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subsection (c), the Secretary shall determine, with respect to an individual for each week ending in a month, the number of caregiving hours to be credited to such week in accordance with section 2203(c).

"(B) NOTICES.—To ensure payment of benefits in the correct amount and that beneficiaries are aware of the right to appeal a benefit determination of the Secretary, not later than 15 days after each periodic benefit claim report from an individual is filed (or after filing of initial application for retroactive benefits), the Secretary shall provide notice to the individual specifying—

"(i) whether payment will be made to the individual for each week to which such periodic benefit claim report pertains and the amount of such payment;

"(ii) if the Secretary determines that payment will not be made for a week or that payment will be made based on a number of caregiving hours credited to the week inconsistent with the number of caregiving hours specified for such week in such periodic benefit claim report (or ini-

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tial application), the reasons for such determination; and

"(iii) the individual's right to appeal such determination in accordance with the provisions of section 2205.

"(3) CHANGING CIRCUMSTANCES.—The Secretary shall issue regulations to establish a process under which an individual may notify the Secretary if more than one type of circumstance gives rise to the need for caregiving hours during the individual's benefit period. Such caregiving hours shall be credited to weeks within the benefit period in accordance with section 2203(c) regardless of circumstance.

"(4) ACCESSIBILITY OF NOTICES.—The Secretary shall take such actions as are necessary to ensure that any notice to one or more individuals issued pursuant to this title by the Secretary is written in simple and clear language.

"(e) CERTIFICATION OF PAYMENT.—Not later than 15 days after the making of a determination under subsection (d)(2)(A) with respect to the number of caregiving hours of an individual to be credited to weeks ending in a month, the Secretary shall certify payment to such individual of the amount of the paid family and medical leave benefit for such month.

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''(f) EXPEDITED BENEFIT PAYMENT IN CASES OF MISSING PAYMENT.—The Secretary shall establish and put into effect procedures under which expedited payment of benefits under this title will be made to an individual to whom a benefit payment was due for a month but was not received by the individual.

''(g) SUBMISSION OF REQUIRED INFORMATION.—

''(1) BY PHONE, MAIL, OR ELECTRONIC MEANS.—To ensure full access to benefits by all eligible individuals, applicable paid leave information with respect to an individual may be submitted to the Secretary by phone, mail, or electronic means.

''(2) BY ANY PERSON.—Any person may submit applicable paid leave information with respect to an individual, including, as applicable, the individual's representative, the individual's employer, or any relevant authority identified under subsection (b)(2). The Secretary shall promptly notify an individual whenever any other person submits such information on the individual's behalf.

''(3) NOTICE OF RECEIPT.—The Secretary shall provide prompt notice of receipt of all applicable paid leave information submitted with respect to an individual.

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''(4) DEFINITION OF APPLICABLE PAID LEAVE INFORMATION.—For purposes of this subsection, the term 'applicable paid leave information' means, with respect to an individual, any information submitted to the Secretary with respect to the paid family and medical leave benefits of the individual, including any initial application, periodic benefit claim report, appeal, and any other information submitted in support of such application, report, or appeal.

"SEC. 2205. APPEALS.

''(a) IN GENERAL.—An individual shall have the right—

''(1) to appeal to the Secretary any determination made with respect to—

''(A) paid family and medical leave benefits under section 2202; and

''(B) paid family and medical leave benefits under an employer-sponsored program described in section 2210 whose initial appeal pursuant to subsection (b)(1)(F)(iii)(I) of such section results in a determination unfavorable to the individual; and

''(2) to appeal any final decision of the Secretary by a civil action brought in the district court of the United States for the judicial district in which

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the plaintiff resides, or in which the principal place of business of the plaintiff sits, or, if the plaintiff does not reside or such principal place of business does not sit within any such judicial district, in the United States District Court for the District of Columbia.

''(b) PROCEDURES.—The Secretary shall establish procedures for appeals of such determinations that ensure that appeals will be heard in a timely manner by a decisionmaker who is different from the initial decisionmaker using procedures that are similar to the procedures used for appeals of determinations under the Medicare Low-Income Subsidy program described under section 1860D-14(a)(3)(B)(iv)(II).

''(c) AUTHORITY TO ISSUE AND ENFORCE SUBPOENAS.—

''(1) IN GENERAL.—For the purpose of any hearing, investigation, or other proceeding authorized or directed under this title, the Secretary shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the Secretary. Such attendance of witnesses and production of evidence at the designated place of such hearing, investiga-

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tion, or other proceeding may be required from any place in the United States or in any Territory or possession thereof.

''(2) SERVICE; WITNESSES.—Subpoenas of the Secretary shall be served by anyone authorized by the Secretary—

''(A) by delivering a copy thereof to the individual named therein; or

''(B) by registered mail or by certified mail addressed to such individual at his last dwelling place or principal place of business.

A verified return by the individual serving the subpoena setting forth the manner of service, or, in the case of service by registered mail or by certified mail, the return post-office receipt therefor signed by the individual so served, shall be proof of service. Witnesses so subpoenaed shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States.

''(3) CONTUMACY OR REFUSAL TO OBEY A SUBPOENA.—

''(A) IN GENERAL.—In case of contumacy by, or refusal to obey a subpoena duly served upon, any person, any district court of the United States for the judicial district in which

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the person charged with contumacy or refusal to obey is found or resides or transacts business, upon application by the Secretary, shall have jurisdiction to issue an order requiring such person to appear and give testimony, or to appear and produce evidence, or both. Any failure to obey such order of the court may be punished by the court as contempt thereof.

''(B) TREATMENT OF EMPLOYERS.—In the case of contumacy by, or refusal to obey a subpoena duly served upon, any employer, the Secretary shall impose such penalties against the employer as the Secretary determines may apply pursuant to section 2210(f).

''SEC. 2206. STEWARDSHIP.

''(a) PROMOTING EQUITY.—The Secretary shall conduct a robust program to analyze and prevent disparities on the basis of race, color, ethnicity, religion, sex, sexual orientation, gender identity, disability, age, national origin, family composition, or living arrangements with respect to the benefits provided under this title and individuals' access to such benefits.

''(b) UNDERPAYMENTS AND OVERPAYMENTS.—

''(1) IN GENERAL.—Whenever the Secretary determines that more or less than the correct amount

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of payment has been made to any individual under this title, the Secretary shall promptly notify the individual of such determination and inform the individual of the right to appeal such determination in accordance with the provisions of section 2205. Proper adjustment or recovery shall be made, under regulations prescribed by the Secretary, as follows:

''(A) UNDERPAYMENTS.—With respect to payment to an individual of less than the correct amount, the Secretary shall promptly pay the balance of the amount due to such underpaid individual.

''(B) OVERPAYMENTS.—

''(i) IN GENERAL.—With respect to payment to an individual of more than the correct amount, the Secretary shall decrease any payment for a month under this title to which such overpaid individual is entitled (except that the weekly benefit amounts for each week ending during such month as determined under section 2203(a) may not be decreased below the amount specified in clause (ii) with respect to such weekly benefit amounts of the individual), or shall require such overpaid indi-

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vidual to refund the amount in excess of the correct amount, or shall apply any combination of the foregoing.

"(ii) LIMITATION ON RECOVERY.—

"(I) AMOUNT SPECIFIED.—The amount specified in this clause with respect to a weekly benefit amount of an individual for a week is an amount equal to the weekly benefit amount that would be determined for the individual for such week under section 2203(a) if the individual's weekly benefit rate (as determined under section 2203(b)) were equal to the applicable dollar amount as determined under subclause (II).

"(II) APPLICABLE DOLLAR AMOUNT.—For purposes of subclause (I), the applicable dollar amount is—

"(aa) with respect to a weekly benefit amount determined for a week ending in a month in or before calendar year 2024, $315; and

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"(bb) with respect to a weekly benefit amount determined for a week ending in a month in any calendar year after 2024, the corresponding amount established with respect to a weekly benefit amount determined for a week ending in a month in the calendar year preceding such calendar year or, if larger, the product of the corresponding amount specified in item (aa) with respect to a weekly benefit amount determined for a week ending in a month in calendar year 2024 multiplied by the quotient obtained by dividing—

"(AA) the national average wage index (as defined in section 2212) for the second calendar year preceding such calendar year, by

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"(BB) the national average wage index (as so defined) for 2022.

"(2) WAIVER OF CERTAIN OVERPAYMENTS.—In any case in which more than the correct amount of payment has been made, there shall be no adjustment of payments to, or recovery by the United States from, any individual who was without fault in connection with the overpayment if such adjustment or recovery would defeat the purpose of this title or would be against equity and good conscience, or would impede efficient or effective administration of this title, as determined by the Secretary under procedures to be established by the Secretary.

"(3) LIABILITY OF CERTIFYING OR DISBURSING OFFICER.—No certifying or disbursing officer shall be held liable for any amount certified or paid by him to any individual where the adjustment or recovery of such amount is waived under paragraph (2), or where adjustment under paragraph (1) is not completed prior to the death of the individual against whose benefits deductions are authorized.

"(c) PENALTIES AND OTHER PROCEDURES.—

"(1) IN GENERAL.—Whoever—

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"(A) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for any benefit under this title,

"(B) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining rights to any such benefit,

"(C) having knowledge of the occurrence of any event affecting (A) his initial or continued right to any such benefit, or (B) the initial or continued right to any such benefit of any other individual in whose behalf he has applied for or is receiving such benefit, conceals or fails to disclose such event with an intent fraudulently to secure such benefit either in a greater amount or quantity than is due or when no such benefit is authorized,

"(D) having made application to receive any such benefit for the use and benefit of another and having received it, knowingly and willfully converts such benefit or any part thereof to a use other than for the use and benefit of such other person, or

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"(E) conspires to commit any offense described in any of subparagraphs (A) through (C),

shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.

"(2) EXCLUSION FROM PARTICIPATION.—

"(A) IN GENERAL.—No person or entity who is convicted of a violation of paragraph (1) may represent, or submit evidence on behalf of, an individual applying for, or receiving, benefits under this title.

"(B) NOTICE, EFFECTIVE DATE, AND PERIOD OF EXCLUSION.—

"(i) IN GENERAL.—An exclusion under this paragraph shall be effective at such time, for such period, and upon such reasonable notice to the public and to the individual excluded as may be specified in regulations consistent with clause (ii).

"(ii) EFFECTIVE DATE.—Such an exclusion shall be effective with respect to services furnished to any individual on or after the effective date of the exclusion. Nothing in this paragraph may be construed to preclude consideration of any

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medical evidence derived from services provided by a health care provider before the effective date of the exclusion of the health care provider under this paragraph.

"(iii) PERIOD OF EXCLUSION.—

"(I) IN GENERAL.—The Secretary shall specify, in the notice of exclusion under clause (i), the period of the exclusion.

"(II) PREVIOUS OFFENSE.—In the case of the exclusion of a person or entity under subparagraph (A) who has previously been subject to an exclusion under such subparagraph—

"(aa) if the person or entity has previously been subject to such an exclusion only once, the period of exclusion shall be not less than 10 years; and

"(bb) if the person or entity has previously been subject to such an exclusion more than once, the exclusion shall be permanent.

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"(C) NOTICE TO STATE LICENSING AGENCIES.—The Secretary shall—

"(i) promptly notify the appropriate State or local agency or authority having responsibility for the licensing or certification of a person or entity excluded from participation under this section of the fact and circumstances of the exclusion;

"(ii) request that appropriate investigations be made and sanctions invoked in accordance with applicable State law and policy; and

"(iii) request that the State or local agency or authority keep the Secretary fully and currently informed with respect to any actions taken in response to the request.

"(D) NOTICE, HEARING, AND JUDICIAL REVIEW.—Any person or entity who is excluded (or directed to be excluded) from participation under this section is entitled to reasonable notice and opportunity for a hearing by the Secretary and to judicial review of such final agency decision to the same extent as is provided in section 2205.

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"(E) APPLICATION FOR TERMINATION OF EXCLUSION.—

"(i) IN GENERAL.—An individual excluded from participation under this paragraph may apply to the Secretary, in the manner specified by the Secretary in regulations and at the end of the period of exclusion provided under subparagraph (B)(iii) and at such other times as the Secretary may provide, for termination of the exclusion effected under this paragraph.

"(ii) CRITERIA FOR TERMINATION.—The Secretary may terminate the exclusion if the Secretary determines, on the basis of the conduct of the applicant which occurred after the date of the notice of exclusion or which was unknown to the Secretary at the time of the exclusion, that—

"(I) there is no basis under subparagraph (A) for a continuation of the exclusion; and

"(II) there are reasonable assurances that the types of actions which formed the basis for the original ex-

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clusion have not recurred and will not recur.

"(F) AVAILABILITY OF RECORDS OF EXCLUDED PERSONS AND ENTITIES.—Nothing in this section shall be construed to have the effect of limiting access by any applicant or beneficiary under this title or the Secretary to records maintained by any person or entity in connection with services provided to the applicant or beneficiary prior to the exclusion of such person or entity under this paragraph.

"(G) REPORTING REQUIREMENT.—Any person or entity participating in, or seeking to participate in, the program under this title shall inform the Secretary, in such form and manner as the Secretary shall prescribe by regulation, whether such person or entity has been convicted of a violation under paragraph (1).

"(d) REDETERMINATION OF ENTITLEMENT.—

"(1) IN GENERAL.—

"(A) PROCEDURES.—The Secretary shall immediately redetermine the entitlement of individuals to paid family and medical leave benefit benefits under this title if there is reason to believe that fraud or similar fault was in-

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volved in the application of the individual for such benefits, unless a United States attorney, or equivalent State prosecutor, with jurisdiction over potential or actual related criminal cases, certifies, in writing, that there is a substantial risk that such action by the Secretary with regard to beneficiaries in a particular investigation would jeopardize the criminal prosecution of a person involved in a suspected fraud.

''(B) DISREGARD OF CERTAIN EVIDENCE.—When redetermining the entitlement, or making an initial determination of entitlement, of an individual under this title, the Secretary shall disregard any evidence if there is reason to believe that fraud or similar fault was involved in the providing of such evidence.

''(2) SIMILAR FAULT DESCRIBED.—For purposes of paragraph (1), similar fault is involved with respect to a determination if—

''(A) an incorrect or incomplete statement that is material to the determination is knowingly made; or

''(B) information that is material to the determination is knowingly concealed.

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"(3) TERMINATION OF BENEFITS.—If, after redetermining pursuant to this subsection the entitlement of an individual to monthly insurance benefits, the Secretary determines that there is insufficient evidence to support such entitlement, the Secretary may terminate such entitlement and may treat benefits paid on the basis of such insufficient evidence as overpayments.

"SEC. 2207. FUNDING FOR BENEFIT PAYMENTS, GRANTS, AND PROGRAM ADMINISTRATION.

"(a) FUNDING FOR BENEFIT PAYMENTS AND GRANTS.—

"(1) IN GENERAL.—There are appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary to pay benefits under section 2202 and for grants under sections 2209 and 2210, subject to paragraph (2).

"(2) LIMITATION.—In no case shall a grant under section 2209 exceed a total amount (for all applicable individuals) equivalent to the sum of benefits paid (including, in the case of a grant under section 2209, the full cost of administering such benefits) for each applicable individual (as described under paragraph (3)) calculated on the basis of a

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total number of hours of leave during the individual's benefit period equal to—

"(A) the product of 12 multiplied by the number of hours in a regular workweek of the individual (within the meaning of section 2203(d)), minus

"(B) the number of caregiving hours (as defined in section 2202(c)) of such individual credited in total to months during such benefit period under this title.

"(3) APPLICABLE INDIVIDUAL.—For purposes of paragraph (2), an 'applicable individual' is an individual, with respect to whom a grant under section 2209 is awarded, receiving paid family or medical leave benefits for days of leave under a paid family and medical leave benefit program of a legacy State (as defined in section 2209(b)).

"(b) FUNDING FOR PROGRAM ADMINISTRATION.—There are appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary for the following purposes (including through the use of grants or contracts except where otherwise specified):

"(1) Costs related to taking applications, responding to public inquiries, assisting with problem

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resolution, taking requests for appeals, and the provision of other necessary assistance to individuals applying for or receiving benefits under this title, including the following:

"(A) Costs related to staffing a national toll-free telephone number (which shall not be carried out through the use of grants or contracts).

"(B) Costs related to technology to support a national toll-free telephone number and to technology related to the design, construction and maintenance of an online application and customer service portal.

"(C) Costs related to mailed notices.

"(2) Costs related to determining eligibility (which shall not be carried out through the use of grants or contracts).

"(3) Costs related to ensuring program integrity and combating fraud, including by issuing regulations to do the following:

"(A) Ensure identity validation of applicants and beneficiaries.

"(B) Verify the professional credentials of relevant authorities who provide certifications pursuant to section 2204(b)(2).

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''(C) Ensure the accuracy of any wage and self-employment income data used in the administration of this title.

''(D) Ensure that the attestation requirement in section 2204(b)(3) has been satisfied for each applicant and beneficiary.

''(E) Ensure the accuracy of periodic benefit claim reports.

''(F) Provide for post-effectuation quality review of approved claims and quality review of denied claims (which shall not be carried out through the use of grants or contracts).

''(4) Costs related to certification of payment of benefits (which shall not be carried out through the use of grants or contracts).

''(5) Costs related to appeals (which shall not be carried out through the use of grants or contracts).

''(6) Costs related to the administration by the Secretary of the legacy State grant program under section 2209 and the employer-sponsored plan grant program under section 2210.

''(7) Costs related to developing systems of records for purposes of administering the program under this title (which shall not be carried out

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through the use of grants or contracts, except that costs related to technology to support such systems of records may be carried out through the use of grants or contracts).

''(8) Costs related to data exchange and sharing, for which the Secretary shall enter into an agreement with relevant data sources including the National Directory of New Hires and shall seek to enter into agreements with States to obtain such information as the Secretary may require to determine eligibility and benefits payable under section 2202, administer the grants in sections 2209 and 2210, and verify such other information as the Secretary determines may be necessary in carrying out the provisions of this title.

''(9) Costs related to the training of employees, grantees, and contractors, including training relating to the prevention of discrimination in the administration of this title on the basis of race, color, ethnicity, religion, sex, sexual orientation, gender identity, disability, age, national origin, family composition, or living arrangements.

''(10) Costs related to providing technical assistance to legacy States under section 2209 and to employers or third party administrators designated

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by an employer of paid leave programs under section 2210.

''(11) Costs related to providing technical assistance to small business employers with respect to the requirements of the small business assistance grants in section 2211 and the process by which their employees may apply for benefits under section 2202; and

''(12) Any other costs necessary for the effective administration of this title.

''SEC. 2208. FUNDING FOR OUTREACH, PUBLIC EDUCATION, AND RESEARCH.

''(a) FUNDING FOR OUTREACH AND PUBLIC EDUCATION.—There are appropriated, out of any funds in the Treasury not otherwise appropriated, $150,000,000 for each of fiscal years 2022 through 2026 for the Secretary to, with respect to benefits provided by the program under this title—

''(1) engage in a robust program of culturally and linguistically competent education and outreach toward ensuring awareness of and access to such benefits;

''(2) provide information to potential beneficiaries regarding eligibility requirements, the claims process, benefit amounts, maximum benefits

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payable, notice requirements, the appeals process, and nondiscrimination rights, including specific benefit estimates based on the average weekly earnings of a potential beneficiary; and

''(3) provide employers with a model notice to be used to inform employees of the availability of such benefits.

''(b) FUNDING FOR RESEARCH.—There are appropriated, out of any funds in the Treasury not otherwise appropriated, $150,000,000 for each of fiscal years 2023 through 2027 for the Secretary to—

''(1) develop and carry out grants for research for the purpose of ensuring full access to the benefits provided by the program under this title, including through the detection and prevention of disparities on the basis of race, color, ethnicity, religion, sex, sexual orientation, gender identity, disability, age, national origin, income, language, job classification, family composition, or living arrangements; and

''(2) annually make available to the public beginning in fiscal year 2024 a report that includes—

''(A) the number of individuals who received such benefits;

''(B) the purposes and durations for which such benefits were received;

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"(C) an analysis of benefit use by occupation, industry, wage levels, employer size, and geography;

"(D) an analysis of disparities identified by the grants for research authorized under this subsection on the basis of race, color, ethnicity, religion, sex, sexual orientation, gender identity, disability, age, national origin, family composition, or living arrangements;

"(E) a description of the actions by the Secretary to prevent disparities and ensure full access to the benefits provided by the program under this title;

"(F) a comparative analysis of paid family and medical leave benefits received by individuals through the program under section 2202, through a legacy State paid family and medical leave program described in section 2209, or through an employer-sponsored program described in section 2210 that takes into account the number of individuals receiving benefits, the characteristics of the benefits received, and the patterns of leave-taking under each program;

"(G) the number of employers who received a reimbursement grant under section

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2210 and the number of employees of such employers who received paid family and medical leave benefits under an employer-sponsored program described in such section; and

''(H) the number of employers who received one or more small business assistance grants under section 2211 and the total number of such grants provided.

"SEC. 2209. FUNDING FOR STATE ADMINISTRATION OPTION FOR LEGACY STATES.

''(a) IN GENERAL.—In each calendar year beginning with 2024, the Secretary shall make a grant to each State that, for the calendar year preceding such calendar year (or, in the case of a grant under this section in 2024, for the portion of such preceding calendar year occurring after June 30), was a legacy State and that met the data sharing requirements of subsection (c), in an amount equal to the lesser of—

''(1) an amount, as estimated by the Secretary, in consultation with the Secretary of Labor, equal to the total amount of paid family and medical leave benefits that would have been paid under section 2202 (including the full Federal cost of administering such benefits) to individuals who received benefits under a State program described in sub-

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section (b) during the calendar year preceding such calendar year (or, in the case of a grant under this section in 2024, for the portion of such preceding calendar year occurring after June 30) if the State had not been a legacy State for such preceding calendar year (or, in the case of a grant under this section in 2024, for the portion of such preceding calendar year occurring after June 30); or

''(2) an amount equal to the total cost of the State paid family and medical leave program described in subsection (b) for the calendar year preceding such calendar year (or, in the case of a grant under this section in 2024, for the portion of such preceding calendar year occurring after June 30), including—

''(A) the total amount of paid family and medical leave benefits that would have been paid to individuals under such program for leave that is exempt under such program on account of being otherwise paid under a program provided by such individual's employer; and

''(B) the full cost to the State of administering such program.

In any case in which, during any calendar year, the Secretary has reason to believe that a State will be a legacy

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State and meet the data sharing requirements of subsection (c) for such calendar year, the Secretary may make estimated payments during such calendar year of the grant which would be paid to such State in the succeeding calendar year, to be adjusted as appropriate in the succeeding calendar year.

''(b) LEGACY STATE.—For purposes of this section, the term 'legacy State' for a calendar year means a State that the Secretary, in consultation with the Secretary of Labor, determines—

''(1) has enacted, not later than the date of enactment of this title, a State law that provides paid family and medical leave benefits; and

''(2) for any calendar year that begins on or after the date that is 3 years after the date of enactment of this title, has in effect, throughout such calendar year, a State program enacted into law—

''(A) that provides paid family and medical leave benefits—

''(i) for at least 12 full workweeks of leave during each 12-month period to at least all of those individuals in the State who would be eligible for paid family and medical leave benefits under section 2202 (without regard to section 2202(c)(2)(D))

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during any part of such calendar year, provided that such State program—

"(I) shall provide paid family and medical leave benefits for leave from employment by the State or any political subdivision thereof, except that any State or local employees subject to a collective bargaining agreement may be excluded from such coverage with the agreement of 90 percent of the employees covered by the collective bargaining agreement; and

"(II) may provide such benefits for leave from Federal employment; and

"(ii) at a wage replacement rate that is at least equivalent to the wage replacement rate under the program under this title (without regard to section 2202(c)(2)(D)); and

"(B) that provides an annual notice to each individual whose employment would be eligible for such benefits under the State program.

"(c) DATA SHARING.—As a condition of receiving a grant under subsection (a) in a calendar year, a State

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shall enter into an agreement with the Secretary under which the State shall provide the Secretary—

"(1) with information, to be provided periodically as determined by the Secretary, concerning individuals who received a paid leave benefit under a State program described in subsection (b), including each individual's name, information to establish the individual's identity, dates for which such paid leave benefits were paid, the amount of such paid leave benefit, and, to the extent available, such other information concerning such individuals as the Secretary may require for the purpose of carrying out this section and section 2202(c)(2)(D);

"(2) not later than July 1 of such calendar year, the amount described in subsection (a)(2) for the calendar year preceding such calendar year; and

"(3) such other information as the Secretary determines may be necessary in carrying out the provisions of this title, including for the purposes of promoting equity as described under section 2206(a) and for research described under section 2208(b).

"(d) FUNDING FOR TRANSITIONAL COSTS FOR LEGACY STATES.—

"(1) IN GENERAL.—There are appropriated to the Secretary, out of any funds in the Treasury not

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otherwise appropriated, such sums as necessary for grants in accordance with this subsection.

''(2) TRANSITION GRANTS.—The Secretary shall make a grant under this subsection to each State that—

''(A) is a legacy State for the calendar year in which occurs the date of enactment of this title;

''(B) certifies to the Secretary that the State intends to remain a legacy State and meet the data sharing requirements of subsection (c) at least through the first calendar year that begins on or after the date that is 3 years after the date of enactment of this title; and

''(C) agrees to repay the full amount of such grant if the State fails to remain a legacy State and meet the data sharing requirements of subsection (c) as certified in subparagraph (B).

''(3) AMOUNT OF GRANT.—The amount of a grant provided to a State under this subsection shall be equal to ½ of the sum of the State's expenditures from the date of enactment of this title through the calendar year described in paragraph (2)(B) on—

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"(A) the costs of creating new information technology systems as needed to implement the data sharing requirements of subsection (c) (including staffing costs related to such systems); and

"(B) other necessary costs incurred by the State to meet the requirements of subsection (b)(2)(A)(ii).

"(4) ESTIMATED ADVANCE PAYMENTS.—The Secretary may make estimated payments of a grant provided to a State under this subsection for any calendar year, to be adjusted as appropriate in the succeeding calendar year.

"SEC. 2210. REIMBURSEMENT OPTION FOR EMPLOYER-SPONSORED PAID LEAVE BENEFITS.

"(a) IN GENERAL.—For each calendar year beginning with 2023, the Secretary shall make a grant to each employer that is an eligible employer for such calendar year in an amount equal to—

"(1) in the case of an eligible employer sponsoring a paid family and medical leave benefit program with respect to which benefits are awarded and paid under a contract with an insurer, an amount equal to 90 percent of the product of—

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"(A) the projected national average cost per employee of providing paid family and medical leave benefits as determined by the Secretary for such calendar year under subsection (c)(3) (or, in the case of calendar year 2023, ½ of such projected national average cost); multiplied by

"(B) the number of employees (pro-rated for part-time employees) covered under the program for such calendar year (or, in the case of calendar year 2023, for the portion of such calendar year occurring after June 30); and

"(2) in the case of an eligible employer sponsoring a self-insured paid family and medical leave benefit program with respect to which benefits are awarded and paid directly by the employer (or by a third party administrator on behalf of the employer), an amount equal to 90 percent of—

"(A) the amount of benefits paid under the program for such calendar year to individuals for up to 12 weeks of leave per individual (or, in the case of calendar year 2023, for the portion of such calendar year occurring after June 30); or

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"(B) if lesser, the product of the national average weekly benefit amount paid under section 2203(a) during such calendar year (or, in the case of calendar year 2023, during the portion of such calendar year occurring after June 30) multiplied by the number of weeks of leave (up to 12 per individual) paid by the employer for all individuals under the program for the calendar year (or such portion in the case of calendar year 2023).

"(b) ELIGIBILITY; APPLICATION REQUIREMENTS.—

"(1) IN GENERAL.—For purposes of subsection (a), an eligible employer for a calendar year is an employer (other than the Federal Government or the government of any State (or political subdivision thereof) that is a legacy State for such calendar year under section 2209) that satisfies all of the following requirements:

"(A) NON-LEGACY STATE EMPLOYEES.—The employer has one or more employees during such calendar year whose employment with such employer would not be eligible for paid family or medical leave benefits under the law of any legacy State (as defined in section 2209(b)) for such calendar year.

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"(B) APPLICATION; SUBMISSION OF REQUIRED INFORMATION.—Not later than the certification deadline specified in paragraph (2)(A) for such calendar year, the employer—

"(i) notifies the Secretary that the employer intends to seek a grant under this section for such calendar year;

"(ii) certifies to the Secretary that the employer will have in effect during such calendar year a paid family and medical leave benefit program that meets the requirements of subsection (c) and, not later than the submission deadline specified in paragraph (2)(B) for such calendar year, provides all documentation relating to such program as the Secretary may request; and

"(iii) pays an application fee of $1,000 (or $200 in the case of a renewed application).

"(C) APPROVAL BY THE SECRETARY.—The paid family and medical leave benefit program referred to in subparagraph (B) is subsequently approved by the Secretary as meeting all applicable requirements.

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"(D) INFORMATION SUBMISSION REQUIREMENT.—At the time of application for such grant for each calendar year, the employer—

"(i) submits to the Secretary—

"(I) an attestation that the paid family and medical leave benefit program referred to in subparagraph (B) will remain in effect during the whole of such calendar year (or, in the case of a program not in effect at the beginning of such calendar year, an attestation that such program will remain in effect until the end of such calendar year); and

"(II) with respect to each employee of the employer covered by the program for such calendar year, the employee's name, information to establish the employee's identity, and in the case of a part-time employee (for purposes of determining the number of employees (pro-rated for part-time employees) covered under the program for such calendar year under subsection (a)(1)(B)), the number of

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hours the employee regularly works in a week; and

"(ii) agrees to submit information to the Secretary as described in subsection (e).

"(E) MAINTENANCE OF RECORDS.—The employer agrees to retain all records relating to the employer's paid family and medical leave benefit program for not less than 3 years.

"(F) JOB PROTECTIONS AND OTHER EMPLOYEE RIGHTS.—As a condition of the grant, the employer agrees—

"(i) that, on return from leave under the program described in subparagraph (B), the individual taking such leave will—

"(I) be restored by the employer to the position of employment held by the individual when the leave commenced; or

"(II) be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment;

"(ii) to maintain coverage for the individual under any 'group health plan' (as

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defined in section 2212) for the duration of such leave at the level and under the conditions coverage would have been provided if the individual had continued in employment continuously for the duration of such leave;

''(iii) in any case in which an employee receives an adverse determination from the employer (or administering entity) with respect to paid family and medical leave benefits under the program described in subparagraph (B)—

''(I) to provide opportunity for the employee to appeal such adverse determination to the employer (or administering entity); and

''(II) in any case in which the employee elects to appeal the results of such initial appeal to the Secretary pursuant to section 2205(a)(1)(B) and the final decision of the Secretary is in the employee's favor, to provide for the payment of such paid family and medical leave benefits in addition

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to the costs to the Secretary of such secondary appeal;

"(iv) to provide annual notice to all employees of the availability of paid family and medical leave benefits under the program described in subparagraph (B) and of the right to appeal any adverse determination with respect to such benefits; and

"(v) not to impose any fee on any employee related to the receipt of paid family and medical leave benefits under the program described in subparagraph (B).

"(G) ADDITIONAL ASSURANCES.—The employer provides assurances that the employer (or administering entity)—

"(i) will not interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under such policy;

"(ii) will notify an employee in any case in which the employee is provided reimbursable benefits; and

"(iii) will not discharge, or in any other manner discriminate against, any in-

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dividual for opposing any practice prohibited by such policy.

"(H) SPECIAL CONDITIONS IN THE CASE OF CERTAIN EMPLOYERS.—

"(i) SELF-INSURED PRIVATE EMPLOYERS.—In the case of a paid family and medical leave benefit program of an employer (other than a State or political subdivision thereof) with respect to which benefits are awarded and paid directly by the employer (or by a third party administrator on behalf of the employer)—

"(I) such employer employs at least 50 employees described in subparagraph (A);

"(II) such benefits are guaranteed by a surety bond held by the employer; and

"(III) such employer (or administering entity) holds funds in a dedicated account for such benefits not used for any other business purpose.

"(ii) SELF-INSURED STATE AND LOCAL EMPLOYERS.—In the case of a paid family and medical leave benefit program

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of an employer that is a State (or political subdivision thereof) with respect to which benefits are awarded and paid directly by the employer (or by a third party administrator on behalf of the employer), such benefits are negotiated pursuant to a collective bargaining agreement.

''(2) TIMING OF APPLICATION.—

''(A) CERTIFICATION.—The certification deadline specified in this subparagraph for a calendar year is—

''(i) for calendar year 2023, March 31, 2023; and

''(ii) for any calendar year after 2023, 90 days before the beginning of such calendar year,

or, if later, the date that is 90 days before a plan described in paragraph (1)(B) first goes into effect.

''(B) SUBMISSION OF DOCUMENTATION.—The submission deadline specified in this subparagraph for a calendar year is—

''(i) for calendar year 2023, May 15, 2023; and

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"(ii) for any calendar year after 2023, 45 days before the beginning of such calendar year,

or, if later, the date that is 45 days before a plan described in paragraph (1)(B) first goes into effect.

"(c) EMPLOYER PROGRAM REQUIREMENTS.—

"(1) IN GENERAL.—A paid family and medical leave benefit program shall not be considered to meet the requirements of this subsection unless such program consists of a written employer policy that provides for the payment, through one or more employee benefit plans, of family and medical leave benefits, which may be guaranteed through an insurer and which may be administered by an insurer or by another third-party entity, that includes each element in the model template described in paragraph (2), and that provides for each of the following:

"(A) The provision of such benefits to all employees described in subsection (b)(1)(A), regardless of length of service, job type, membership in a labor organization, seniority status, or any other employee classification.

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"(B) Each of the job protections and other employee rights described in subsection (b)(1)(F).

"(C) Each of the assurances described in subsection (b)(1)(G).

"(D) Submission of information to the Secretary as described in subsection (e).

"(2) MODEL TEMPLATE.—Not later than July 1, 2022, the Secretary shall make available to eligible employers a model template of a written policy providing paid family and medical leave benefits—

"(A) at a wage replacement rate that is at least as great as the wage replacement rate that an employee would receive under the program under this title (without regard to section 2202(c)(2)(C));

"(B) for a total number of weeks of paid leave that is at least as great as the total number of weeks of paid leave that an employee would receive under the program under this title (without regard to such section);

"(C) for all of the reasons for which an individual would be considered to be engaged in qualified caregiving under section

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2202(c)(2)(A), regardless of any pre-existing medical conditions;

"(D) for leave which may be taken intermittently or on a reduced leave schedule;

"(E) that does not impose any fee on any employee related to the receipt of such benefits.

"(F) which must be paid not less frequently than monthly;

"(G) for which applications must be processed and notifications provided at least as quickly as is provided under section 2204 for benefits provided under section 2202(a); and

"(H) for which any information contained in an application for such benefits shall be presumed to be true and accurate, unless the employer (or administering entity) demonstrates by a preponderance of the evidence that information contained in the application is false;

"(3) NATIONAL AVERAGE COST.—Not later than October 1 of the calendar year before each calendar year beginning with 2023, the Secretary shall determine the projected national average cost per employee for such calendar year of a paid family and medical leave benefit program that meets the requirements of paragraph (2) (assuming administra-

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tive costs no greater than the average or projected average administrative costs of providing benefits under section 2202), taking into account projected benefit levels, duration of benefits, and frequency of use of the program in such calendar year.

''(d) TIMING OF PAYMENT; PENALTY FOR LATE FILING.—

''(1) INSURED EMPLOYERS.—A grant paid under this section for a calendar year to an eligible employer described in subsection (a)(1) shall be paid by the Secretary not later than 30 days after the beginning of such calendar year, except that in the case of a grant under this section for calendar year 2023, such grant shall be paid by the Secretary not later than August 1, 2023.

''(2) SELF-INSURED EMPLOYERS.—A grant paid under this section for a calendar year to an eligible employer described in subsection (a)(2) shall be paid by the Secretary not later than March 31 of the calendar year succeeding such calendar year.

''(3) PENALTY FOR LATE FILING.—In any case in which an eligible employer seeking a grant under this subsection for a calendar year fails to submit all required documentation by the submission deadline

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for such calendar year as required under subsection (b)(1)(B)(ii)—

"(A) the grant for such calendar year for such employer shall not be paid until 45 days after the date of payment otherwise specified in paragraph (1) or (2), as applicable; and

"(B) the amount of such grant shall be reduced by 2 percent for each 7 days by which such submission deadline is exceeded.

"(e) INFORMATION SUBMISSION.—As a condition of receiving a grant under subsection (a) for a calendar year, an employer shall provide the Secretary with information, at such times and in such manner as determined by the Secretary, concerning individuals who received a paid leave benefit under the paid family and medical leave benefit program of the employer, including each individual's name, information to establish the individual's identity, dates for which such paid leave benefits were paid, the amount of such paid leave benefit, and, to the extent available, such other information concerning such individuals as the Secretary may require for the purpose of carrying out this section and section 2202(c)(2)(C), and for otherwise carrying out the provisions of this title, including for the purposes of promoting equity as described under sec-

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tion 2206(a) and for research described under section 2208(b).

''(f) ENFORCEMENT.—

''(1) IN GENERAL.—The Secretary shall conduct periodic reviews of employers receiving grants under this section (and of entities administering such grants). The Secretary may withdraw approval of the paid family and medical leave benefit program of an employer in any case in which the Secretary finds that the employer (or administering entity) has violated any requirement of this section, and may disqualify an employer (or administering entity) from receiving (or administering) subsequent grants under this section in the case of repeated violations.

''(2) PENALTIES RELATING TO APPEALS.—In any case in which the Secretary determines that a pattern exists with respect to an employer (or administering entity) in which the employer (or administering entity) has incorrectly denied claims for paid leave benefits under the employer-sponsored program and such claims have subsequently been approved by the Secretary pursuant to an appeal described in section 2205(a)(1)(B), the Secretary may impose such penalties on the employer (or administering entity) as the Secretary deems appropriate,

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which may include a reduction in, or disqualification from receiving (or administering), subsequent grants under this section.

''(3) PENALTIES ON ADMINISTERING ENTITIES.—In the case of a third-party entity administering a paid family and medical leave benefit program of an employer, such entity shall notify such employer in any case in which a penalty is imposed under this subsection on the administering entity not later than 30 days after the date on which such penalty has been imposed. In any case in which the Secretary determines that a pattern of misconduct exists with respect to an entity administering benefits under this section for multiple employers, the Secretary may disqualify such entity from administering employer-sponsored programs receiving subsequent grants under this section.

''(4) EMPLOYER AND ADMINISTRATOR APPEALS.—An employer (or administering entity) with respect to which a penalty is imposed under this subsection may appeal such decision to the Secretary only if such appeal is filed with the Secretary not later than 60 days after the date of such decision.

''(g) GREATER BENEFITS PERMITTED.—Nothing in this section shall be construed to prohibit an eligible em-

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ployer from providing paid family and medical leave benefits that exceed the requirements described in this section.

"SEC. 2211. FUNDING FOR SMALL BUSINESS ASSISTANCE.

"(a) IN GENERAL.—There are appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary for grants in accordance with this section.

"(b) SMALL BUSINESS ASSISTANCE GRANTS.—The Secretary shall make a grant to each eligible employer (as defined in subsection (g)) who employs a covered individual (as so defined) if such eligible employer satisfies the requirements of subsection (c).

"(c) GRANT REQUIREMENTS.—An eligible employer seeking a grant under this section with respect to a covered individual described in subsection (b) shall—

"(1) not later than 90 days after such individual returns from qualified leave (as defined in subsection (g)) from the employer, submit an application to the Secretary in such manner as the Secretary shall provide;

"(2) attest to the Secretary that the employer reasonably expects to, during the period in which such individual is taking such qualified leave, incur costs attributable to replacing the labor of such individual during such period in excess of the wages that

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would be paid to the individual during such period if such leave were not taken;

"(3) agree that, on return from such qualified leave, the individual will—

"(A) be restored by the employer to the position of employment held by the individual when the leave commenced; or

"(B) be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment;

"(4) agree to maintain coverage for the individual under any 'group health plan' (as defined in section 2212) for the duration of such qualified leave at the level and under the conditions coverage would have been provided if the individual had continued in employment continuously for the duration of such leave;

"(5) upon the award of such grant, notify the individual of their rights under paragraphs (3) and (4).

"(d) AMOUNT OF GRANT.—The amount of a grant to an eligible employer with respect to a covered individual shall be an amount equal to the product of 2.5 multiplied by the average weekly wage of the State in which the individual's worksite is located for the most recent calendar

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year. For purposes of this subsection, the average weekly wage of a State for a calendar year shall be determined and annually published by the Secretary on the basis of data prepared by the Bureau of Labor Statistics that is based on a quarterly census of employers in the State of wages paid for unemployment insurance-covered employment.

''(e) LIMITATIONS.—In no case may an eligible employer—

''(1) receive more than 1 grant under this section with respect to the same covered individual in a single calendar year; or

''(2) receive more than 10 total grants under this section in a single calendar year.

''(f) ENFORCEMENT.—In any case in which—

''(1) an employer's attestation with respect to costs incurred made pursuant to subsection (c)(2) is not made in good faith; or

''(2) an employer who receives a grant under this section with respect to a covered individual fails to satisfy the requirements of paragraph (3) or (4) of subsection (c) with respect to such individual,

the Secretary may require the employer to repay the full amount of such grant (including any applicable interest)

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and may permanently prohibit the employer from applying for any subsequent grants under this section.

''(g) DEFINITIONS.—For purposes of this section—

''(1) COVERED INDIVIDUAL.—For purposes of this section, the term 'covered individual' means an individual employed by an eligible employer who takes 4 or more weeks of leave from such employer, or anticipates taking 4 or more weeks, during the individual's benefit period for which the individual receives paid family and medical leave benefits—

''(A) under section 2202(a);

''(B) under the law of a legacy State (as defined in section 2209(b)); or

''(C) under an eligible employer-sponsored plan under section 2210,

but only if the eligible employer has received no other State or Federal grant intended to cover the costs described in subsection (c)(2) with respect to such individual.

''(2) ELIGIBLE EMPLOYER.—The term 'eligible employer' means any person (other than a governmental agency) who regularly employs at least 1 and not more than 50 employees.

''(3) QUALIFIED LEAVE.—The term 'qualified leave' means leave taken by an individual with re-

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spect to which the individual is eligible for paid family and medical leave benefits under section 2202, under the law of a legacy State (as defined in section 2209(b)), or under an eligible employer-sponsored plan under section 2210.

"SEC. 2212. DEFINITIONS.

''For purposes of this title the following definitions apply:

''(1) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning given such term in section 5000(b)(1) of the Internal Revenue Code of 1986.

''(2) NATIONAL AVERAGE WAGE INDEX.—The term 'national average wage index' has the meaning given such term in section 209(k)(1).

''(3) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(4) SELF-EMPLOYMENT INCOME.—The term 'self-employment income' has the meaning given the term in section 1402(b) of the Internal Revenue Code of 1986 for purposes of the taxes imposed by section 1401(b) of such Code. For purposes of section 2202(a) and 2203(b)(3), the Secretary shall determine rules for the crediting of self-employment income to calendar quarters, under which—

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"(A) in the case of a taxable year which is a calendar year, self-employment income shall be credited equally to each quarter of such calendar year; and

"(B) in the case of any other taxable year, such income shall be credited equally to the calendar quarter in which such taxable year ends and to each of the next three or fewer preceding quarters any part of which is in such taxable year.

"(5) STATE.—The term 'State' means any State of the United States or the District of Columbia or any territory or possession of the United States.

"(6) WAGES.—The term 'wages' has the meaning given such term in section 3121(a) of the Internal Revenue Code of 1986 for purposes of the taxes imposed by sections 3101(b) and 3111(b) of such Code, except that such term also includes—

"(A) compensation, as defined in section 3231(e) of such Code for purposes of the Railroad Retirement Tax Act; and

"(B) unemployment compensation, as defined in section 85(b) of such Code.

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''(7) WEEK.—The term 'week' means a 7-day period beginning on a Sunday.''.

SEC. 130002. ACCESS TO WAGE INFORMATION FROM THE NATIONAL DIRECTORY OF NEW HIRES FOR THE PURPOSE OF ADMINISTERING PAID LEAVE.

(a) IN GENERAL.—Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended—

(1) by redesignating paragraphs (5) through (11) as paragraphs (6) through (12), respectively; and

(2) by adding after paragraph (4) the following:

''(5) PROVISION OF NEW HIRE INFORMATION FOR PURPOSES OF FAMILY AND MEDICAL LEAVE PROGRAM.—

''(A) IN GENERAL.—The National Directory of New Hires shall provide the Secretary of the Treasury with all information in the National Directory relating to wages paid to individuals.

''(B) USE AND MAINTENANCE OF INFORMATION BY THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury may use information provided under this paragraph only for purposes of administering the paid family

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and medical leave benefit program under title XXII, and shall maintain such information in the records of the Secretary of the Treasury for such time as the Secretary of the Treasury deems necessary for the administration of such program.''.

(b) CONFORMING AMENDMENT.—Section 453(i)(2)(C) of such Act (42 U.S.C. 653(i)(2)(C)) is amended by striking ''(j)(5)'' and inserting ''(j)(6)''.

Subtitle B—Retirement

SEC. 131001. AMENDMENT OF 1986 CODE.

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

PART 1—AUTOMATIC CONTRIBUTION PLANS AND ARRANGEMENTS

SEC. 131101. TAX IMPOSED ON EMPLOYERS FAILING TO MAINTAIN OR FACILITATE AUTOMATIC CONTRIBUTION PLAN OR ARRANGEMENT.

(a) AUTOMATIC CONTRIBUTION PLAN OR ARRANGEMENT.—

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(1) IN GENERAL.—Section 414 is amended by adding at the end the following:

"(aa) AUTOMATIC CONTRIBUTION PLAN OR ARRANGEMENT.—For purposes of this title—

"(1) IN GENERAL.—The term 'automatic contribution plan or arrangement' means—

"(A) a defined contribution plan that—

"(i) is described in clause (i), (ii), or (iv) of section 219(g)(5)(A),

"(ii) includes a qualified cash or deferred arrangement or a salary reduction arrangement, and

"(iii) meets the notice, eligibility, contribution, investment, fee, and lifetime income requirements of paragraphs (2), (3), (4), (5), (6), and (7), respectively,

"(B) an automatic IRA arrangement described in paragraph (8),

"(C) an arrangement described in section 408(p) that meets the notice, contribution, investment, and fee requirements described in paragraphs (2), (4), (5), and (6), and

"(D) a plan described in clause (i), (ii), (iv), (v), or (vi) of section 219(g)(5)(A) that is established and maintained by an employer as

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of the date of enactment of the Act to provide for reconciliation pursuant to title II of S. Con. Res. 14, or a plan described in section 219(g)(5)(A)(iv) that is not subject to title I of the Employee Retirement Income Security Act of 1974 and offers annuity contracts, or makes custodial accounts available to employees, as of such date.

''(2) NOTICE REQUIREMENTS.—A plan or arrangement shall be treated as meeting the notice requirements of this paragraph with respect to an employee if the plan or arrangement meets the notice requirements of, or similar to, the notice requirements of section 401(k)(13)(E), excluding any such notice requirements that are not applicable or relevant to the such plan or arrangement.

''(3) ELIGIBILITY REQUIREMENTS.—

''(A) IN GENERAL.—The requirements of this paragraph shall be treated as met if all employees of the employer are eligible to participate in an automatic contribution plan or arrangement maintained or facilitated by the employer.

''(B) CERTAIN EXCLUSIONS.—The following employees may be excluded from consid-

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eration in determining whether the requirements of this paragraph are met:

"(i) INDIVIDUALS LESS THAN 21 YEARS OLD.—Any employee who has not attained age 21.

"(ii) CERTAIN OTHER EMPLOYEES.—Any employee described in section 410(b)(3).

"(iii) SERVICE REQUIREMENTS.—Any employee who has not completed at least one of the following periods of service with the employer maintaining or facilitating the plan or arrangement:

"(I) The period permitted under section 410(a)(1) (determined without regard to subparagraph (B)(i) thereof).

"(II) A period of 2 consecutive 12-month periods during each of which the employee has at least 500 hours of service.

"(C) SPECIAL RULES FOR CONTROLLED GROUPS.—Eligible employees within an employer need not be eligible to participate in the same automatic contribution plan or arrange-

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ment. For purposes of this subsection, the term 'employer' shall include all employers treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

"(D) ENTRY DATES.—Rules similar to the rules of section 410(a)(4) shall apply with respect to employees who have satisfied the age and service requirements referenced in subparagraph (B) and who are otherwise entitled to participate in a plan or arrangement.

"(4) CONTRIBUTION REQUIREMENTS.—

"(A) IN GENERAL.—The requirements of this paragraph shall be treated as met if, under the plan or arrangement, each employee eligible to participate in the plan or arrangement is treated as having elected to have the employer make elective contributions in an amount equal to the qualified percentage of compensation.

"(B) ELECTION OUT.—The election treated as having been made under subparagraph (A) shall cease to apply with respect to any employee if such employee makes an affirmative election—

"(i) not to have such contributions made, or

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"(ii) to make elective contributions at a level specified in such affirmative election.

"(C) QUALIFIED PERCENTAGE.—For purposes of this paragraph, and except as provided in subparagraph (D)(i), the term 'qualified percentage' means, with respect to any employee, any percentage determined under the plan or arrangement if such percentage is applied uniformly, does not exceed 15 percent (10 percent during the period described in clause (i)), and is at least—

"(i) 6 percent during the period ending on the last day of the first plan year which begins after the date on which the first elective contribution described in subparagraph (A) is made with respect to such employee,

"(ii) 7 percent during the first plan year following the plan year described in clause (i),

"(iii) 8 percent during the first plan year following the plan year described in clause (ii),

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"(iv) 9 percent during the first plan year following the plan year described in clause (iii), and

"(v) 10 percent during any subsequent plan year.

"(D) RULES RELATING TO AUTOMATIC IRA ARRANGEMENTS.—For purposes of this paragraph—

"(i) QUALIFIED PERCENTAGE.—In the case of an automatic IRA arrangement, the term 'qualified percentage' means, with respect to an employee for any plan year, a percentage equal to the minimum percentage described for such plan year under subparagraph (C).

"(ii) PAYROLL DEDUCTION CONTRIBUTIONS.—In the case of an automatic IRA arrangement, any reference in this paragraph to elective contributions shall be treated as including a reference to payroll deduction contributions.

"(5) INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—

"(i) DEFAULT INVESTMENTS.—A plan or arrangement shall be treated as meeting

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the requirements of this paragraph if in the absence of an investment election by a participant or beneficiary, amounts are invested only in the class of assets or funds described in subparagraph (B).

''(ii) REQUIRED INVESTMENT OPTIONS IN AUTOMATIC IRA ARRANGEMENT.—In addition to the default investment requirement of clause (i), an automatic IRA arrangement shall be treated as meeting the requirements of this paragraph if the arrangement also allows the participant to invest in any of the class of assets or funds described in subparagraph (B), (C), (D), or (E), and provides for no other investment options.

''(B) TARGET DATE/LIFECYCLE OPTION.—The class of assets or funds described in this clause is the class of assets or funds that constitutes a qualified default investment alternative under Department of Labor regulation section 2550.404c–5(e)(4)(i).

''(C) PRINCIPAL PRESERVATION.—The class of assets or funds described in this clause is the class of assets or funds that is designed

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to protect the principal of the individual on an ongoing basis.

''(D) BALANCED OPTION.—The class of assets or funds described in this clause is the class of assets or funds that constitutes a qualified default investment alternative under Department of Labor regulation section 2550.404c–5(e)(4)(ii).

''(E) OTHER.—Any other class of assets or funds determined by the Secretary to be a qualified investment for purposes of this section.

''(6) FEE REQUIREMENTS.—In the case of any plan or arrangement not otherwise subject to title I of the Employee Retirement Income Security Act of 1974, under the fee requirements of this paragraph, no participant may be charged unreasonable fees or expenses.

''(7) LIFETIME INCOME REQUIREMENTS.—

''(A) IN GENERAL.—A plan or arrangement shall be treated as meeting the lifetime income requirement described in this paragraph if the plan or arrangement permits participants to elect to receive at least 50 percent of their vest-

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ed account balance in a form of distribution described in section 401(a)(38)(B)(iii).

"(B) EXCEPTION.—

"(i) IN GENERAL.—This paragraph shall not apply with respect to any participant whose vested account balance is $200,000 or less at the time of distribution.

"(ii) NOT TREATED AS DISCRIMINATORY IN FAVOR OF HIGHLY COMPENSATED EMPLOYEES.—A plan shall not be treated as failing to meet the requirements of section 401(a)(4) solely by reason of applying the exception of clause (i) to the requirements of subparagraph (A).

"(8) AUTOMATIC IRA ARRANGEMENT.—

"(A) IN GENERAL.—For purposes of this paragraph, the term 'automatic IRA arrangement' means, with respect to an employer (and trustee or issuer designated by the employer), an arrangement facilitated by the employer which meets the requirements of this paragraph and the eligibility, contribution, investment, and fee requirements of paragraphs (3), (4), (5), and (6), and under which an employee—

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"(i) may elect—

"(I) to have the employer make payroll deduction deposits on behalf of the individual as payroll deduction contributions to an individual retirement account, or

"(II) to have such payments paid to the employee directly in cash,

"(ii) is treated as having made the election under clause (i)(I) at the level determined under paragraph (4)(D) until the individual makes an affirmative election not to have such contributions made (or to have such contributions made at a level specified in the affirmative election), and

"(iii) may elect to modify the manner in which such amounts are invested for such plan year.

"(B) ADMINISTRATIVE REQUIREMENTS.—

"(i) PAYMENTS.—The requirements of this subparagraph are met with respect to any automatic IRA arrangement if the employer makes the payments elected or treated as elected under subparagraph (A)(i) on or before the last day of the

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month following the month in which the compensation otherwise would have been payable to the employee in cash.

"(ii) NOTICE OF ELECTION PERIOD.—The requirements of this paragraph shall be treated as met with respect to any year if the employer notifies each employee eligible to participate, within a reasonable period of time before the beginning of such year (and, for the first year the employee is so eligible, a reasonable period of time before the first day such employee is so eligible), of—

"(I) the opportunity to elect to have contributions made, or to be treated as so electing, under clause (i)(I), or (ii), of subparagraph (A),

"(II) the opportunity to elect not to have payroll deduction contributions made or to have such contributions made at a different percentage or in a different amount, and

"(III) the opportunity under subparagraph (A)(iii) to modify the man-

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ner in which such amounts are invested for such year.

The employer shall provide such notice in paper form or, if the employee so elects, in electronic form.

''(C) LIMITS ON CONTRIBUTIONS.—An employer shall not be treated as failing to satisfy the requirements of this section or any other provision of this title merely because—

''(i) aggregate payroll deduction contributions by or on behalf of an individual to individual retirement accounts of the individual exceed the deductible amount in effect under section 219(b)(5) (determined without regard to subparagraph (B) thereof) for any taxable year in which any payroll deduction contributions by the employer under an automatic IRA arrangement are made, or

''(ii) the employer chooses to limit the payroll deduction contributions under this subsection on behalf of an employee for any calendar year in a manner reasonably designed to avoid exceeding such deductible amount.

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"(D) DEFAULT TREATMENT AS ROTH IRA.—An employee on whose behalf payroll deduction contributions are made to an individual retirement account under subparagraph (A) may elect, at such time and in such manner and form as the Secretary may prescribe, whether to treat the individual retirement account as designated as a Roth IRA. If no such election is made, the account shall be treated as so designated.

"(E) DEPOSITS TO INDIVIDUAL RETIREMENT ACCOUNTS OF A DESIGNATED TRUSTEE OR ISSUER.—

"(i) IN GENERAL.—An employer shall not be treated as failing to satisfy the requirements of this section, or any other provision of this title, merely because the employer makes all payroll deduction contributions on behalf of all employees (or all employees who do not specify an individual retirement account, trustee, or issuer to receive the contributions) to individual retirement accounts specified in clause (ii).

"(ii) INDIVIDUAL RETIREMENT ACCOUNTS OTHER THAN THOSE SELECTED

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BY EMPLOYEE.—An employer may elect to have payroll deduction contributions for all employees participating in an automatic IRA arrangement made to individual retirement accounts of a trustee or issuer under the arrangement that has been designated by the employer, but only if the provider of such accounts, and the investments therein, are identified on the website established under subparagraph (F)(iii). The preceding sentence shall not apply unless each participant is notified in writing that the participant's balance may be transferred without cost or penalty to another individual retirement account established by or on behalf of the participant. Such notice shall be in paper form or, if the employee so elects, electronic form.

"(iii) EMPLOYERS MAY PERMIT EMPLOYEE TO CHOOSE IRA.—If the employer so elects, the arrangement may provide for an employee election to have payroll deduction contributions made to any individual retirement account specified by the employee.

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"(iv) REGULATIONS.—The Secretary may issue such regulations as are necessary to carry out the purposes of this subparagraph, including establishment of procedures to assist employers in connecting with certified and available providers of individual retirement accounts and to communicate to individuals the importance of investment diversification.

"(F) MODEL NOTICE, ETC.—The Secretary shall—

"(i) provide a model notice, written in a manner calculated to be understandable to the average worker, that is simple for employers to use—

"(I) to notify employees of the requirement under this section for the employer to provide certain employees with the opportunity to participate in an automatic IRA arrangement, and

"(II) to satisfy the requirements of subparagraph (B)(ii),

"(ii) provide model forms for enrollment, including automatic enrollment, in an automatic IRA arrangement,

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"(iii) establish a website or other electronic means that small employers and individuals can access and use to obtain information on automatic IRA arrangements (including clear, standardized, easy-to-compare information on fees and expenses and investment returns in a format prescribed by the Secretary) and to obtain notices and forms, and

"(iv) establish a process—

"(I) for the provider of an automatic IRA arrangement to demonstrate to the Secretary that the arrangement is described in this paragraph and meets the requirements specified in paragraph (1)(B), and

"(II) to certify any arrangement that the Secretary determines so demonstrates, to regularly monitor compliance and update such determinations and certifications, and to list all arrangements so certified on the website described in clause (iii) as appropriate for use by employers and participants.

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The information referred to in clause (iii) shall be provided in a manner designed to assist employers and providers by facilitating the identification by employers of private-sector providers of individual retirement accounts, including the provider's investment options, that are appropriate for use in automatic IRA arrangements.

"(G) SAFE HARBOR FOR CERTAIN STATE-PROVIDED ARRANGEMENTS.—An arrangement facilitated by an employer shall not fail to be treated as an automatic IRA arrangement merely because such arrangement is provided or otherwise offered, in whole or in part, by a State.

"(H) INDIVIDUAL RETIREMENT ACCOUNT.—For purposes of this paragraph, the term 'individual retirement account' shall have the meaning given such term by section 408(a), except that such term shall include individual retirement annuities (as defined in section 408(b))."

(2) OTHER RULES APPLICABLE TO AUTOMATIC IRA ARRANGEMENTS.—

(A) PENALTY FOR FAILURE TO TIMELY REMIT CONTRIBUTIONS TO AUTOMATIC IRA AR-

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RANGEMENTS.—Section 4975(c) is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULE FOR AUTOMATIC IRA ARRANGEMENTS.—For purposes of paragraph (1), if an employer is required under an automatic IRA arrangement (as defined in section 414(aa)(1)(B)) to deposit amounts withheld from an employee's compensation into an individual retirement account (within the meaning of section 414(aa)(8)(H)) but fails to do so within the time prescribed under section 414(aa)(8)(B)(i), such amounts shall be treated as assets of the individual retirement account.''.

(B) WAIVER OF EARLY WITHDRAWAL PENALTY FOR CERTAIN DISTRIBUTIONS FOLLOWING INITIAL ELECTION TO PARTICIPATE IN AUTOMATIC IRA ARRANGEMENT.—Section 72(t) is amended by adding at the end the following new paragraph:

''(11) DISTRIBUTION FOLLOWING INITIAL ELECTION TO PARTICIPATE IN AUTOMATIC IRA ARRANGEMENT.—Paragraph (1) shall not apply in the case of a distribution—

''(A) to an individual from an individual retirement account (within the meaning of section 414(aa)(8)(H)) that is part of an auto-

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matic IRA arrangement (as defined in section 414(aa)(8)(A)), and

"(B) made not later than 90 days after the initial election under section 414(aa)(8)(A)(ii).".

(C) AUTOMATIC IRA ADVISORY GROUP.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall establish an Automatic IRA Advisory Group (hereinafter in this subparagraph referred to as the "Advisory Group"). The purpose of the Advisory Group shall be to make recommendations, advise, and assist in the Secretary's implementation and administration of paragraphs (5), (6), and (8) of section 414(aa) of the Internal Revenue Code of 1986 with respect to automatic IRA arrangements in the best financial interest of savers, including—

(I) the procedures and criteria for the periodic certification, website listing, and monitoring of investment options that meet the requirements of those paragraphs,

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(II) user-friendly disclosure regarding investment returns, terms, fees, and expenses to facilitate comparison,

(III) the use of low-cost investment options,

(IV) the appropriate use of electronic and paper methods to provide notice and disclosure,

(V) any possible learnings or efficiencies based on the Secretary's procedures and experience in approving nonbank individual retirement account trustees, and

(VI) such other related matters as may be determined by the Secretary.

(ii) MEMBERSHIP.—The Advisory Group shall consist of not more than 15 members and shall be composed of—

(I) such individuals as the Secretary may consider appropriate to provide expertise regarding the financial needs and challenges of lower- and middle-income households,

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(II) at least one individual who is an expert in retirement-related consumer protections or who represents the general public, and

(III) at least one representative of the Department of the Treasury.

(iii) COMPENSATION.—The members of the Advisory Group shall serve without compensation.

(iv) ADMINISTRATIVE SUPPORT.—The Department of the Treasury shall provide appropriate administrative support to the Advisory Group, including technical assistance. The Advisory Group may use the services and facilities of such Department, with or without reimbursement, as determined by such Department.

(v) REPORT BY ADVISORY GROUP.—Not later than 1 year after the date of the enactment of this Act, the Advisory Group shall submit to the Secretary of the Treasury a report containing its recommendations. The Secretary may request that the Advisory Group submit subsequent reports.

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(b) EXCISE TAX FOR FAILURE TO MAINTAIN OR FACILITATE AUTOMATIC CONTRIBUTION PLANS OR ARRANGEMENTS.—

(1) IN GENERAL.—Chapter 43 is amended by adding at the end the following new section:

"SEC. 4980J. FAILURE TO MAINTAIN OR FACILITATE AUTOMATIC CONTRIBUTION PLANS OR ARRANGEMENTS.

"(a) GENERAL RULE.—

"(1) IN GENERAL.—There is hereby imposed a tax on the failure of an employer to maintain or facilitate an automatic contribution plan or arrangement.

"(2) EXCEPTIONS.—

"(A) Paragraph (1) shall not apply to an employer to the extent such employer participates in an arrangement under a qualified State law.

"(B) Paragraph (1) shall not apply to an employer with respect to any employee who is eligible to participate in a different automatic contribution plan or arrangement than one or more other employees of the employer.

"(b) AMOUNT OF TAX.—

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''(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to an employee shall be $10 for each day in the noncompliance period with respect to such failure.

''(2) NONCOMPLIANCE PERIOD.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period—

''(A) beginning on the date such failure first occurs, and

''(B) ending on the earlier of—

''(i) the date such failure is corrected, or

''(ii) with respect to any employer, the date that is 3 months after the last date on which the employee is required to be eligible to participate in an automatic contribution plan or arrangement maintained or facilitated by such employer.

''(3) ADJUSTMENT FOR INFLATION.—

''(A) IN GENERAL.—In the case of any failure relating to maintaining or facilitating a plan or arrangement in a calendar year beginning after 2023, the $10 amount under paragraph (1) shall be increased by an amount equal to such dollar amount multiplied by the

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cost-of-living adjustment determined under section 1(f)(3) for the calendar year determined by substituting 'calendar year 2022' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

"(B) ROUNDING.—If any amount adjusted under subparagraph (A) is not a whole dollar amount, such amount shall be rounded to the nearest whole dollar amount.

"(c) LIMITATIONS ON AMOUNT OF TAX.—

"(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No tax shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary that none of the persons referred to in subsection (e) knew, nor exercising reasonable diligence would have known, that such failure existed.

"(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 9½ MONTHS.—No tax shall be imposed by subsection (a) on any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 9½-month period beginning on the first date any of the persons referred to in subsection (e)

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knew that such failure existed, or exercising reasonable diligence would have known.

"(3) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures which are due to reasonable cause and not to willful neglect—

"(A) GENERAL RULE.—The tax imposed by subsection (a) for failures during the taxable year of the employer shall not exceed $500,000.

"(B) TAXABLE YEARS IN THE CASE OF CERTAIN CONTROLLED GROUPS.—For purposes of this subparagraph, if not all persons who are treated as a single employer for purposes of this section have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

"(4) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(d) TAX NOT TO APPLY IN CERTAIN CASES.—This section shall not apply in the case of—

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''(1) any employer with respect to a plan or arrangement that, during the prior calendar year, was maintained or facilitated only by employers each of which had no more than 5 employees receiving at least $5,000 of compensation from the employer for such year,

''(2) any employer with respect to a governmental plan (within the meaning of section 414(d)),

''(3) any employer with respect to a church plan (within the meaning of section 414(e)), or

''(4) any employer that has been in existence for fewer than 2 years, taking into account all predecessor employers.

''(e) LIABILITY FOR TAX.—The employer shall be liable for the tax imposed by subsection (a) on a failure. All employers, determined without regard to subsection (f)(2), shall be jointly and severally liable for the liability of any other employer with which they are aggregated under subsection (f)(2).

''(f) DEFINITIONS.—For purposes of this section—

''(1) AUTOMATIC CONTRIBUTION PLAN OR ARRANGEMENT.—The term 'automatic contribution plan or arrangement' has the meaning given such term under section 414(aa), and

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"(2) EMPLOYER.—The term 'employer' includes all employers treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

"(3) QUALIFIED STATE LAW.—The term 'qualified State law' means a State law (as it may be amended from time to time) that—

"(A) was enacted before the date of the enactment of the Act to provide for reconciliation pursuant to title II of S. Con. Res. 14, and

"(B)(i) requires certain employers to facilitate an automatic IRA arrangement pursuant to a payroll deduction savings program of the State, or

"(ii) allows certain employers to contribute to, or participate in, a plan described in section 413(c) of such Code established and maintained by the State.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 43 is amended by adding at the end the following new item:

"Sec. 4980J. Failure to maintain or facilitate automatic contribution plans or arrangements.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2022.

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SEC. 131102. DEFERRAL-ONLY ARRANGEMENTS.

(a) IN GENERAL.—Section 401(k) is amended by adding at the end the following new paragraph:

"(16) DEFERRAL-ONLY ARRANGEMENT.—

"(A) IN GENERAL.—A deferral-only arrangement shall be treated as meeting the requirements of paragraph (3)(A)(ii).

"(B) DEFERRAL-ONLY ARRANGEMENT.—For purposes of this paragraph, the term 'deferral-only arrangement' means any cash or deferred arrangement which meets—

"(i) the automatic deferral requirements of subparagraph (C),

"(ii) the elective contribution requirement of subparagraph (D), and

"(iii) the requirements of subparagraph (E) of paragraph (13).

"(C) AUTOMATIC DEFERRAL.—

"(i) IN GENERAL.—The requirements of this subparagraph shall be treated as met if, under the arrangement, each employee eligible to participate in the arrangement is treated as having elected to have the employer make elective contributions in an amount equal to the qualified percentage of compensation.

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"(ii) ELECTION OUT.—The election treated as having been made under clause (i) shall cease to apply with respect to any employee if such employee makes an affirmative election—

"(I) to not have such contributions made, or

"(II) to make elective contributions at a level specified in such affirmative election.

"(iii) QUALIFIED PERCENTAGE.—For purposes of this subparagraph, with respect to any employee, the term 'qualified percentage' means, in lieu of the meaning given such term in paragraph (13)(C)(iii), any percentage determined under the arrangement if such percentage is applied uniformly, does not exceed 15 percent (10 percent during the period described in subclause (I)) and is at least—

"(I) 6 percent during the period ending on the last day of the first plan year which begins after the date on which the first elective contribution

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described in clause (i) is made with respect to such employee,

"(II) 7 percent during the first plan year following the plan year described in subclause (I),

"(III) 8 percent during the first plan year following the plan year described in subclause (II),

"(IV) 9 percent during the first plan year following the plan year described in subclause (III), and

"(V) 10 percent during any subsequent plan year.

"(D) ELECTIVE CONTRIBUTIONS.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if under the plan containing the arrangement—

"(I) the only contributions which may be made are elective contributions of employees who are eligible to participate in the arrangement, and

"(II) the aggregate amount of such elective contributions which may be made with respect to any employee for any calendar year shall not exceed

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the amount in effect for the taxable year under section 219(b)(5) (determined without regard to subparagraph (B) thereof).

''(ii) CROSS REFERENCE.—For catch-up contributions for individuals age 50 or over, see section 414(v).''.

(b) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 AND OVER.—

(1) Section 414(v)(2)(B)(i) is amended by inserting '', 401(k)(16),'' after ''401(k)(11)''.

(2) Section 414(v)(2)(B) is amended by adding at the end thereof the following clause:

''(iii) In the case of an applicable employer plan described in section 401(k)(16), the applicable dollar amount is $1,000.''.

(3) Section 414(v)(2)(C) is amended—

(A) by striking ''(B)(i) and'' and inserting ''(B)(i),'' and by inserting after ''subparagraph (B)(ii)'' the following: '', and the $1,000 amount described in subparagraph (B)(iii)'',

(B) inserting after ''2005'' the following: ''(the calendar quarter beginning July 1, 2020,

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in the case of the $1,000 amount described in subparagraph (B)(iii))'', and

(C) by inserting before the period at the end the following ''($100 in the case of an increase in the amount described in subparagraph (B)(iii) which is not a multiple of $100)''.

(c) PLANS NOT TREATED AS TOP-HEAVY PLANS.—Section 416(g)(4)(H)(i) is amended by striking ''or 401(k)(13)'' and inserting ''401(k)(13), or 401(k)(16)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2022.

SEC. 131103. INCREASE IN CREDIT LIMITATION FOR SMALL EMPLOYER PENSION PLAN STARTUP COSTS INCLUDING FOR AUTOMATIC CONTRIBUTION PLAN OR ARRANGEMENT.

(a) YEARS FOR WHICH CREDIT IS ALLOWED.—Section 45E(b)(1) is amended by striking ''2 taxable years'' and inserting ''4 taxable years''.

(b) SPECIAL RULE FOR EMPLOYERS WITH 25 OR FEWER EMPLOYEES.—Section 45E(a) is amended by inserting before the period at the end the following: ''(100 percent of such costs in the case of an eligible employer with 25 or fewer employees, as determined by substituting '25' for '100' in section 408(p)(2)(C)(i))''.

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(c) CREDIT NOT TO APPLY TO CERTAIN PLANS OR ARRANGEMENTS.—

(1) NO CREDIT WITH RESPECT TO DEFERRAL-ONLY ARRANGEMENTS.—Section 45E(d)(2) is amended by inserting ''(other than a deferral-only arrangement (as defined in section 401(k)(16)(B))'' before the period at the end.

(2) TERMINATION WITH RESPECT TO PLANS OTHER THAN AUTOMATIC CONTRIBUTION PLANS OR ARRANGEMENTS.—Section 45E is amended by adding at the end the following new subsection:

''(f) CREDIT TERMINATED FOR NON-AUTOMATIC CONTRIBUTION PLANS OR ARRANGEMENTS AFTER 2022.—In the case of taxable years beginning after December 31, 2022, no credit shall be allowed under this section for amounts paid or incurred with respect to an eligible employer plan that is not an automatic contribution plan or arrangement (as defined in section 414(aa)).''.

(d) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2021.

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SEC. 131104. CREDIT FOR CERTAIN SMALL EMPLOYER AUTOMATIC RETIREMENT ARRANGEMENTS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 45U. CREDIT FOR CERTAIN SMALL EMPLOYER AUTOMATIC RETIREMENT ARRANGEMENTS.

''(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible employer, the small employer automatic retirement arrangement credit determined under this section for any taxable year in the credit period is $500.

''(b) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE EMPLOYER.—The term 'eligible employer' means, with respect to the calendar year in which the taxable year begins, an employer which—

''(A)(i) participates in an automatic IRA arrangement (as defined in section 414(aa)(8)), or an arrangement described in 4980J(a)(2)(A), or

''(ii) maintains a deferral-only arrangement (as defined in section 401(k)(16)),

''(B) is described in 408(p)(2)(C)(i), and

''(C) did not maintain an eligible employer plan during the portion of the calendar year

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preceding the commencement of such arrangement, or adoption of such deferral-only arrangement, and the 2 preceding calendar years.

"(2) CREDIT PERIOD.—The term 'credit period' means the first 4 calendar years beginning after the date of the enactment of this section in which the eligible employer participates in the arrangement or maintains the deferral-only arrangement.

"(3) ELIGIBLE EMPLOYER PLAN.—The term 'eligible employer plan' means a qualified employer plan within the meaning of section 4972(d).

"(c) OTHER RULES.—For purposes of this section, the rules of section 45E(e) shall apply.".

(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of is amended by striking "plus" at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting ", plus", and by adding at the end the following new paragraph:

"(34) the small employer automatic retirement arrangement credit determined under section 45U(a).".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45U. Credit for certain small employer automatic retirement arrangements.".

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(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

PART 2—SAVER'S MATCH

SEC. 131201. MATCHING PAYMENTS FOR ELECTIVE DEFERRAL AND IRA CONTRIBUTIONS BY CERTAIN INDIVIDUALS.

(a) IN GENERAL.—Subchapter B of chapter 65 is amended by adding at the end the following new section:

"SEC. 6433. MATCHING PAYMENTS FOR ELECTIVE DEFERRAL AND IRA CONTRIBUTIONS BY CERTAIN INDIVIDUALS.

''(a) IN GENERAL.—

''(1) ALLOWANCE OF CREDIT.—Any eligible individual who makes qualified retirement savings contributions for the taxable year shall be allowed a credit for such taxable year in an amount equal to the applicable percentage of so much of the qualified retirement savings contributions made by such eligible individual for the taxable year as does not exceed $1,000.

''(2) PAYMENT OF CREDIT.—The credit under this section shall be—

''(A) treated as allowed by subpart C of part IV of subchapter A of chapter 1, and

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"(B) paid by the Secretary as a contribution (as soon as practicable after the eligible individual has filed a tax return making a claim for such credit for the taxable year) to the applicable retirement savings vehicle of an eligible individual.

"(b) APPLICABLE PERCENTAGE.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the applicable percentage is 50 percent.

"(2) PHASEOUT.—The percentage under paragraph (1) shall be reduced (but not below zero) by the number of percentage points which bears the same ratio to 50 percentage points as—

"(A) the excess of—

"(i) the taxpayer's modified adjusted gross income for such taxable year, over

"(ii) the applicable dollar amount, bears to

"(B) the phaseout range.

If any reduction determined under this paragraph is not a whole percentage point, such reduction shall be rounded to the next lowest whole percentage point.

"(3) APPLICABLE DOLLAR AMOUNT; PHASEOUT RANGE.—

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"(A) JOINT RETURNS.—Except as provided in subparagraph (B)—

"(i) the applicable dollar amount is $50,000, and

"(ii) the phaseout range is $20,000.

"(B) OTHER RETURNS.—In the case of—

"(i) a head of a household (as defined in section 2(b)), the applicable dollar amount and the phaseout range shall be ¾ of the amounts applicable under subparagraph (A) (as adjusted under subsection (h)), and

"(ii) any taxpayer who is not filing a joint return and who is not a head of a household (as so defined), the applicable dollar amount and the phaseout range shall be ½ of the amounts applicable under subparagraph (A) (as so adjusted).

"(4) EXCEPTION; MINIMUM CREDIT.—In the case of an eligible individual with respect to whom (without regard to this paragraph) the credit determined under subsection (a)(1) is greater than zero but less than $100, the credit allowed under this section shall be $100.

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"(c) ELIGIBLE INDIVIDUAL.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible individual' means any individual if such individual has attained the age of 18 as of the close of the taxable year.

"(2) DEPENDENTS AND FULL-TIME STUDENTS NOT ELIGIBLE.—The term 'eligible individual' shall not include—

"(A) any individual with respect to whom a deduction under section 151 is allowed to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins, and

"(B) any individual who is a student (as defined in section 152(f)(2)).

"(d) QUALIFIED RETIREMENT SAVINGS CONTRIBUTIONS.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified retirement savings contributions' means, with respect to any taxable year, the sum of—

"(A) the amount of the qualified retirement contributions (as defined in section 219(e)) made by the eligible individual,

"(B) the amount of—

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"(i) any elective deferrals (as defined in section 402(g)(3)) of such individual, and

"(ii) any elective deferral of compensation by such individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A),

"(C) the amount of voluntary employee contributions by such individual to any qualified retirement plan (as defined in section 4974(c)), and

"(D) the amount of contributions made by such individual to the ABLE account (within the meaning of section 529A) of which such individual is the designated beneficiary.

Such term shall not include any amount attributable to a payment under subsection (a)(2).

"(2) REDUCTION FOR CERTAIN DISTRIBUTIONS.—

"(A) IN GENERAL.—The qualified retirement savings contributions determined under paragraph (1) for a taxable year shall be reduced (but not below zero) by the aggregate distributions received by the individual during

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the testing period from any entity of a type to which contributions under paragraph (1) may be made.

"(B) TESTING PERIOD.—For purposes of subparagraph (A), the testing period, with respect to a taxable year, is the period which includes—

"(i) such taxable year,

"(ii) the 2 preceding taxable years, and

"(iii) the period after such taxable year and before the due date (including extensions) for filing the return of tax for such taxable year.

"(C) EXCEPTED DISTRIBUTIONS.—There shall not be taken into account under subparagraph (A)—

"(i) any distribution referred to in section 72(p), 401(k)(8), 401(m)(6), 402(g)(2), 404(k), or 408(d)(4),

"(ii) any distribution to which section 408(d)(3) or 408A(d)(3) applies,

"(iii) any portion of a distribution if such portion is transferred or paid in a rollover contribution (as defined in section

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402(c), 403(a)(4), 403(b)(8), 408A(e), or 457(e)(16)) to an account or plan to which qualified retirement contributions can be made, and

"(iv) the amount of distributions under a qualified ABLE program (within the meaning of section 529A) that is equal to amounts not included in gross income with respect to such distributions under section 529A(c)(1)(B) (relating to distributions for qualified disability expenses).

"(D) TREATMENT OF DISTRIBUTIONS RECEIVED BY SPOUSE OF INDIVIDUAL.—For purposes of determining distributions received by an individual under subparagraph (A) for any taxable year, any distribution received by the spouse of such individual shall be treated as received by such individual if such individual and spouse file a joint return for such taxable year and for the taxable year during which the spouse receives the distribution.

"(e) APPLICABLE RETIREMENT SAVINGS VEHICLE.—

"(1) IN GENERAL.—The term 'applicable retirement savings vehicle' means an account or plan

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elected by the eligible individual under paragraph (2).

"(2) ELECTION.—Any such election to have contributed the amount determined under subsection (a) shall be to an account or plan which—

"(A) is a Roth IRA or a designated Roth account (within the meaning of section 402A) of an applicable retirement plan (as defined in section 402A(e)(1)),

"(B) is for the benefit of the eligible individual,

"(C) accepts contributions made under this section, and

"(D) is designated by such individual (in such form and manner as the Secretary may provide).

"(f) OTHER DEFINITIONS AND SPECIAL RULES.—

"(1) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term 'modified adjusted gross income' means adjusted gross income—

"(A) determined without regard to sections 911, 931, and 933, and

"(B) determined without regard to any exclusion or deduction allowed for any qualified

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retirement savings contribution made during the taxable year.

"(2) TREATMENT OF CONTRIBUTIONS.—In the case of any contribution under subsection (a)(2)—

"(A) except as otherwise provided in this section or by the Secretary under regulations, such contribution shall be treated as—

"(i) an elective deferral made by the individual which is a designated Roth contribution, if contributed to an applicable retirement plan, or

"(ii) as a Roth IRA contribution made by such individual, if contributed to a Roth IRA, and

"(B) such contribution shall not be taken into account with respect to any applicable limitation under sections 402(g)(1), 403(b), 408(a)(1), 408(b)(2)(B), 408A(c)(2), 414(v)(2), 415(c), or 457(b)(2), and shall be disregarded for purposes of sections 401(a)(4), 401(k)(3), 401(k)(11)(B)(i)(III), and 416.

"(3) TREATMENT OF QUALIFIED PLANS, ETC.—A plan or arrangement to which a contribution is made under this section shall not be treated as violating any requirement under section 401, 403,

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408A, or 457 solely by reason of accepting such contribution.

''(4) ERRONEOUS CREDITS.—

''(A) IN GENERAL.—If any contribution is erroneously paid under subsection (a)(2), including a payment that is not made to an applicable retirement savings vehicle, the amount of such erroneous payment shall be treated as an underpayment of tax (other than for purposes of part II of subchapter A of chapter 68) for the taxable year in which the Secretary determines the payment is erroneous.

''(B) DISTRIBUTION OF ERRONEOUS CREDITS.—In the case of a contribution to which subparagraph (A) applies—

''(i) section 72 shall not apply to the distribution of such contribution (and any income attributable thereto) if such distribution is received not later than the day prescribed by law (including extensions of time) for filing the individual's return for such taxable year, and

''(ii) any plan or arrangement from which such a distribution is made under this subparagraph shall not be treated as

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violating any requirement under section 401, 403, 408A, or 457 solely by reason of making such distribution.

"(g) PROVISION BY SECRETARY OF INFORMATION RELATING TO CONTRIBUTIONS.—In the case of an amount elected by an eligible individual to be contributed to an account or plan under subsection (e)(2), the Secretary shall provide guidance to the custodian of the account or the plan sponsor, as the case may be, detailing the treatment of such contribution under subsection (f)(2) and the reporting requirements with respect to such contribution under section 131201(c)(2) of the Act to provide for reconciliation pursuant to title II of S. Con. Res. 14.

"(h) INFLATION ADJUSTMENTS.—

"(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2020, each of the dollar amounts in subsections (a)(1) and (b)(3)(A)(i) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2019' for

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'calendar year 2016' in subparagraph (A)(ii) thereof.

"(2) ROUNDING.—Any increase determined under paragraph (1) shall be rounded to the nearest multiple of—

"(A) $100 in the case of an adjustment of the amount in subsection (a)(1), and

"(B) $1,000 in the case of an adjustment of the amount in subsection (b)(3)(A)(i).".

(b) TREATMENT OF CERTAIN POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary of the Treasury shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the amendments made by this section. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits (if any) that would have been provided

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to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to its residents.

(3) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes under section 6433 of the Internal Revenue Code of 1986 (as added by this section) to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of the amendments made by this section, or

(B) who is eligible for a payment under a plan described in paragraph (2).

(4) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by

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reference to the income tax laws of the United States as if such possession were the United States.

(5) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(c) ADMINISTRATIVE PROVISIONS.—

(1) DEFICIENCIES.—Section 6211(b)(4) is amended by striking ''and 7527A'' and inserting ''7527A, and 6433''.

(2) REPORTING.—The Secretary of the Treasury shall—

(A) amend Form 5500 to require separate reporting of the aggregate amount of contributions received by the plan during the year under section 6433 of the Internal Revenue Code of 1986 (as added by this section), and

(B) amend Form 5498 to require similar reporting with respect to individual retirement accounts (as defined in section 408 of such Code) and individual retirement annuities (as defined in section 408(b) of such Code).

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(d) PAYMENT AUTHORITY.—Section 1324(b)(2) of title 31, United States Code, is amended by striking ''or 7527A'' and inserting ''7527A, or 6433''.

(e) CONFORMING AMENDMENTS.—

(1) Section 25B is amended by striking subsections (a) through (f) and inserting the following: ''For payment of credit related to qualified retirement savings contributions, see section 6433.''.

(2) The table of sections for subchapter B of chapter 65 is amended by adding at the end the following new item:

''Sec. 6433. Matching payments for elective deferral and IRA contributions by certain individuals.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2024.

SEC. 131202. DEADLINE TO FUND IRA WITH TAX REFUND.

(a) IN GENERAL.—Section 219(f)(3) is amended—

(1) by striking ''is made not later than'' and inserting ''is made—

''(i) not later than'',

(2) by striking the period at the end and inserting '', or'', and

(3) by adding at the end the following new clause:

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"(ii) by direct deposit by the Secretary pursuant to an election on the return for such taxable year to contribute all or a portion of any amount owed to the taxpayer to an individual retirement account of the taxpayer, but only if the return is filed not later than the date described in clause (i).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

Subtitle C—Child Care Access and Equity

SEC. 132001. CHILD CARE ACCESS.

Part A of title IV of the Social Security Act (42 U.S.C. 601–619) is amended by inserting after section 418 the following:

"SEC. 418A. CHILD CARE ACCESS.

"(a) ESTABLISHING STATE CHILD CARE INFORMATION NETWORKS.—

"(1) DEVELOPMENT.—The Secretary shall conduct a stakeholder engagement process to make recommendations about the development and implementation of the State Child Care Information Networks to be operated by the States, Indian tribes, and ter-

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ritories. The stakeholder engagement process may include parents, center-based child care providers, home-based child care providers, child care policy experts, trade associations, labor unions, and other organizations representing child care providers.

''(2) MODELS.—The Secretary may use funds made available to the Secretary for administrative purposes to establish national technology models for State Child Care Information Networks, and guidance on development and establishment of interoperable data governance systems that address privacy and allow for sharing and storing data across information systems, including guidance on alignment with State child care consumer education websites.

''(3) DATA EXCHANGE STANDARDS AND INTEROPERABILITY.—

''(A) DESIGNATION AND USE OF DATA EXCHANGE STANDARDS.—

''(i) DESIGNATION.—The Secretary shall, in consultation with an interagency work group established by the Office of Management and Budget and considering State government perspectives, designate data exchange standards for necessary categories of information that the Child Care

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Information Network is required to electronically exchange with another agency under applicable Federal law.

"(ii) DATA EXCHANGE STANDARDS MUST BE NONPROPRIETARY AND INTEROPERABLE.—The data exchange standards designated under clause (i) shall, to the extent practicable, be nonproprietary and interoperable.

"(iii) OTHER REQUIREMENTS.—In designating data exchange standards under this subparagraph, the Secretary shall, to the extent practicable, incorporate—

"(I) interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget;

"(II) interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model; and

"(III) interoperable standards developed and maintained by Federal

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entities with authority over contracting and financial assistance.

"(B) DATA EXCHANGE STANDARDS FOR FEDERAL REPORTING.—

"(i) DESIGNATION.—The Secretary shall, in consultation with an interagency work group established by the Office of Management and Budget, and considering State government perspectives, designate data exchange standards to govern Federal reporting and exchange requirements under applicable Federal law.

"(ii) REQUIREMENTS.—The data exchange reporting standards required by clause (i) shall, to the extent practicable—

"(I) incorporate a widely accepted, nonproprietary, searchable, computer-readable format;

"(II) be consistent with and implement applicable accounting principles;

"(III) be implemented in a manner that is cost-effective and improves program efficiency and effectiveness; and

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"(IV) be capable of being continually upgraded as necessary.

"(iii) INCORPORATION OF NONPROPRIETARY STANDARDS.—In designating data exchange standards under this subparagraph, the Secretary shall, to the extent practicable, incorporate existing nonproprietary standards.

"(iv) RULE OF INTERPRETATION.—Nothing in this subparagraph shall be construed to require a change to existing data exchange standards for Federal reporting under this section if the Secretary finds the standards to be effective and efficient.

"(4) STATE REQUIREMENTS.—A State meets the requirements of this paragraph with respect to a quarter if—

"(A) during the quarter, the State has maintained an up-to-date, publicly available compilation of child care providers who are registered, licensed, or regulated by the State (in this section referred to as the 'State Child Care Information Network'), that includes, with respect to each such provider—

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"(i) where the provider is located, and a description of any fees imposed by the provider and the services offered by the provider;

"(ii) whether the provider is providing child care services that may be funded under section 418;

"(iii) the hours of operation of the provider;

"(iv) whether the provider offers child care to the general public, and if so, where an application for child care services from the provider may be obtained, or a direct link to such an application;

"(v) the total number of children, by age group, for whom the provider is providing child care services, and how many openings are available with the provider by age group;

"(vi) whether the provider has a waiting list for child care services, and if so, the average length of time parents are on the waiting list before being offered child care services and how to join the list;

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"(vii) the type of child care (such as family child care or center-based care) provided, differentiating between licensed and license-exempt child care providers; and

"(viii) information about the languages spoken by staff of the child care provider, and such other information as the Secretary may require to help parents determine whether the provider can meet their child care needs and the parents can enroll a child in care, such as quality indicators or accreditation status;

"(B) the State Child Care Information Network—

"(i) by grant or contract, has been maintained or jointly maintained by—

"(I) a child care resource and referral agency that has operated in the last fiscal year;

"(II) a local child care resource and referral agency that has operated in the most recently completed fiscal year and has applied to become a State Child Information Network; or

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"(III) the lead agency, the State licensing entity, or other appropriate entities;

"(ii) may have been maintained in coordination with, or jointly with, other federally funded systems, so long as there is no supplantation of funding; and

"(iii) has been made—

"(I) publicly available, including through the Internet and by telephone, to families seeking information about obtaining child care services; and

"(II) accessible to State, county, and other government staff involved in the provision of child care;

"(C) the State requires each provider listed in the State Child Care Information Network (or, at the option of the provider, another entity designated by the provider) to update the information described in clauses (v) and (vi) of subparagraph (A) on a weekly basis, and to update all other information described in subparagraph (A) not less frequently than quarterly, and ensures that publicly available information in the

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State Child Care Information Network indicates when the slot availability information about the provider was most recently updated; and

"(D) the State has submitted to the Secretary a plan that includes an estimate of the total capacity of licensed, regulated, and registered provider slots, and a description of the eligible expenditures the State will make in the quarter, which may be submitted with other plans required by the Secretary.

"(b) FUNDING STATE CHILD CARE INFORMATION NETWORKS.—

"(1) START-UP FUNDS.—

"(A) GRANTS.—For each fiscal year specified in subparagraph (C), the Secretary shall make grants to lead agencies to conduct activities related to the planning and implementation of State Child Care Information Networks, which may include scaling systems such as nonprofit community-based referral registries, staffed Family Child Care Networks, and child care resource and referral systems.

"(B) DISTRIBUTION.—The Secretary shall distribute the grant funds to the States that are not territories in accordance with the formula

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referred to in section 418(a)(2)(B), and to the territories according to relative need.

"(C) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary $200,000,000 for each of fiscal years 2022 and 2023 for grants under this paragraph.

"(2) MATCHING GRANTS.—

"(A) IN GENERAL.—The Secretary shall pay to each State that meets the requirements of subsection (a)(4) with respect to a calendar quarter in any of fiscal years 2022 through 2026 an amount equal to 75 percent of the eligible expenditures of the State in the quarter, subject to subsection (d)(3).

"(B) ELIGIBLE EXPENDITURES.—In this section, the term 'eligible expenditures' means all of the following, but only to the extent supplementing, and not supplanting, funds made available under other law:

"(i) STATE CHILD CARE INFORMATION NETWORK.—Expenditures to carry out subsection (a)(4).

"(ii) EASE OF APPLICATION FOR SUBSIDIZED CHILD CARE CERTIFICATE.—Ex-

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penditures to establish an option, as indicated by the State in a plan describing planned eligible expenditures (which may be submitted with other plans required by the Secretary)—

"(I) for a family to file an application for a subsidized child care certificate with a child care provider, for the provider to submit the application to the State for processing, or for the lead agency, a local child care resource and referral agency, or other entity under grant or contract to respond to the family;

"(II) to establish a statewide common application for child care, which—

"(aa) allows an application with respect to a child to be submitted simultaneously to multiple child care providers;

"(bb) allows the application to be for a particular site and schedule;

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"(cc) is considered an application directly to each such provider involved for purposes of any decision of the provider regarding a wait list or an open slot based on the application date;

"(dd) safeguards confidential information; and

"(ee) allows for such a provider to seek and collect information not on the common application so that the provider may determine the priority to be given to the applicant on any waiting list or for other specialized admission criteria such as disability services; or

"(III) to enable child care providers to respond to families through other application methods.

"(iii) EXPENDITURES FOR TECHNOLOGY NEEDED TO PARTICIPATE IN THE STATE CHILD CARE INFORMATION NETWORK.—Expenditures for child care providers, lead agencies, and contractors to

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support system-building and system-implementation activities associated with the State Child Care Information Network, including data interoperability and the installation and maintenance of equipment and software needed to develop, implement, maintain, and provide electronic access to the State Child Care Information Network.

''(iv) PARTICIPATION INCENTIVES.—Expenditures to provide financial incentives and support to child care providers for whom participating in the State Child Care Information Network would be costly or time consuming. In providing the incentives, a lead agency—

''(I) shall take into account the differential burden on varying types of providers to ensure that the incentives are sufficient to encourage all types of providers, including family-based providers, to participate in the State Child Care Information Network;

''(II) may coordinate with staffed Family Child Care Networks, child care resource and referral organiza-

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tions, labor unions, labor-management partnerships, or other community-based organizations, to ensure that home-based providers are able to participate in the State Child Care Information Network; and

"(III) may reimburse coordinating partners and other entities for expenses associated with helping providers participate in the Child Care Information Network and provide information required under subsection (a)(4)(A).

"(C) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary for each of fiscal years 2022 through 2026 such sums as are necessary for grants under this paragraph.

"(c) HHS PARTICIPATING CHILD CARE PROVIDER CERTIFICATION.—

"(1) IN GENERAL.—The Secretary shall—

"(A) maintain current information on child care providers who are qualified to receive the HHS Participating Child Care Provider Certification for a calendar quarter, and historical in-

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formation on child care providers who were so qualified for a prior calendar quarter, including a quarter in a prior year, (in this section referred to as the 'HHS Participating Child Care Provider Certification') based on the information submitted by lead agencies;

"(B) update the list of providers who are so qualified, 1 month before the end of each quarter, and electronically share with the Internal Revenue Service current and historical information on the providers who are so qualified; and

"(C) at the end of each calendar year and on request of any provider listed in the HHS Participating Child Care Provider Certification who has qualified for the certification for an entire calendar quarter, provide the provider and the lead agency of the jurisdiction in which the provider is located written documentation of the quarters with respect to which the provider was so qualified.

"(2) QUALIFICATIONS.—A child care provider is qualified to receive the HHS Participating Child Care Provider Certification for a calendar quarter if the provider—

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"(A)(i) is licensed with a State as a provider of child care services, or is in a license-exempt category of providers that meets all health and safety standards and has zero unresolved violations;

"(ii) is providing child care services that may be funded under section 418;

"(iii) has submitted to the State Child Care Information Network, on a weekly basis, the information on all available child care slots with the provider required under subsection (a)(4)(A)(v), and the waiting list information required under subsection (a)(4)(A)(vi);

"(iv) makes child care slots available to the general public, when available, subject to any clearly explained priority system; and

"(v) is in compliance with other requirements set by the State regarding applications for or inquiries about available child care slots; or

"(B) was so qualified for the entire 3-month period preceding the most recent update made under paragraph (1)(B).

"(d) ADMINISTRATIVE PROVISIONS.—

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"(1) ACCURACY CHECKS.—The Secretary shall periodically conduct accuracy checks of randomly sampled child care providers participating in any State Child Care Information Network to determine whether the providers are updating their slot availability on a weekly basis, and if not, estimate the statewide rate at which the providers are doing so.

"(2) PRIVACY; SECURITY.—The Secretary shall issue guidance regarding data interoperability (in accordance with the data exchange standards for interoperability) and the privacy and security of personally identifiable information in any State Child Care Information Network.

"(3) PENALTY FOR EXCESSIVE ERRORS IN STATE CHILD CARE INFORMATION NETWORK.—The percentage specified in subsection (b)(2)(A) with respect to a State shall be 70 percent if—

"(A) a check conducted under paragraph (1) of this subsection reveals that the number of child care providers erroneously included or erroneously not included in the State Child Care Information Network is at least 10 percent of the number of providers included in the network; and

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"(B) the State has not submitted to the Secretary a report demonstrating that action has been taken to reduce that error rate to less than 10 percent.

"(4) ELIGIBLE EXPENDITURES.—The Secretary shall issue guidance to States which specifies the expenditures that will be considered eligible expenditures for purposes of this section.

"(5) PUBLICATION OF AMOUNT OF ELIGIBLE EXPENDITURES OF EACH STATE.—Before issuing grant awards for fiscal year 2023 or a succeeding fiscal year, the Secretary, in consultation with the States, shall annually publish the amount of eligible expenditures of each State in the preceding fiscal year.

"(e) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated $50,000,000 for each of fiscal years 2022 through 2026 for administrative expenses in carrying out subsections (c) and (d).".

SEC. 132002. INFRASTRUCTURE GRANTS TO IMPROVE CHILD CARE SAFETY.

Part A of title IV of the Social Security Act (42 U.S.C. 601–619) is further amended by inserting after section 418A the following:

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"SEC. 418B. INFRASTRUCTURE GRANTS TO IMPROVE CHILD CARE SAFETY.

"(a) CHILD CARE FACILITIES GRANTS.—

"(1) GRANTS TO STATES.—

"(A) IN GENERAL.—The Secretary shall award grants to States for the purpose of helping child care providers acquire, construct, renovate, or improve child care facilities, including adapting, reconfiguring, or expanding facilities.

"(B) DURATION OF GRANTS.—The Secretary shall award grants under this paragraph within 12 months after the date of the enactment of this section, for a period of not more than 5 years.

"(C) PLAN APPROVAL REQUIRED BEFORE USING GRANT.—A State to which a grant is made under this paragraph shall not obligate or expend the grant funds unless the State has submitted to the Secretary, and the Secretary has approved, a plan that—

"(i) includes an analysis or assessment, in such form and manner as the Secretary may require, of the need of the State for child care infrastructure;

"(ii) is submitted at such time, in such manner, and containing such other

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information as the Secretary may require, which information shall—

"(I) be disaggregated as the Secretary may require; and

"(II) include a plan to use a portion of the grant funds to report to the Secretary on the effects of using the grant funds to improve child care facilities, including center-based and home-based child care facilities; and

"(iii) complies with paragraph (3), if applicable.

"(D) REQUIREMENT.—In allocating grants awards under this paragraph, the Secretary shall require approved plans to include elements that—

"(i) provide for improving center-based and home-based child care programs to meet or surpass State health and safety standards, or include a project designed so that a facility is expected to meet or surpass State health and safety standards on completion of the project;

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"(ii) aim to meet specific needs across urban, suburban, or rural areas as determined by the State;

"(iii) show evidence of collaboration with—

"(I) local government officials;

"(II) other State agencies;

"(III) nongovernmental organizations, such as—

"(aa) certified community development financial institutions as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702) that have been certified by the Community Development Financial Institutions Fund (12 U.S.C. 4703); and

"(bb) organizations that have demonstrated experience in—

"(AA) providing technical or financial assistance for the acquisition, construc-

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tion, renovation, or improvement of child care facilities;

"(BB) providing technical, financial, or managerial assistance to child care providers; and

"(CC) securing private sources of capital financing for child care facilities or other community development projects eligible for assistance from a child care assistance program; and

"(IV) local community organizations, such as—

"(aa) child care providers;

"(bb) community care agencies;

"(cc) resource and referral agencies; and

"(dd) labor unions and other employers of infrastructure trades that pay the prevailing wage; and

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"(iv) provide for improving the facilities of child care providers who qualify for the HHS Participating Child Care Provider Certification for at least 1 fiscal quarter before the date of application for the grant.

"(E) MATCHING REQUIREMENT.—

"(i) IN GENERAL.—As a condition of the receipt of a grant under this paragraph, a State shall agree to make available, directly or through donations from public or private entities, contributions with respect to the costs to be covered by the grant, which may be provided in cash or in kind, in an amount equal to 10 percent of the funds provided through the grant.

"(ii) DETERMINATION OF AMOUNT CONTRIBUTED.—Such a matching contribution may include philanthropic or private-sector funds.

"(F) AMOUNT LIMIT.—The annual amount of a grant under this paragraph may not exceed $250,000,000.

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"(G) PROHIBITION.—The Secretary may not, as a condition of making a grant under this paragraph or section 418D, retain an interest in any property, including any project involving a privately-owned family child care home or tribal land.

"(H) REPORT.—Not later than 6 months after the last day of the grant period, a State to which a grant is made under this paragraph shall submit to the Secretary the report referred to in subparagraph (C)(ii)(II)—

"(i) to determine the effects of the grant in constructing, renovating, or improving child care facilities, including any changes in response to public health guidelines or efforts associated with natural disaster emergency preparedness and response and any effects on access to child care; and

"(ii) to provide such other information as the Secretary may require.

"(I) RETURN OF GRANT IF PLAN NOT APPROVED WITHIN 2 YEARS.—A State to which a grant is made under this paragraph shall remit the grant to the Secretary if the Secretary has

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not provided the approval required by subparagraph (C) within 2 years after the date the grant is made.

"(2) GRANTS TO INTERMEDIARY ORGANIZATIONS.—

"(A) IN GENERAL.—The Secretary may award grants to intermediary organizations, such as certified community development financial institutions or other organizations with demonstrated experience in child care facilities financing, for the purpose of providing technical assistance, capacity-building, and financial products to develop or finance child care facilities.

"(B) APPLICATION.—A grant under this paragraph may be made only to an intermediary organization that submits to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, that complies with paragraph (3) if applicable.

"(C) CONSULTATION.—In selecting intermediary organizations for grants under this paragraph, the Secretary shall conduct consultations with organizations that—

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"(i) demonstrate experience in child care facility financing or related community facility financing;

"(ii) demonstrate the capacity to assist States and local governments in developing child care facilities and programs;

"(iii) demonstrate the ability to leverage grant funding to support financing tools to build the capacity of child care providers, such as through credit enhancements;

"(iv) propose to focus on child care facilities that operate under nontraditional hours;

"(v) propose to meet a diversity of needs across urban, suburban, and rural areas at varying types of center-based, home-based, and other child care settings, including early care programs located in buildings in which the care center is the sole occupant or in mixed-use properties; and

"(vi) propose to focus on child care facilities primarily serving low-income pop-

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ulations and children who have not attained 13 years of age.

"(D) AMOUNT LIMIT.—The amount of a grant under this paragraph may not exceed $15,000,000.

"(E) ANNUAL REPORT REQUIRED.—As a condition of receiving funds under this paragraph, the recipient shall submit annual reports to the lead agency of the jurisdiction in which the recipient is located documenting how the recipient has expended the funds and updating the planned future expenditures described in the application submitted by the recipient for the funds.

"(3) LABOR STANDARDS.—In the case of an application for a grant under this subsection for a project to construct, renovate, or improve a child care facility, including a project to adapt, reconfigure, or expand such a facility, the application shall include a written assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair, as part of the project, shall be paid wages at rates not less than those prevailing on similar work in the locality as determined by the

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Secretary of Labor in accordance with subchapter IV of chapter of part A of subtitle II of title 40, United States Code (commonly referred to as the 'Davis-Bacon Act'), and with respect to the labor standards specified in such subchapter, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 Fed. Reg. 3176; 5 U.S.C. App.).

"(4) USE OF FUNDS.—

"(A) INFRASTRUCTURE IMPROVEMENT.—

"(i) IN GENERAL.—A recipient of funds under this subsection may use the funds only to acquire, construct, renovate, or otherwise physically improve the infrastructure of a building primarily used for the provision of child care services by a child care provider, subject to clause (ii).

"(ii) PROHIBITION.—A recipient of funds under this subsection may not use the funds for modernization, renovation, or repair of facilities—

"(I) that are primarily used for sectarian instruction or religious worship; or

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"(II) in which a substantial portion of the functions of the facilities are subsumed in a religious mission.

"(B) RULES APPLICABLE TO LEAD AGENCIES.—A lead agency that is a recipient of funds under this subsection may use not more than 5 percent of the funds for administrative purposes which may be in addition to evaluation and reporting activities, and shall use the balance of the funds to enter into grants or contracts, on a competitive basis, with entities to carry out projects to acquire, construct, renovate, or complete other physical improvements to buildings in which child care services are provided or will be provided on completion of the project.

"(b) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated $15,000,000,000 for fiscal year 2022 to carry out this section, which shall remain available through fiscal year 2026.

"(c) RESERVATIONS OF FUNDS.—

"(1) TERRITORIES.—The Secretary shall reserve $100,000,000 of the amount made available to carry out this section, for grants to territories.

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"(2) ADMINISTRATION.—The Secretary may reserve not more than $200,000,000 of the amount made available to carry out this section, for administrative costs.

"(3) ASSESSMENTS AND DEVELOPMENT PLANS.—The Secretary shall reserve for each lead agency not more than $100,000 to conduct assessments and develop plans for obligating and expending funds provided under this section, which may be expended by a lead agency immediately on receipt.

"(4) DATA EXCHANGE STANDARDS FOR INTEROPERABILITY.—The Secretary may reserve not more than $200,000 of the amount made available to carry out this section to implement data exchange standards for interoperability.

"(d) LIMITATION ON AVAILABILITY OF FUNDS FOR GRANTS FOR INTERMEDIARY ORGANIZATIONS.—Not more than $2,250,000,000 of the total amount made available to carry out this section may be used to carry out subsection (a)(2).".

SEC. 132003. TECHNICAL ASSISTANCE.

Part A of title IV of the Social Security Act (42 U.S.C. 601–619) is further amended by inserting after section 418B the following:

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"SEC. 418C. TECHNICAL ASSISTANCE.

"(a) IN GENERAL.—

"(1) CHILD CARE INFORMATION NETWORK.—The Secretary shall provide technical assistance to lead agencies to support the development and implementation of, and ongoing full participation in, State Child Care Information Networks provided for in section 418A(a)(4).

"(2) CHILD CARE INFRASTRUCTURE.—The Secretary shall provide technical assistance—

"(A) to child care small business owners, entrepreneurs, nonprofit organizations, and child care infrastructure grant recipients, for the purpose of starting new licensed child care businesses, or re-opening a closed child care facility, in areas in which there is a child care shortage or that are at risk of having such a shortage;

"(B) to State and local governments to incentivize public-private partnerships to identify excess buildings and land and conduct feasibility studies, for new or expanded child care options that could be available to child care entrepreneurs and infrastructure grantees, or used for publicly-run child care facilities; and

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"(C) to support child care business technical assistance, which may include strategies to support management training and shared services initiatives including provider networks such as child care center alliances and family child care home provider networks, as well as fundamental business support needs such as budgeting and fiscal management skills, business planning, understanding the cost of quality, and core best business practices such as record-keeping and payment reconciliation.

"(3) SUPPLEMENTING NATIONAL TECHNICAL ASSISTANCE EFFORTS.—The Secretary may provide technical assistance to States (and submit to the Congress reports on technical assistance activities) to increase child care availability and affordability, including by—

"(A) providing technical assistance on best practices for conducting market rate surveys and establishing State reimbursement rates and price-per-child rates for child care for children who have not attained 13 years of age;

"(B) increasing child care availability in tribal communities for families with children who have not attained 13 years of age;

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"(C) improving the effectiveness and affordability of child care assistance programs in meeting the needs of low-income parents; or

"(D) collecting, managing, analyzing, and reporting child care administrative data, and use the data to support documentation of changes in child care availability and affordability.

"(b) ADMINISTRATIVE PROVISION.—The Secretary may carry out this section through means including the use of grants or cooperative agreements.

"(c) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated $17,500,000 for each of fiscal years 2022 through 2026 to carry out this section.".

SEC. 132004. TRIBAL CHILD CARE ACCESS AND GROWTH.

Part A of title IV of the Social Security Act (42 U.S.C. 601–619) is further amended by inserting after section 418C the following:

"SEC. 418D. TRIBAL CHILD CARE ACCESS AND GROWTH.

"(a) HHS CONSULTATIONS WITH INDIAN TRIBES.—Of the amount appropriated under subsection (e) for each fiscal year, the Secretary shall use not more than $1,000,000 to—

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"(1) conduct such consultations with Indian tribes and tribal organizations as are necessary to determine how to better conduct consumer outreach and education and provide timely availability for child care slots, improve child care infrastructure, and otherwise inform best practices and guidelines for carrying out the activities described in subsection (b); and

"(2) provide technical assistance to the lead agencies of Indian tribes and tribal organizations with respect to carrying out the activities.

"(b) ACTIVITIES DESCRIBED.—The activities described in this subsection are the following:

"(1) Planning, start-up, implementation, and maintenance costs associated with establishing and funding a Child Care Information Network designed to help parents determine which child care providers can meet their child care needs and to give parents ease of access in enrolling their children in child care.

"(2) Coordinating with the Secretary regarding the HHS Participating Child Care Provider Certification provided for in section 418A(c).

"(3) Conducting infrastructure projects to improve the safety of child care facilities.

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"(c) GRANTS.—

"(1) IN GENERAL.—Of the amount appropriated under subsection (e) for each fiscal year, the Secretary shall use not less than $199,000,000 to make grants to the lead agencies of Indian tribes and tribal organizations for activities described in subsection (b), which are to be carried out in accordance with such rules as the Secretary may prescribe, taking into account the results of the consultations conducted under subsection (a)(1).

"(2) ALLOCATION.—The Secretary may make grants under this subsection according to relative need.

"(d) NONSUPPLANTATION.—An entity to which an amount is provided under this section shall use the amount to supplement, but not supplant, other funds provided for any purpose or activity for which the amount is used.

"(e) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary $200,000,000 for each of fiscal years 2022 through 2026 to carry out this section.".

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SEC. 132005. RAISING THE FLOOR FOR CHILD CARE PROVIDER WAGES.

(a) PLANNING FOR CHILD CARE WAGE GRANTS FOR SMALL BUSINESSES.—

(1) IN GENERAL.—For the purpose of maintaining an effective and diverse child care workforce, effective upon enactment, through the end of fiscal year 2022, the Secretary of Health and Human Services shall, regarding the development and implementation of the Child Care Wage Grant program provided for in section 418E of the Social Security Act (as added by subsection (b) of this section)—

(A) issue guidance or technical assistance to lead agencies (as defined in such section) with respect to—

(i) consultation with field engagement organizations (as defined in such section);

(ii) wage supplement calculations, with the option of providing a bonus that may not be more than the equivalent of an annual wage;

(iii) application requirements;

(iv) reporting requirements;

(v) anti-discrimination protection measures; and

(vi) other related activities;

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(B) engage in hiring, training, developing work plans, developing outreach materials, and other administrative overhead activities; and

(C) consult with relevant entities such as tribal leaders, governors, county and local government, and community stakeholders.

(2) FUNDING.—Out of any money in the Treasury not otherwise appropriated, there is appropriated to the Secretary of Health and Human Services $10,000,000, to remain available through September 30, 2022, to carry out this paragraph.

(b) IMPLEMENTATION.—Part A of title IV of the Social Security Act (42 U.S.C. 601–619) is further amended by inserting after section 418D the following:

"SEC. 418E. CHILD CARE WAGE GRANTS FOR SMALL BUSINESSES.

"(a) GRANTS TO LEAD AGENCIES.—

"(1) GRANTS.—

"(A) IN GENERAL.—The Secretary shall make grants to reimburse State, tribal, and territorial lead agencies for the amount of child care wage grants made to qualifying child care providers under lead agency child care wage grant programs, and for documented costs of administering the programs that are directly re-

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lated to determining provider eligibility, making payments, data collection, and verifying provider compliance with program rules.

"(B) LIMITATION ON REIMBURSEMENT FOR DOCUMENTED ADMINISTRATIVE COSTS.—The amount of the reimbursement for the documented administrative costs shall not exceed 5 percent of the total amount of the child care wage grants.

"(2) CONSULTATION REQUIRED AS A CONDITION OF ELIGIBILITY.—A lead agency shall not be eligible for a grant under this section with respect to a child care wage grant program unless the lead agency has consulted with field engagement organizations in developing and implementing the program, including application process, eligibility determinations, community outreach, and such other aspects of the program as the Secretary deems appropriate, and if, after the consultation, the lead agency intends to operate a child care wage grant program for small businesses, the lead agency shall submit to the Secretary a certification that the lead agency has conducted such a consultation and intends to submit a claim for reimbursement with respect to program expenditures at the end of the fiscal year.

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''(b) STATE CHILD CARE WAGE GRANT PROGRAM.—

''(1) IN GENERAL.—A lead agency child care wage grant program is a program operated by a lead agency under which a child care wage grant is made to qualified child care providers for the 1-year period covered by the grant, in an amount equal to the aggregate of the eligible child care wage supplements provided by the qualified child care provider during the year, which year shall not begin before October 1, 2022.

''(2) REPORTING REQUIREMENT.—

''(A) IN GENERAL.—A recipient of a child care wage grant from a lead agency shall submit to the lead agency every fiscal quarter a report that includes documentation of how the grant has been expended including the number of full or part-time workers providing child care and whether each such worker worked for the full year, a description of the wage levels and demographics of the child care employees of the qualified child care provider, and such other information as the Secretary may require, and may allow field engagement organizations to support grant recipients in meeting quarterly reporting requirements.

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"(B) AUTHORITY TO EXTEND DEADLINE.—A lead agency may approve a request from such a recipient to extend the reporting deadline for 90 days, but shall accompany such an approval with a notice that failure to submit all information required in the report will result in future ineligibility for such a grant.

"(c) REIMBURSEMENT; ADVANCE ESTIMATED PAYMENT.—A lead agency may submit to the Secretary a request for reimbursement or estimated advance payment of the costs of operating the lead agency child care wage grant program for the 1-year period covered by the request, which shall include documentation of the grant awards made to qualified child care providers under the program, an assurance that not more than 5 percent of the costs in the reimbursement request are for administrative costs, an assurance that the State will repay any advances based on payments to child care providers that were in excess of costs allowable under this section (including payments for workers who did not work for the full year) or based on State administrative costs in excess of 5 percent, and the following:

"(1) Qualified child care provider application data, including the number of qualified child care providers and the proportion of applications that

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were approved under the program, documentation of rejected applications, including the reason for disqualification, and demographic data of applicants.

''(2) Qualified child care provider wage subsidy data, including wage levels, the size and type of the qualified child care provider, the number of children served by the qualified child care provider, verification that the child care wage grant provided to the qualified child care provider was not used to supplant Federal funds, verification that the qualified child care provider performs child care services as the primary function of the qualified child care provider, verification that qualifying child care provider applications are approved for 1 year, and documentation of the number of full-time and part-time child care employees (which may include sole proprietors) including the portion of the year for which each employee was employed with that provider to provide child care.

''(3) Certification that each qualified child care provider is not eligible to receive a child care payroll tax credit under section 3135 of the Internal Revenue Code of 1986 with respect to wages paid to any child care employee of the qualified child care provider.

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"(4) Qualified child care provider demographic data, including racial, ethnic, and gender data of the qualified child care provider and child care employees.

"(5) Documentation of qualified child care provider wages, and documentation of child care wages that, in the absence of a grant made under this section, would have been paid at not less than the applicable minimum rate.

"(6) Documentation that each qualified child care provider is licensed by, registered with, or regulated by the State.

"(7) Documentation that each qualified child care provider was so qualified throughout the year with respect to which reimbursement is sought.

"(8) Documentation that each employee for which a grant is sought was employed for the full year, or if not, for what portion of the year they were employed.

"(9) Such other relevant items as the Secretary may require.

"(d) PENALTIES.—

"(1) MISUSE OF CHILD CARE WAGE GRANT.—If the Secretary finds that a qualified child care provider has used funds provided under this section

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with respect to a year other than to supplement the applicable minimum rate of child care wages for an employee engaged in child care work for the reported period, the qualified child care provider shall—

''(A) repay to the lead agency all funds so provided to the child care provider for the year; and

''(B) be ineligible for the succeeding 2 years to receive funds made available under this section.

''(2) DECREASE IN NUMBER OF CHILD CARE EMPLOYEES.—If a recipient of a child care wage grant for a year reports under subsection (b)(2)(A) that the number of child care employees of the recipient has decreased during the year, then—

''(A) the lead agency shall proportionately decrease the amount of the child care wage grant (if any) payable to the recipient for the next year; or

''(B) if the recipient is not awarded a child care wage grant for the next year, the recipient shall remit to the lead agency a portion of the grant equal to the proportionate decrease in the number of child care employees of the provider.

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"(e) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there is appropriated to the Secretary for each of fiscal years 2023 through 2026 such sums as may be necessary for reimbursements or estimated payments referred to in subsection (a).

"(f) DEFINITIONS.—In this section:

"(1) APPLICABLE MINIMUM RATE.—The term 'applicable minimum rate' means the rate at which basic pay is payable for a position at level 3, step 1, of the General Schedule under subchapter III of chapter 53 of title 5, United States Code, including any applicable locality-based comparability payment under section 5304 of such title or similar authority, at the time such wages are paid and determined with respect to the locality in which services are provided.

"(2) CHILD CARE WAGES.—The term 'child care wages' means—

"(A) wages paid to an employee for services in providing child care; and

"(B) an owner's draw in lieu of wages, in the case of a sole proprietor who provides child care services or an owner who directly provides child care services alongside employees.

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"(3) CHILD CARE EMPLOYEE.—The term 'child care employee' means an employee—

"(A) who is employed by a qualified child care provider;

"(B) who provides child care services as a primary function of employment; and

"(C) whose wages do not qualify under section 3135(a) of the Internal Revenue Code of 1986.

"(4) ELIGIBLE CHILD CARE WAGE SUPPLEMENT.—

"(A) IN GENERAL.—The term 'eligible child care wage supplement' means, with respect to a year, a supplement to child care wages of an employee (or owner), but only to the extent that the total amount of the child care wage supplements provided to the employee (or owner) during the year—

"(i) in the case of a full-time employee (or an owner who works on a full-time basis), is not more than $16,000; or

"(ii) in the case of a part-time employee (or an owner who works on a part-time basis), is not more than $10,000.

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In the case of any employee who is not employed as a child care employee for the full year, the maximum dollar amounts set forth in the preceding sentence shall be proportionately reduced.

''(B) INFLATION ADJUSTMENT.—Each dollar amount in effect under subparagraph (A) with respect to a year shall be increased by a percentage equal to the percentage (if any) by which the Consumer Price Index for all urban consumers (U.S. city average) increased during the 12-month period ending with the last month for which Consumer Price Index data is available.

''(5) FIELD ENGAGEMENT ORGANIZATION.—The term 'field engagement organization' means any nonprofit, community-based organization, labor union, trade association, staffed family child care network, child care resource and referral organization, or local government entity with experience providing representation, technical assistance, or community supports to child care providers or individuals seeking to enter or re-enter the child care market.

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"(6) QUALIFIED CHILD CARE PROVIDER.—The term 'qualified child care provider' means an entity who—

"(A) provides child care services as the primary function of the entity;

"(B) is registered with, or regulated or licensed by, the State as a child care provider;

"(C) at the time of application for a child care wage grant under this section, does not have an unresolved violation of a State law or regulation pertaining to health or safety in the provision of child care services;

"(D) has at least 1 employee whose wages may not be taken into account under section 3135(a) of the Internal Revenue Code of 1986 because the employee is a sole proprietor or reports self-employment income;

"(E) as of the time of the application, pays child care wages at a rate that is at least the applicable minimum rate, and certifies that the entity will not reduce the hourly wage rate of any employee during the 1-year period for which the entity has applied for a child care wage grant under this section; and

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''(F) has submitted to the lead agency all data requested by the Secretary under this section;

''(G) has submitted the application to the lead agency, which has approved the application; and

''(H) has not failed to include all information required to be included in any quarterly report required by subsection (b)(2) to be submitted by the entity with respect to the year preceding the year for which the application is submitted.''.

SEC. 132006. COMMON PROVISIONS.

(a) DEFINITIONS.—Section 419 of the Social Security Act (42 U.S.C. 619) is amended by adding at the end the following:

''(6) LEAD AGENCY.—The term 'lead agency' means, with respect to a jurisdiction, the lead agency responsible for administering the child care assistance program of the jurisdiction.

''(7) TERRITORY.—The term 'territory' means the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.''.

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(b) REPORTS TO THE CONGRESS.—Section 411 of such Act (42 U.S.C. 611) is amended by adding at the end the following:

''(e) REPORTS ON CERTAIN STATE CHILD CARE EXPENDITURES.—The Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate biennial reports on—

''(1) eligible expenditures (as defined in section 418A(b)(2)(B)) by the States, and on expenditures by the Secretary under section 418A during the period covered by the report;

''(2) the extent to which payments under section 418A have been made with respect to the expenditures;

''(3) to the extent that any funds made available to carry out such section have not been expended, the reasons therefor; and

''(4) expenditures under section 418C.''.

(c) INAPPLICABILITY OF PAYMENT LIMITATION.—Section 1108(a) of such Act (42 U.S.C. 1308(a)) is amended by inserting ''418A, 418B, 418C, 418D, 418E,'' before ''or''.

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Subtitle D—Trade Adjustment Assistance

SEC. 133001. SHORT TITLE.

This subtitle may be cited as the ''Trade Adjustment Assistance Modernization Act of 2021''.

SEC. 133002. APPLICATION OF PROVISIONS RELATING TO TRADE ADJUSTMENT ASSISTANCE.

(a) EFFECTIVE DATE; APPLICABILITY.—Except as otherwise provided in this subtitle, the provisions of chapters 2 through 6 of title II of the Trade Act of 1974, as in effect on June 30, 2021, and as amended by this subtitle, shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply with respect to petitions for certification filed under chapter 2, 3, 4, or 6 of title II of the Trade Act of 1974 on or after such date of enactment.

(b) REFERENCE.—Except as otherwise provided in this subtitle, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision of chapters 2 through 6 of title II of the Trade Act of 1974, the reference shall be considered to be made to a provision of any such chapter, as in effect on June 30, 2021.

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(c) REPEAL OF SNAPBACK.—Section 406 of the Trade Adjustment Assistance Reauthorization Act of 2015 (Public Law 114–27; 129 Stat. 379) is repealed.

PART 1—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

SEC. 133101. FILING PETITIONS.

Section 221(a)(1) of the Trade Act of 1974 (19 U.S.C. 2271(a)(1)) is amended—

(1) by amending subparagraph (A) to read as follows:

''(A) One or more workers in the group of workers.''; and

(2) in subparagraph (C), by striking ''or a State dislocated worker unit'' and inserting ''a State dislocated worker unit, or workforce intermediaries, including labor-management organizations that carry out re-employment and training services''.

SEC. 133102. GROUP ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—Section 222(a)(2) of the Trade Act of 1974 (19 U.S.C. 2272(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting '', failed to increase, or will decrease absolutely due to a scheduled or imminently anticipated, long-term

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decrease in or reallocation of the production capacity of the firm'' after ''absolutely''; and

(B) in clause (iii)—

(i) by striking ''to the decline'' and inserting ''to any decline or absence of increase''; and

(ii) by striking ''or'' at the end;

(2) in subparagraph (B)(ii), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C)(i) the sales or production, or both, of such firm have decreased;

''(ii)(I) exports of articles produced or services supplied by such workers' firm have decreased; or

''(II) imports of articles or services necessary for the production of articles or services supplied by such firm have decreased; and

''(iii) the decrease in exports or imports described in clause (ii) contributed to such workers' separation or threat of separation and to the decline in the sales or production of such firm.''.

(b) REPEAL.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) in subsections (a) and (b), by striking ''importantly'' each place it appears; and

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(2) in subsection (c)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(c) ELIGIBILITY OF STAFFED WORKERS AND TELEWORKERS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended by subsection (b), is further amended by adding at the end the following:

''(f) TREATMENT OF STAFFED WORKERS AND TELEWORKERS.—

''(1) IN GENERAL.—For purposes of subsection (a), workers in a firm include staffed workers and teleworkers.

''(2) DEFINITIONS.—In this subsection:

''(A) STAFFED WORKER.—The term 'staffed worker' means a worker who performs work under the operational control of a firm that is the subject of a petition filed under section 221, even if the worker is directly employed by another firm.

''(B) TELEWORKER.—The term 'teleworker' means a worker who works remotely but who reports to the location listed for a firm in a petition filed under section 221.''.

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SEC. 133103. APPLICATION OF DETERMINATIONS OF ELIGIBILITY TO WORKERS EMPLOYED BY SUCCESSORS-IN-INTEREST.

Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) is amended by adding at the end the following:

''(f) TREATMENT OF WORKERS OF SUCCESSORS-IN-INTEREST.—If the Secretary certifies a group of workers of a firm as eligible to apply for adjustment assistance under this chapter, a worker of a successor-in-interest to that firm shall be covered by the certification to the same extent as a worker of that firm.''.

SEC. 133104. PROVISION OF BENEFIT INFORMATION TO WORKERS.

Section 225 of the Trade Act of 1974 (19 U.S.C. 2275) is amended—

(1) in subsection (a), by inserting after the second sentence the following new sentence: ''The Secretary shall make every effort to provide such information and assistance to workers in their native language.''; and

(2) in subsection (b)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following:

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''(2) The Secretary shall provide a second notice to a worker described in paragraph (1) before the worker has exhausted all rights to any unemployment insurance to which the worker is entitled (other than additional compensation described in section 231(a)(3)(B) funded by a State and not reimbursed from Federal funds).'';

(C) in paragraph (3), as redesignated by paragraph (1), by striking ''newspapers of general circulation'' and inserting ''appropriate print or digital outlets''; and

(D) by adding at the end the following:

''(4) For purposes of providing sustained outreach regarding the benefits available under this chapter to workers covered by a certification made under this subchapter, the Secretary may take any necessary actions, including the following:

''(A) Collecting the email addresses and telephone numbers of such workers from the employers of such workers to provide sustained outreach to such workers.

''(B) Partnering with the certified or recognized union, a community-based worker organization, or other duly authorized representatives of such workers.

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"(C) Hiring peer support workers to perform sustained outreach to other workers covered by that certification.

"(D) Using advertising methods and public information campaigns, including social media, in addition to notice published in print or digital outlets under paragraph (3).".

SEC. 133105. QUALIFYING REQUIREMENTS FOR WORKERS.

(a) MODIFICATION OF CONDITIONS.—

(1) IN GENERAL.—Section 231(a) of the Trade Act of 1974 (19 U.S.C. 2291(a)) is amended—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(C) in paragraph (4) (as redesignated), by striking "paragraphs (1) and (2)" each place it appears and inserting "paragraph (1)".

(2) CONFORMING AMENDMENTS.—(A) Section 232 of the Trade Act of 1974 (19 U.S.C. 2292) is amended by striking "section 231(a)(3)(B)" each place it appears and inserting "section 231(a)(2)(B)".

(B) Section 233(a) of the Trade Act of 1974 (19 U.S.C. 2293(a)) is amended—

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(i) in paragraph (1), by striking ''section 231(a)(3)(A)'' and inserting ''section 231(a)(2)(A)''; and

(ii) in paragraph (2)—

(I) by striking ''adversely affected employment'' and all that follows through ''(A) within'' and inserting ''adversely affected employment within'';

(II) by striking '', and'' and inserting a period; and

(III) by striking subparagraph (B).

(b) WAIVERS OF TRAINING REQUIREMENTS.—Section 231(c)(1) of the Trade Act of 1974 (19 U.S.C. 2291(c)(1)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (C), (D), and (E), respectively; and

(2) by inserting before subparagraph (C) (as redesignated) the following:

''(A) RECALL.—The worker has been notified that the worker will be recalled by the firm from which the separation occurred.

''(B) RETIREMENT.—The worker is within 2 years of meeting all requirements for entitlement to either—

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"(i) old-age insurance benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) (except for application therefor); or

"(ii) a private pension sponsored by an employer or labor organization.".

SEC. 133106. MODIFICATION TO TRADE READJUSTMENT ALLOWANCES.

Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting after "104-week period" the following: "(or, in the case of an adversely affected worker who requires a program of prerequisite education or remedial education (as described in section 236(a)(5)(D)) in order to complete training approved for the worker under section 236, the 130-week period)";

(B) in paragraph (3), by striking "65 additional weeks in the 78-week period" and inserting "78 additional weeks in the 91-week period"; and

(C) in the flush text, by striking "78-week period" and inserting "91-week period";

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(2) by striking subsection (d); and

(3) by amending subsection (f) to read as follows:

''(f) PAYMENT OF TRADE READJUSTMENT ALLOWANCES TO COMPLETE TRAINING.—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 236 that includes a program of prerequisite education or remedial education (as described in section 236(a)(5)(D)), and in accordance with regulations prescribed by the Secretary, payments may be made as trade readjustment allowances for up to 26 additional weeks in the 26-week period that follows the last week of entitlement to trade readjustment allowances otherwise payable under this chapter.''.

SEC. 133107. AUTOMATIC EXTENSION OF TRADE READJUSTMENT ALLOWANCES.

(a) IN GENERAL.—Part I of subchapter B of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2291 et seq.) is amended by inserting after section 233 the following new section:

''SEC. 233A. AUTOMATIC EXTENSION OF TRADE READJUSTMENT ALLOWANCES.

''(a) IN GENERAL.—Notwithstanding the limitations under section 233(a), the Secretary shall extend the period

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during which trade readjustment allowances are payable to an adversely affected worker who completes training approved under section 236 by the Secretary during a period of heightened unemployment with respect to the State in which such worker seeks benefits, for the shorter of—

''(1) the 26-week period beginning on the date of completion of such training; or

''(2) the period ending on the date on which the adversely affected worker secures employment.

''(b) JOB SEARCH REQUIRED.—A worker shall only be eligible for an extension under subsection (a) if the worker is complying with the job search requirements associated with unemployment insurance in the applicable State.

''(c) PERIOD OF HEIGHTENED UNEMPLOYMENT DEFINED.—In this section, the term 'period of heightened unemployment' with respect to a State means a 90-day period during which, in the determination of the Secretary, either of the following average rates equals or exceeds 5.5 percent:

''(1) The average rate of total unemployment in such State (seasonally adjusted) for the period consisting of the most recent 3-month period for which data for all States are published before the close of such period.

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''(2) The average rate of total unemployment in all States (seasonally adjusted) for the period consisting of the most recent 3-month period for which data for all States are published before the close of such period.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 233 the following:

''Sec. 233A. Automatic extension of trade readjustment allowances.''.

SEC. 133108. EMPLOYMENT AND CASE MANAGEMENT SERVICES.

Section 235 of the Trade Act of 1974 (19 U.S.C. 2295) is amended—

(1) in paragraph (3)—

(A) by inserting after ''regional areas'' the following: ''(including information about registered apprenticeship programs, on-the-job training opportunities, and other work-based learning opportunities)''; and

(B) by inserting after ''suitable training'' the following: '', information regarding the track record of a training provider's ability to successfully place participants into suitable employment'';

(2) by redesignating paragraph (8) as paragraph (10); and

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(3) by inserting after paragraph (7) the following:

"(8) Information related to direct job placement, including facilitating the extent to which employers within the community commit to employing workers who would benefit from the employment and case management services under this section.

"(9) Sustained outreach to groups of workers likely to be certified as eligible for adjustment assistance under this chapter and members of certified worker groups who have not yet applied for or been enrolled in benefits or services under this chapter, especially such groups and members from underserved communities.".

SEC. 133109. TRAINING.

Section 236 of the Trade Act of 1974 (19 U.S.C. 2296(a)) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(D), by inserting ", with a demonstrated ability to place participants into employment" before the comma at the end;

(B) in paragraph (3), by adding at the end before the period the following: ", except that every effort shall be made to ensure that em-

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ployment opportunities are available upon the completion of training''; and

(C) in paragraph (5)—

(i) in subparagraph (G), by striking '', and'' and inserting a comma;

(ii) in subparagraph (H)(ii), by striking the period at the end and inserting '', and''; and

(iii) by adding at the end before the flush text the following:

''(I) pre-apprenticeship training.''; and

(2) by adding at the end the following:

''(h) REIMBURSEMENT FOR OUT-OF-POCKET TRAINING EXPENSES.—If the Secretary approves training for a worker under paragraph (1) of subsection (a), the Secretary may reimburse the worker for out-of-pocket expenses relating to training program described in paragraph (5) of that subsection that were incurred by the worker on and after the date of the worker's total or partial separation and before the date on which the certification of eligibility under section 222 that covers the worker is issued.''.

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SEC. 133110. JOB SEARCH, RELOCATION, AND CHILD CARE ALLOWANCES.

(a) JOB SEARCH ALLOWANCES.—Section 237 of the Trade Act of 1974 (19 U.S.C. 2297) is amended—

(1) in subsection (a)(1), by striking ''may use funds made available to the State to carry out sections 235 through 238'' and inserting ''shall use, from funds made available to the State to carry out sections 235 through 238A, such amounts as may be necessary'';

(2) in subsection (a)(2), in the matter preceding subparagraph (A), by striking ''may grant'' and inserting ''shall grant''; and

(3) in subsection (b)—

(A) in paragraph (1), by striking ''not more than 90 percent'' and inserting ''100 percent'';

(B) in paragraph (2), by striking ''$1,250'' and inserting ''$2,000 (subject to adjustment under paragraph (4))''; and

(C) by adding at the end the following;

''(4) ADJUSTMENT OF MAXIMUM ALLOWANCE LIMITATION FOR INFLATION.—

''(A) IN GENERAL.—The Secretary of Labor shall adjust the maximum allowance limitation under paragraph (2) on the date that is

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30 days after the date of the enactment of this paragraph, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2020.

''(B) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.—In making an adjustment under subparagraph (A), the Secretary—

''(i) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and

''(ii) may ignore any such increase of less than 1 percent.

''(C) CONSUMER PRICE INDEX DEFINED.—For purposes of this paragraph, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''.

(b) RELOCATION ALLOWANCES.—Section 238 of the Trade Act of 1974 (19 U.S.C. 2298) is amended—

(1) in subsection (a)(1), by striking ''may use funds made available to the State to carry out sec-

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tions 235 through 238'' and inserting ''shall use, from funds made available to the State to carry out sections 235 through 238A, such amounts as may be necessary'';

(2) in subsection (a)(2), in the matter preceding subparagraph (A), by striking ''may be granted'' and inserting ''shall be granted'';

(3) in subsection (b)—

(A) in paragraph (1), by striking ''not more than 90 percent'' and inserting ''100 percent''; and

(B) in paragraph (2), by striking ''$1,250'' and inserting ''$2,000 (subject to adjustment under subsection (d))''; and

(4) by adding at the end the following:

''(d) ADJUSTMENT OF MAXIMUM PAYMENT LIMITATION FOR INFLATION.—

''(1) IN GENERAL.—The Secretary of Labor shall adjust the maximum payment limitation under subsection (b)(2) on the date that is 30 days after the date of the enactment of this subsection, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the pre-

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ceding 12-month period compared to the Consumer Price Index for fiscal year 2020.

''(2) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.—In making an adjustment under paragraph (1), the Secretary—

''(A) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and

''(B) may ignore any such increase of less than 1 percent.

''(3) CONSUMER PRICE INDEX DEFINED.—For purposes of this subsection, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''.

(c) CHILD CARE ALLOWANCES.—

(1) IN GENERAL.—Part II of subchapter B of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2295 et seq.) is amended by adding at the end the following:

''SEC. 238A. CHILD CARE ALLOWANCES.

''(a) CHILD CARE ALLOWANCES AUTHORIZED.—

''(1) IN GENERAL.—Each State shall use, from funds made available to the State to carry out sections 235 through 238A, such amounts as may be

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necessary to allow an adversely affected worker covered by a certification issued under subchapter A of this chapter to file an application for a child care allowance with the Secretary, and the Secretary may grant the child care allowance, subject to the terms and conditions of this section.

''(2) CONDITIONS FOR GRANTING ALLOWANCE.—A child care allowance shall be granted if the allowance will assist an adversely affected worker to attend training or seek suitable employment, by providing for the care of one or more of the minor dependents of the worker.

''(b) AMOUNT OF ALLOWANCE.—Any child care allowance granted to a worker under subsection (a) shall not exceed $2,000 per minor dependent per year.

''(c) ADJUSTMENT OF MAXIMUM ALLOWANCE LIMITATION FOR INFLATION.—

''(1) IN GENERAL.—The Secretary of Labor shall adjust the maximum allowance limitation under subsection (b) on the date that is 30 days after the date of the enactment of this subsection, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-

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month period compared to the Consumer Price Index for fiscal year 2020.

''(2) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.—In making an adjustment under paragraph (1), the Secretary—

''(A) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and

''(B) may ignore any such increase of less than 1 percent.

''(3) CONSUMER PRICE INDEX DEFINED.—For purposes of this subsection, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''.

(2) CONFORMING AMENDMENTS.—

(A) LIMITATIONS ON ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.—Section 235A of the Trade Act of 1974 (19 U.S.C. 2295a) is amended in the matter preceding paragraph (1) by striking ''through 238'' and inserting ''through 238A''.

(B) TRAINING.—Section 236(a)(2) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)) is amended—

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(i) in subparagraph (A), by striking ''and 238'' and inserting ''238, and 238A'';

(ii) in subparagraph (B), by striking ''and 238'' each place it appears and inserting ''238, and 238A'';

(iii) in subparagraph (C)(i), by striking ''and 238'' and inserting ''238, and 238A'';

(iv) in subparagraph (C)(v), by striking ''and 238'' and inserting ''238, and 238A''; and

(v) in subparagraph (E), by striking ''and 238'' each place it appears and inserting ''238, and 238A''.

(3) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by adding after the item relating to section 238 the following new item:

''Sec. 238A. Child care allowances.''.

SEC. 133111. AGREEMENTS WITH STATES.

(a) COORDINATION.—Section 239(f) of the Trade Act of 1974 (19 U.S.C. 2311(f)) is amended—

(1) by striking ''(f) Any agreement'' and inserting the following:

''(f)(1) Any agreement''; and

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(2) by adding at the end the following:

"(2) In arranging for training programs to be carried out under this chapter, each cooperating State agency shall, among other factors, take into account and measure the progress of the extent to which such programs—

"(A) achieve a satisfactory rate of completion and placement in jobs that provide a living wage and that increase economic security;

"(B) assist workers in developing the skills, networks, and experiences necessary to advance along a career path;

"(C) assist workers from underserved communities to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment; and

"(D) adequately serve individuals who face the greatest barriers to employment, including people with low incomes, people of color, immigrants, persons with disabilities, and formerly incarcerated individuals.

"(3) Each cooperating State agency shall facilitate joint cooperation between training programs, representatives of workers, employers, and commu-

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nities, especially in underserved rural and urban regions, to ensure a fair and engaging workplace that balances the priorities and well-being of workers with the needs of businesses.

''(4) Each cooperating State agency shall seek, including through agreements and training programs described in this subsection, to ensure the reemployment of adversely affected workers upon completion of training as described in section 236.''.

(b) ADMINISTRATION.—Section 239(g) of the Trade Act of 1974 (19 U.S.C. 2311(g)) is amended—

(1) by redesignating—

(A) paragraphs (1) through (4) as paragraphs (3) through (6), respectively; and

(B) paragraph (5) as paragraph (8);

(2) by inserting before paragraph (3) (as redesignated) the following:

''(1) review each layoff of more than 5 workers in a firm to determine whether trade played a role in the layoff and whether workers in such firm are potentially eligible to receive benefits under this chapter,

''(2) perform sustained outreach to firms to facilitate and assist with filing petitions under section

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221 and collecting necessary supporting information,'';

(3) in paragraph (3) (as redesignated), by striking ''who applies for unemployment insurance of'' and inserting ''identified under paragraph (1) of unemployment insurance benefits and'';

(4) in paragraph (4) (as redesignated), by inserting ''and assist with'' after ''facilitate'';

(5) in paragraph (6) (as redesignated), by striking ''and'' at the end;

(6) by inserting after paragraph (6) (as redesignated) the following:

''(7) perform sustained outreach to workers from underserved communities and to firms that employ a majority or a substantial percentage of workers from underserved communities and develop a plan, in consultation with the Secretary, for addressing common barriers to receiving services that such workers have faced,'';

(7) in paragraph (8) (as redesignated), by striking ''funds provided to carry out this chapter are insufficient to make such services available, make arrangements to make such services available through other Federal programs'' and inserting ''support services are needed beyond what this chapter can

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provide, make arrangements to coordinate such services available through other Federal programs'' ; and

(8) by adding at the end the following:

''(9) develop a strategy to engage with local workforce development institutions, including local community colleges and other educational institutions, and

''(10) develop a comprehensive strategy to provide agency staffing to support the requirements of paragraphs (1) through (9).''.

(c) STAFFING.—Section 239 of the Trade Act of 1974 (19 U.S.C. 2311) is amended by striking subsection (k) and inserting the following:

''(k) STAFFING.—An agreement entered into under this section shall provide that the cooperating State or cooperating State agency shall require that any individual engaged in functions (other than functions that are not inherently governmental) to carry out the trade adjustment assistance program under this chapter shall be a State employee covered by a merit system of personnel administration.''.

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SEC. 133112. REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE PROGRAM.

Section 246(a) of the Trade Act of 1974 (19 U.S.C. 2318(a)) is amended—

(1) in paragraph (3)(B)(ii), by striking ''$50,000'' and inserting ''$70,000 (subject to adjustment under paragraph (8))'';

(2) in paragraph (5)(B)(i), by striking ''$10,000'' and inserting ''$20,000 (subject to adjustment under paragraph (8))''; and

(3) by adding at the end the following:

''(8) ADJUSTMENT OF SALARY LIMITATION AND TOTAL AMOUNT OF PAYMENTS FOR INFLATION.—

''(A) IN GENERAL.—The Secretary of Labor shall adjust the salary limitation under paragraph (3)(B)(ii) and the amount under paragraph (5)(B)(i) on the date that is 30 days after the date of the enactment of this paragraph, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2020.

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"(B) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.—In making an adjustment under subparagraph (A), the Secretary—

"(i) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and

"(ii) may ignore any such increase of less than 1 percent.

"(C) CONSUMER PRICE INDEX DEFINED.—For purposes of this paragraph, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.".

SEC. 133113. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE TO PUBLIC AGENCY WORKERS.

(a) DEFINITIONS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking "The" and inserting "Subject to section 222(d)(5), the"; and

(B) in subparagraph (A), by striking "or service sector firm" and inserting ", service sector firm, or public agency"; and

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(2) by adding at the end the following:

''(20) The term 'public agency' means a department or agency of a State or local government or of the Federal Government.''.

(b) GROUP ELIGIBILITY REQUIREMENTS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended by subsections (b) and (c) of section 133102, is further amended—

(1) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(2) by inserting after subsection (b) the following:

''(c) ADVERSELY AFFECTED WORKERS IN PUBLIC AGENCIES.—A group of workers in a public agency shall be certified by the Secretary as eligible to apply for adjustment assistance under this chapter pursuant to a petition filed under section 221 if the Secretary determines that—

''(1) a significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

''(2) the public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

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"(3) the acquisition of services described in paragraph (2) contributed to such workers' separation or threat of separation.";

(3) in subsection (d) (as redesignated), by adding at the end the following:

"(5) REFERENCE TO FIRM.—For purposes of subsections (a) and (b), the term 'firm' does not include a public agency."; and

(4) in paragraph (2) of subsection (e) (as redesignated), by striking "subsection (a) or (b)" and inserting "subsection (a), (b), or (c)".

SEC. 133114. DEFINITIONS.

(a) EXTENSION OF ADJUSTMENT ASSISTANCE FOR WORKERS TO TERRITORIES.—Section 247(7) of the Trade Act of 1974 (19 U.S.C. 2319(7)) is amended—

(1) by inserting ", Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands," after "District of Columbia"; and

(2) by striking "such Commonwealth." and inserting "such territories.".

(b) UNDERSERVED COMMUNITY.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319), as amended by section 133113(a), is further amended by adding at the end the following:

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''(21) The term 'underserved community' means a community with populations sharing a particular characteristic that have been systematically denied a full opportunity to participate in aspects of economic, social, or civic life, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders, other persons of color, members of other minority communities, persons with disabilities, persons who live in rural areas, and other populations otherwise adversely affected by persistent poverty or inequality.''.

SEC. 133115. SUBPOENA POWER.

Section 249 of the Trade Act of 1974 (19 U.S.C. 2321) is amended—

(1) in subsection (a), by adding at the end the following: ''The authority under the preceding sentence includes the authority of States to require, by subpoena, a firm to provide information on workers employed by, or totally or partially separated from, the firm that is necessary to make a determination under this chapter or to provide outreach to workers, including the names and address of workers.''; and

(2) by adding at the end the following:

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''(c) ENFORCEMENT OF SUBPOENAS BY STATES.—A State may enforce compliance with a subpoena issued under subsection (a)—

''(1) as provided for under State law; and

''(2) by petitioning an appropriate United States district court for an order requiring compliance with the subpoena.''.

PART 2—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

SEC. 133201. PETITIONS AND DETERMINATIONS.

Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended—

(1) in the second sentence of subsection (a), by striking ''Upon'' and inserting ''Not later than 15 days after'';

(2) by amending subsection (c) to read as follows:

''(c)(1) The Secretary shall certify a firm (including any agricultural firm or service sector firm) as eligible to apply for adjustment assistance under this chapter if the Secretary determines—

''(A)(i) that a significant number or proportion of the workers in such firm have become totally or partially separated, or are threatened to become totally or partially separated, or

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"(ii) that—

"(I) sales or production, or both, of the firm have decreased absolutely or failed to increase,

"(II) sales or production, or both, of an article or service that accounted for not less than 25 percent of the total sales or production of the firm during the 12-month period preceding the most recent 12-month period for which data are available have decreased absolutely or failed to increase,

"(III) sales or production, or both, of the firm during the most recent 12-month period for which data are available have decreased or failed to increase compared to—

"(aa) the average annual sales or production for the firm during the 24-month period preceding that 12-month period, or

"(bb) the average annual sales or production for the firm during the 36-month period preceding that 12-month period, and

"(IV) sales or production, or both, of an article or service that accounted for not less than 25 percent of the total sales or production

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of the firm during the most recent 12-month period for which data are available have decreased or failed to increase compared to—

''(aa) the average annual sales or production for the article or service during the 24-month period preceding that 12-month period, or

''(bb) the average annual sales or production for the article or service during the 36-month period preceding that 12-month period, and

''(B)(i) increases of imports of articles or services like or directly competitive with articles which are produced or services which are supplied by such firm contributed to such total or partial separation, or threat thereof, or to such decline or failure to increase in sales or production, or

''(ii) decreases in exports of articles produced or services supplied by such firm, or imports of articles or services necessary for the production of articles or services supplied by such firm, contributed to such total or partial separation, or threat thereof, or to such decline in sales or production.

''(2) For purposes of paragraph (1)(B):

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''(A) Any firm which engages in exploration or drilling for oil or natural gas shall be considered to be a firm producing oil or natural gas.

''(B) Any firm that engages in exploration or drilling for oil or natural gas, or otherwise produces oil or natural gas, shall be considered to be producing articles directly competitive with imports of oil and with imports of natural gas.''; and

(3) in subsection (d)—

(A) by striking ''this section,'' and inserting ''this section.''; and

(B) by striking ''but in any event'' and all that follows and inserting the following: ''If the Secretary does not make a determination with respect to a petition within 55 days after the date on which an investigation is initiated under subsection (a) with respect to the petition, the Secretary shall be deemed to have certified the firm as eligible to apply for adjustment assistance under this chapter.''.

SEC. 133202. APPROVAL OF ADJUSTMENT PROPOSALS.

Section 252 of the Trade Act of 1974 (19 U.S.C. 2342) is amended—

(1) in the second sentence of subsection (a), by adding at the end before the period the following:

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''and an assessment of the potential employment outcomes of such proposal'';

(2) in subsection (b)(1)(B), by striking ''gives adequate consideration to'' and inserting ''is in'';

(3) by redesignating subsection (c) as subsection (d); and

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

''(c) AMOUNT OF ASSISTANCE.—

''(1) IN GENERAL.—A firm may receive adjustment assistance under this chapter with respect to the firm's economic adjustment proposal in an amount not to exceed $300,000, subject to adjustment under paragraph (2) and the matching requirement under paragraph (3).

''(2) ADJUSTMENT OF ASSISTANCE LIMITATION FOR INFLATION.—

''(A) IN GENERAL.—The Secretary of Commerce shall adjust the technical assistance limitation under paragraph (1) on the date that is 30 days after the date of the enactment of this paragraph, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-

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month period compared to the Consumer Price Index for fiscal year 2020.

"(B) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.—In making an adjustment under subparagraph (A), the Secretary—

"(i) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and

"(ii) may ignore any such increase of less than 1 percent.

"(C) CONSUMER PRICE INDEX DEFINED.—For purposes of this paragraph, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

"(3) MATCHING REQUIREMENT.—A firm may receive adjustment assistance under this chapter only if the firm provides matching funds in an amount equal to the amount of adjustment assistance received under paragraph (1).".

SEC. 133203. TECHNICAL ASSISTANCE.

Section 253(a)(3) of the Trade Act of 1974 (19 U.S.C. 2343(a)(3)) is amended by adding at the end be-

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fore the period the following: ", including assistance to provide skills training programs to employees of the firm".

SEC. 133204. DEFINITIONS.

Section 259 of the Trade Act of 1974 (19 U.S.C. 2351) is amended by adding at the end the following:

"(3) UNDERSERVED COMMUNITY.—The term 'underserved community' has the meaning given that term in section 247.".

SEC. 133205. PLAN FOR SUSTAINED OUTREACH TO POTENTIALLY-ELIGIBLE FIRMS.

(a) IN GENERAL.—Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amended by adding at the end the following:

"SEC. 263. PLAN FOR SUSTAINED OUTREACH TO POTENTIALLY-ELIGIBLE FIRMS.

"(a) IN GENERAL.—The Secretary shall develop a plan to provide sustained outreach to firms that may be eligible for adjustment assistance under this chapter.

"(b) MATTERS TO BE INCLUDED.—The plan required by paragraph (1) shall include the following:

"(1) Outreach to the United States International Trade Commission and to such firms in industries with increased imports identified in the Commission's annual report regarding the operation

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of the trade agreements program under section 163(c).

''(2) Outreach to such firms in the service sector.

''(3) Outreach to such firms that are small businesses.

''(4) Outreach to such firms that are minority- or women-owned firms.

''(5) Outreach to such firms that employ a majority or a substantial percentage of workers from underserved communities.

''(c) UPDATES.—The Secretary shall update the plan required under this section on an annual basis.

''(d) SUBMISSION TO CONGRESS.—The Secretary shall submit the plan and each update to the plan required under this section to Congress.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 262 the following new item:

''Sec. 263. Plan for sustained outreach to potentially-eligible firms.''.

PART 3—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES AND COMMUNITY COLLEGES

SEC. 133301. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.

(a) IN GENERAL.—Chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is amended—

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(1) by inserting after the chapter heading the following:

"Subchapter B—Trade Adjustment Assistance for Community Colleges and Career Training"; and

(2) by redesignating sections 271 and 272 as sections 279 and 279A, respectively; and

(3) by inserting before subchapter B (as designated by paragraph (1)) the following:

"Subchapter A—Trade Adjustment Assistance for Communities

"SEC. 271. DEFINITIONS.

''In this subchapter:

''(1) AGRICULTURAL COMMODITY PRODUCER.—The term 'agricultural commodity producer' has the meaning given that term in section 291.

''(2) COMMUNITY.—The term 'community' means—

''(A) a city or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions;

''(B) an Economic Development District designated by the Economic Development Ad-

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ministration of the Department of Commerce; or

"(C) an Indian Tribe.

"(3) ELIGIBLE COMMUNITY.—The term 'eligible community' means a community that is impacted by trade under section 273(a)(2) and is determined to be eligible for assistance under this subchapter.

"(4) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) an eligible community;

"(B) an institution of higher education or a consortium of institutions of higher education; or

"(C) a public or private nonprofit organization or association acting in cooperation with officials of a political subdivision of a State.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

"(5) UNDERSERVED COMMUNITY.—The term 'underserved community' has the meaning given that term in section 247.

"SEC. 272. ESTABLISHMENT OF TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES PROGRAM.

"The Secretary, acting through the Assistant Secretary for Economic Development, shall, not later than

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180 days after the date of enactment of this subchapter, establish a program to provide communities impacted by trade with assistance in accordance with the requirements of this subchapter.

"SEC. 273. ELIGIBILITY; NOTIFICATION OF ELIGIBILITY.

''(a) ELIGIBILITY.—

''(1) IN GENERAL.—A community shall be eligible for assistance under this subchapter if the community is a community impacted by trade under paragraph (2).

''(2) COMMUNITY IMPACTED BY TRADE.—A community is impacted by trade if it meets each of the following requirements:

''(A) One or more of the following certifications are made with respect to the community:

''(i) By the Secretary of Labor, that a group of workers located in the community is eligible to apply for assistance under section 223.

''(ii) By the Secretary of Commerce, that a firm located in the community is eligible to apply for adjustment assistance under section 251.

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"(iii) By the Secretary of Agriculture, that a group of agricultural commodity producers located in the community is eligible to apply for adjustment assistance under section 293.

"(B) The community—

"(i) applies for assistance not later than 180 days after the date on which the most recent certification described in subparagraph (A) is made; or

"(ii) in the case of a community with respect to which one or more such certifications were made on or after January 1, 1994, and before the date of the enactment of this subchapter, applies for assistance not later than September 30, 2024.

"(C) The community—

"(i) has a per capita income of 80 percent or less of the national average;

"(ii) has an unemployment rate that is, for the most recent 24-month period for which data are available, at least 1 percent greater than the national average unemployment rate; or

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''(iii) is significantly affected by a loss of, or threat to, the jobs associated with any certification described in subparagraph (A), or the community is undergoing transition of its economic base as a result of changing trade patterns, as determined by the Secretary.

''(b) NOTIFICATION OF ELIGIBILITY.—If one or more certifications described in subsection (a)(2)(A) are made with respect to a community, the applicable Secretary with respect to such certification shall concurrently, notify the Governor of the State in which the community is located of the ability of the community to apply for assistance under this section.

''SEC. 274. GRANTS TO ELIGIBLE COMMUNITIES.

''(a) IN GENERAL.—The Secretary may—

''(1) upon the application of an eligible community, award a grant under this section to the community to assist in developing or updating a strategic plan that meets the requirements of section 275; or

''(2) upon the application of an eligible entity, award an implementation grant under this section to the entity to assist in implementing projects included

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in a strategic plan that meets the requirements of section 275.

''(b) SPECIAL PROVISIONS.—

''(1) REVOLVING LOAN FUND GRANTS.—

''(A) IN GENERAL.—The Secretary shall maintain the proper operation and financial integrity of revolving loan funds established by eligible entities with assistance under this section.

''(B) EFFICIENT ADMINISTRATION.—The Secretary may—

''(i) at the request of an eligible entity, amend and consolidate grant agreements governing revolving loan funds to provide flexibility with respect to lending areas and borrower criteria; and

''(ii) assign or transfer assets of a revolving loan fund to third party for the purpose of liquidation, and the third party may retain assets of the fund to defray costs related to liquidation.

''(C) TREATMENT OF ACTIONS.—An action taken by the Secretary under this subsection with respect to a revolving loan fund shall not constitute a new obligation if all grant funds

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associated with the original grant award have been disbursed to the recipient.

"(2) USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECT COST.—

"(A) IN GENERAL.—In the case of a grant for a construction project under this section, if the Secretary determines, before closeout of the project, that the cost of the project, based on the designs and specifications that were the basis of the grant, has decreased because of decreases in costs, the Secretary may approve the use of the excess funds (or a portion of the excess funds) to improve the project.

"(B) OTHER USES OF EXCESS FUNDS.—Any amount of excess funds remaining after application of subparagraph (A) may be used by the Secretary for providing assistance under this section.

"(c) COORDINATION.—If an eligible institution (as such term is defined in section 279) located in an eligible community is seeking a grant under section 279 at the same time the community is seeking an implementation grant under subsection (a)—

"(1) the Secretary, upon receipt of such information from the Secretary of Labor as required

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under section 279(e), shall notify the community that the institution is seeking a grant under section 279; and

''(2) the community shall provide to the Secretary, in coordination with the institution, a description of how the community will integrate projects included in the strategic plan with the specific project for which the institution submits the grant proposal under section 279.

''(d) LIMITATION.—The total amount of grants awarded with respect to an eligible community under this section for fiscal years 2022 through 2026 may not exceed $25,000,000.

''(e) PRIORITY.—The Secretary shall, in awarding grants under this section, provide higher levels of funding with respect to eligible communities that have a history of economic distress and long-term unemployment, as determined by the Secretary.

''(f) GEOGRAPHIC DIVERSITY.—

''(1) IN GENERAL.—The Secretary shall, in awarding grants under this section, ensure that grants are awarded with respect to eligible communities from geographically diverse areas.

''(2) GEOGRAPHIC REGION REQUIREMENT.—The Secretary shall, in meeting the requirement

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under paragraph (1), award a grant under this section for each of the fiscal years 2022 through 2026 to at least one eligible community located in each geographic region for which regional offices of the Economic Development Administration of the Department of Commerce are responsible, to the extent that the Secretary receives an application from at least one eligible community in each such geographic region.

"SEC. 275. STRATEGIC PLANS.

"(a) IN GENERAL.—A strategic plan meets the requirements of this section if—

"(1) the consultation requirements of subsection (b) are met with respect to the development of the plan;

"(2) the plan meets the requirements of subsection (c); and

"(3) the plan is approved in accordance with the requirements of subsection (d).

"(b) CONSULTATION.—

"(1) IN GENERAL.—To the extent practicable, an eligible community shall consult with the entities described in paragraph (2) in developing the strategic plan.

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"(2) ENTITIES DESCRIBED.—The entities described in this paragraph are public and private entities located in or serving the eligible community, including—

"(A) local, county, or State government agencies;

"(B) firms, including small- and medium-sized firms;

"(C) local workforce investment boards;

"(D) labor organizations, including State labor federations and labor-management initiatives, representing workers in the community;

"(E) educational institutions, local educational agencies, and other training providers; and

"(F) local civil rights organizations and community-based organizations, including organizations representing underserved communities.

"(c) CONTENTS.—The strategic plan may contain, as applicable to the community, the following:

"(1) A description and analysis of the capacity of the eligible community to achieve economic adjustment to the impact of trade.

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"(2) An analysis of the economic development challenges and opportunities facing the community, including the strengths and weaknesses of the economy of the community.

"(3) An assessment of—

"(A) the commitment of the community to carry out the strategic plan on a long-term basis;

"(B) the participation and input of members of the community who are dislocated from employment due to the impact of trade; and

"(C) the extent to which underserved communities have been impacted by trade.

"(4) A description of how underserved communities will benefit from the strategic plan.

"(5) A description of the role of the entities described in subsection (b)(2) in developing the strategic plan.

"(6) A description of projects under the strategic plan to facilitate the community's economic adjustment to the impact of trade, including projects to—

"(A) develop public facilities, public services, jobs, and businesses (including establishing a revolving loan fund);

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"(B) provide for planning and technical assistance;

"(C) provide for training;

"(D) provide for the demolition of vacant or abandoned commercial, industrial, or residential property;

"(E) redevelop brownfields;

"(F) establish or support land banks;

"(G) support energy conservation; and

"(H) support historic preservation.

"(7) A strategy for continuing the community's economic adjustment to the impact of trade after the completion of such projects.

"(8) A description of the educational and training programs and the potential employment opportunities available to workers in the community, including for workers under the age of 25, and the future employment needs of the community.

"(9) An assessment of—

"(A) the cost of implementing the strategic plan; and

"(B) the timing of funding required by the community to implement the strategic plan.

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"(10) A description of the methods of financing to be used to implement the strategic plan, including—

"(A) an implementation grant received under section 274 or under other authorities;

"(B) a loan, including the establishment of a revolving loan fund; or

"(C) other types of financing.

"(11) An assessment of how the community will address unemployment among agricultural commodity producers, if applicable.

"(d) APPROVAL; CEDS EQUIVALENT.—

"(1) APPROVAL.—The Secretary shall approve the strategic plan developed by an eligible community under this section if the Secretary determines that the strategic plan meets the requirements of this section.

"(2) CEDS OR EQUIVALENT.—The Secretary may deem an eligible community's Comprehensive Economic Development Strategy that substantially meets the requirements of this section to be an approved strategic plan for purposes of this subchapter.

"(e) ALLOCATION.—Of the funds appropriated to carry out this chapter for each of the fiscal years 2022

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through 2026, the Secretary may make available not more than $50,000,000 to award grants under section 274(a)(1).

"SEC. 276. COORDINATION OF FEDERAL RESPONSE AND OTHER ADDITIONAL TECHNICAL ASSISTANCE.

''(a) IN GENERAL.—The Secretary shall coordinate the Federal response with respect to an eligible community that is awarded an implementation grant under section 274(a)(2) to implement the community's strategic plan that meets the requirements of section 275 by—

''(1) identifying and consulting, as appropriate, with any other Federal, State, regional, or local government agency;

''(2) assisting the community to access assistance from other available Federal sources as necessary to fulfill the community's strategic plan developed under section 275; and

''(3) ensuring that such assistance is provided in a targeted, integrated manner.

''(b) TRANSFER OF FUNDS.—

''(1) TRANSFER OF FUNDS TO OTHER FEDERAL AGENCIES.—Funds appropriated to carry out this chapter may be transferred between Federal agen-

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cies, if the funds are used for the purposes for which the funds are specifically appropriated.

"(2) TRANSFER OF FUNDS FROM OTHER FEDERAL AGENCIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), for the purposes of this chapter, the Secretary may accept transfers of funds from other Federal agencies if the funds are used for the purposes for which (and in accordance with the terms under which) the funds are specifically appropriated.

"(B) USE OF FUNDS.—The transferred funds—

"(i) shall remain available until expended; and

"(ii) may, to the extent necessary to carry out this chapter, be transferred to and merged by the Secretary with the appropriations for salaries and expenses.

"(c) ADDITIONAL TECHNICAL ASSISTANCE.—In addition to the coordination and assistance described in subsection (a), the Secretary shall provide technical assistance for communities—

"(1) to identify significant impediments to economic development that result from the impact of

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trade on the community, including in the course of developing a strategic plan under section 275; and

''(2) to access assistance under other available sources, including State, local, or private sources, to implement projects that diversify and strengthen the economy in the community.

''SEC. 277. GENERAL PROVISIONS.

''(a) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall, subject to paragraph (3), promulgate such regulations as may be necessary to carry out this subchapter, including with respect to—

''(A) administering the awarding of grants under section 274, including establishing guidelines for the submission and evaluation of grant applications under such section; and

''(B) establishing guidelines for the evaluation of strategic plans developed to meet the requirements of section 275.

''(2) CONSULTATIONS.—The Secretary shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 90 days prior to promulgating any final rule or regulation under this subsection.

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"(3) RELATIONSHIP TO EXISTING REGULATIONS.—The Secretary, to the maximum extent practicable, shall—

"(A) rely on and apply regulations promulgated to carry out other economic development programs of the Department of Commerce in carrying out this subchapter; and

"(B) provide guidance regarding the manner and extent to which such other economic development programs relate to this subchapter.

"(b) RESOURCES.—The Secretary shall allocate such resources as may be necessary to provide sufficiently individualized assistance to each eligible community that receives a grant under section 274(a) or seeks technical assistance under section 276(c) to develop and implement a strategic plan that meets the requirements of section 275.".

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by striking the items relating to chapter 4 of title II and inserting the following:

"CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

"SUBCHAPTER A—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

"Sec. 271. Definitions.
"Sec. 272. Establishment of trade adjustment assistance for communities program.
"Sec. 273. Eligibility; notification of eligibility.
"Sec. 274. Grants to eligible communities.
"Sec. 275. Strategic plans.

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''Sec. 276. Coordination of Federal response and other additional technical assistance.
''Sec. 277. General provisions.

''SUBCHAPTER B—COMMUNITY COLLEGE AND CAREER TRAINING GRANT PROGRAM

''Sec. 279. Community College and Career Training Grant Program.
''Sec. 279A. Authorization of appropriations.''.

SEC. 133302. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITY COLLEGES AND CAREER TRAINING.

Section 279 of the Trade Act of 1974, as redesignated by section 133301(a)(2), is amended as follows:

(1) In subsection (a)—

(A) in paragraph (1), by striking ''eligible institutions'' and inserting ''eligible entities''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''eligible institution'' and inserting ''eligible entity''; and

(ii) in subparagraph (B)—

(I) by striking ''$1,000,000'' and inserting ''$2,500,000'';

(II) by striking ''(B)'' and inserting ''(B)(i) in the case of an eligible institution,'';

(III) by striking the period at the end and inserting ''; or''; and

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(IV) by adding at the end the following:

"(ii) in the case of a consortium of eligible institutions, a grant under this section in excess of $15,000,000.".

(2) In subsection (b), by adding at the end the following:

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means an eligible institution or a consortium of eligible institutions.

"(4) UNDERSERVED COMMUNITY.—The term 'underserved community' has the meaning given that term in section 247.".

(3) In subsection (c)—

(A) by striking "eligible institution" each place it appears and inserting "eligible entity"; and

(B) in paragraph (5)(A)(i)—

(i) in subclause (I), by striking "and" at the end; and

(ii) by adding at the end the following:

"(III) any opportunities to support industry or sector partnerships to

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develop or expand quality academic programs and curricula; and''.

(4) In subsection (d), by striking ''eligible institution'' each place it appears and inserting ''eligible entity''.

(5) By redesignating subsection (e) as subsection (h) and inserting after subsection (d) the following:

''(e) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity shall use a grant awarded under this section to establish and scale career training programs, including career and technical education programs, and career pathways and supports for students participating in such programs.

''(2) STUDENT SUPPORT AND EMERGENCY SERVICES.—Not less than 15 percent of the amount of a grant awarded to an eligible entity under this section shall be used to carry out student support services, which may include the following:

''(A) Supportive services, including childcare, transportation, mental health services, or substance use disorder prevention and treatment, assistance in obtaining health insur-

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ance coverage, housing, and other benefits, as appropriate.

"(B) Connecting students to State or Federal means-tested benefits programs.

"(C) The provision of direct financial assistance to help students facing financial hardships that may impact enrollment in or completion of a program supported by such funds.

"(D) Navigation, coaching, mentorship, and case management services, including providing information and outreach to the population described in subparagraph (C) to take part in such a program.

"(E) Providing access to necessary supplies, materials, technological devices, or required equipment, and other supports necessary to participate in such a program.

"(f) PLAN FOR OUTREACH TO UNDERSERVED COMMUNITIES.—

"(1) IN GENERAL.—In awarding grants under this section, the Secretary shall—

"(A) ensure that eligible institutions effectively serve individuals from underserved communities; and

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''(B) develop a plan to ensure that grants provided under this subchapter effectively serve individuals from underserved communities.

''(2) UPDATES.—The Secretary shall update the plan required by paragraph (1)(B) on an annual basis.

''(3) SUBMISSION TO CONGRESS.—The Secretary shall submit the plan required by paragraph (1)(B) and each update to the plan required by paragraph (2) to Congress.

''(g) GEOGRAPHIC DIVERSITY.—The Secretary shall, in awarding grants under this section, ensure that grants are awarded with respect to eligible entities from geographically diverse areas.''.

PART 4—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

SEC. 133401. DEFINITIONS.

Section 291 of the Trade Act of 1974 (19 U.S.C. 2401) is amended—

(1) by striking paragraph (3);

(2) by redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively; and

(3) by adding at the end the following:

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"(7) UNDERSERVED COMMUNITY.—The term 'underserved community' has the meaning given that term in section 247.".

SEC. 133402. GROUP ELIGIBILITY REQUIREMENTS.

Section 292 of the Trade Act of 1974 (19 U.S.C. 2401a) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "85 percent of" each place it appears; and

(ii) in subparagraph (D), by adding "and" at the end;

(B) in paragraph (2), by striking "(2)" and inserting "(2)(A)(i)";

(C) by redesignating paragraph (3) as clause (ii) of paragraph (2)(A) (as designated by subparagraph (B));

(D) in clause (ii) of paragraph (2)(A) (as redesignated by subparagraph (C))—

(i) by striking "importantly"; and

(ii) by striking the period at the end and inserting "; or" ; and

(E) in paragraph (2), by adding at the end the following:

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"(B)(i) the volume of exports of the agricultural commodity produced by the group in the marketing year with respect to which the group files the petition decreased compared to the average volume of such exports during the 3 marketing years preceding such marketing year; and

"(ii) the decrease in such exports contributed to the decrease in the national average price, quantity of production, or value of production of, or cash receipts for, the agricultural commodity, as described in paragraph (1).''; and

(2) in subsection (e)(3), by adding at the end before the period the following: "or exports''.

SEC. 133403. BENEFIT INFORMATION TO AGRICULTURAL COMMODITY PRODUCERS.

Section 295(a) of the Trade Act of 1974 (19 U.S.C. 2401d(a)) is amended by adding at the end the following: "The Secretary shall develop a plan to conduct targeted sustained outreach and offer assistance to agricultural commodity producers from underserved communities''.

SEC. 133404. QUALIFYING REQUIREMENTS AND BENEFITS FOR AGRICULTURAL COMMODITY PRODUCERS.

Section 296 of the Trade Act of 1974 (19 U.S.C. 2401e) is amended—

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(1) in subsection (a)(1)(A), by striking ''90 days'' and inserting ''120 days'';

(2) in subsection (b)—

(A) in paragraph (3)(B), by striking ''$4,000'' and inserting ''$12,000''; and

(B) in paragraph (4)(C), by striking ''$8,000'' and inserting ''$24,000'';

(3) in subsection (c), by striking ''$12,000'' and inserting ''$36,000''; and

(4) by adding at the end the following new subsection:

''(e) ADJUSTMENTS FOR INFLATION.—

''(1) IN GENERAL.—The Secretary of Agriculture shall adjust each dollar amount limitation described in this section on the date that is 30 days after the date of the enactment of this subsection, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2020.

''(2) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.—In making an adjustment under paragraph (1), the Secretary—

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"(A) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and

"(B) may ignore any such increase of less than 1 percent.

"(3) CONSUMER PRICE INDEX DEFINED.—For purposes of this subsection, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.".

PART 5—APPROPRIATIONS AND OTHER MATTERS

SEC. 133501. EXTENSION OF AND APPROPRIATIONS FOR TRADE ADJUSTMENT ASSISTANCE PROGRAM.

(a) EXTENSION OF TERMINATION PROVISIONS.—Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended by striking "2021" each place it appears and inserting "2028".

(b) TRAINING FUNDS.—Section 236(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)) , as amended by section 133110(c)(2)(B), is further amended—

(1) by striking "shall not exceed $450,000,000" and inserting the following: "shall not exceed—

"(i) $450,000,000";

(2) by striking the period at the end and inserting "; and"; and

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(3) by adding at the end the following:

''(ii) $1,000,000,000 for each of the fiscal years 2022 through 2028.''.

(c) REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE.—Section 246(b)(1) of the Trade Act of 1974 (19 U.S.C. 2318(b)(1)) is amended by striking ''2021'' and inserting ''2028''.

(d) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended—

(A) in subsection (a), by striking ''2021'' and inserting ''2028''; and

(B) by adding at the end the following:

''(d) RESERVATION BY THE SECRETARY.—Of the funds appropriated to carry out this chapter for any fiscal year, the Secretary of Labor may reserve not more than 0.5 percent for technical assistance, pilots and demonstrations, and the evaluation of activities carried out under this chapter.''.

(2) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—Section 255(a) of the Trade Act of 1974 (19 U.S.C. 2345(a)) is amended in the first sentence by adding at the end before the period the following:

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''and $50,000,000 for each of the fiscal years 2022 through 2028''.

(3) TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.—Section 298 of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended—

(A) in subsection (a)—

(i) by striking ''$90,000,000'' and inserting ''$50,000,000''; and

(ii) by striking ''2021'' and inserting ''2028''; and

(B) by adding at the end the following:

''(c) RESERVATION BY THE SECRETARY.—Of the funds appropriated to carry out this chapter for any fiscal year, the Secretary of Agriculture may not reserve more than 5 percent for technical assistance, pilots and demonstrations, and the evaluation of activities carried out under this chapter.''.

(e) APPROPRIATIONS.—

(1) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.—In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2028, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until expended, to carry out the purposes of chapter 2 of title II of the Trade Act

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of 1974, as authorized by section 245 of the Trade Act of 1974 (19 U.S.C. 2317) (as amended by subsection (d)).

(2) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2028, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, to carry out the provisions of chapter 3 of title II of the Trade Act of 1974, as authorized by section 255 of the Trade Act of 1974 (19 U.S.C. 2345) (as amended by subsection (d)).

(3) TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.—

(A) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2026, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until expended, to carry out subchapter A of chapter 4 of title II of the Trade Act of 1974, as added by section 133301 of this Act, as added by subsection (d).

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(B) SALARIES AND EXPENSES.—Of the amounts appropriated pursuant subparagraph (A) for each of fiscal years 2022 through 2026, not more than $40,000,000 shall be made available for the salaries and expenses of personnel administering subchapter A of chapter 4 of title II of the Trade Act of 1974.

(C) SUPPLEMENT AND NOT SUPPLANT.—Amounts appropriated pursuant to subparagraph (A) for each of the fiscal years 2022 through 2026 shall be used to supplement, and not supplant, other Federal, State, regional, and local government funds made available to provide economic development assistance for communities.

(4) TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITY COLLEGES AND CAREER TRAINING.—

(A) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2028, out of any money in the Treasury not otherwise appropriated, $1,300,000,000, to remain available until expended, to carry out subchapter B of chapter 4 of title II of the Trade Act of 1974, as designated by section 13301 of this Act, as

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authorized by section 279A of such subchapter B (as redesignated).

(B) RESERVATION BY THE SECRETARY.—Of the funds appropriated to carry out subchapter B of chapter 4 of title II of the Trade Act of 1974 for each of fiscal years 2002 through 2028, the Secretary of Labor may reserve not more than 5 percent for administration of the program, including providing technical assistance, sustained outreach to eligible institutions effectively serving underserved communities, pilots and demonstrations, and a rigorous third-party evaluation of the program carried out under such subchapter.

(5) TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.—In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2028, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, to carry out the purposes of chapter 6 of title II of the Trade Act of 1974, as authorized by section 298 of the Trade Act of 1974 (19 U.S.C. 2401) (as amended by subsection (d)).

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SEC. 133502. APPLICABILITY OF TRADE ADJUSTMENT ASSISTANCE PROVISIONS.

(a) WORKERS CERTIFIED BEFORE DATE OF ENACTMENT.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a worker certified as eligible for adjustment assistance under section 222 of the Trade Act of 1974 before the date of the enactment of this Act shall be eligible, on and after such date of enactment, to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment, or as such provisions may be amended after such date of enactment.

(2) COMPUTATION OF MAXIMUM BENEFITS.—Benefits received by a worker described in paragraph (1) under chapter 2 of title II of the Trade Act of 1974 before the date of the enactment of this Act shall be included in any determination of the maximum benefits for which the worker is eligible under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, or as such provisions may be amended after such date of enactment.

(3) AUTHORITY TO MAKE ADJUSTMENTS TO BENEFITS.—For the 90-day period beginning on the

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date of the enactment of this Act, the Secretary is authorized to make any adjustments to benefits to workers described in paragraph (1) that the Secretary determines to be necessary and appropriate in applying and administering the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, or as such provisions may be amended after such date of enactment, in a manner that ensures parity of treatment between the benefits of such workers and the benefits of workers certified after such date of enactment.

(b) WORKERS NOT CERTIFIED PURSUANT TO CERTAIN PETITIONS FILED BEFORE DATE OF ENACTMENT.—

(1) CERTIFICATIONS OF WORKERS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—

(A) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—If, as of the date of the enactment of this Act, the Secretary of Labor has not made a determination with respect to whether to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the

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Secretary shall make that determination based on the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment.

(B) RECONSIDERATION OF DENIALS OF CERTIFICATIONS.—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall—

(i) reconsider that determination; and

(ii) if the group of workers meets the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment, certify the group of workers as eligible to apply for adjustment assistance.

(C) PETITION DESCRIBED.—A petition described in this subparagraph is a petition for a certification of eligibility for a group of workers filed under section 221 of the Trade Act of 1974 on or after January 1, 2021, and before the date of the enactment of this Act.

(2) ELIGIBILITY FOR BENEFITS.—

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(A) IN GENERAL.—Except as provided in subparagraph (B), a worker certified as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in paragraph (1)(C) shall be eligible, on and after the date of the enactment of this Act, to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment, or as such provisions may be amended after such date of enactment.

(B) COMPUTATION OF MAXIMUM BENEFITS.—Benefits received by a worker described in paragraph (1) under chapter 2 of title II of the Trade Act of 1974 before the date of the enactment of this Act shall be included in any determination of the maximum benefits for which the worker is eligible under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, or as such provisions may be amended after such date of enactment.

(c) CONFORMING AMENDMENTS.—

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(1) TRADE ACT OF 2002.—Section 151 of the Trade Act of 2002 (19 U.S.C. note prec. 2271) is amended by striking subsections (a), (b), and (c).

(2) TRADE AND GLOBALIZATION ADJUSTMENT ASSISTANCE ACT OF 2009.—Section 1891 of the Trade and Globalization Adjustment Assistance Act of 2009 (19 U.S.C. 2271 note) is repealed.

(3) TRADE ADJUSTMENT ASSISTANCE EXTENSION ACT OF 2011.—The Trade Adjustment Assistance Extension Act of 2011 is amended—

(A) in section 201 (19 U.S.C. note prec. 2271), by striking subsections (b) and (c); and

(B) in section 231(a) (19 U.S.C. 2271 note), by striking paragraphs (1)(B) and (2).

(4) TRADE ADJUSTMENT ASSISTANCE REAUTHORIZATION ACT OF 2015.—The Trade Adjustment Assistance Reauthorization Act of 2015 is amended—

(A) in section 402 (19 U.S.C. note prec. 2271), by striking subsections (b) and (c); and

(B) in section 405(a)(1) (19 U.S.C. 2319(a)(1)), by striking subparagraph (B).

(d) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—

(1) CERTIFICATION OF FIRMS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—

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(A) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—If, as of the date of the enactment of this Act, the Secretary of Commerce has not made a determination with respect to whether to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall make that determination based on the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment.

(B) RECONSIDERATION OF DENIAL OF CERTAIN PETITIONS.—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall—

(i) reconsider that determination; and

(ii) if the firm meets the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment, certify the firm as eligible to apply for adjustment assistance.

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(C) PETITION DESCRIBED.—A petition described in this subparagraph is a petition for a certification of eligibility filed by a firm or its representative under section 251 of the Trade Act of 1974 on or after January 1, 2021, and before the date of the enactment of this Act.

(2) CERTIFICATION OF FIRMS THAT DID NOT SUBMIT PETITIONS BETWEEN JANUARY 1, 2021, AND DATE OF ENACTMENT.—

(A) IN GENERAL.—The Secretary of Commerce shall certify a firm described in subparagraph (B) as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974, as in effect on the date of the enactment of this Act, if the firm or its representative files a petition for a certification of eligibility under section 251 of the Trade Act of 1974 not later than 90 days after such date of enactment.

(B) FIRM DESCRIBED.—A firm described in this subparagraph is a firm that the Secretary determines would have been certified as eligible to apply for adjustment assistance if—

(i) the firm or its representative had filed a petition for a certification of eligi-

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bility under section 251 of the Trade Act of 1974 on a date during the period beginning on January 1, 2021, and ending on the day before the date of the enactment of this Act; and

(ii) the provisions of chapter 3 of title II of the Trade Act of 1974, as in effect on such date of enactment, had been in effect on that date during the period described in clause (i).

Subtitle E

PART 1—PROVISIONS RELATING TO PATHWAYS TO HEALTH CAREERS

SEC. 134101. PATHWAYS TO HEALTH CAREERS ACT.

(a) TRANSITION FUNDING.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, $15,000,000 to the Secretary of Health and Human Services to provide technical assistance and cover administrative costs associated with implementing section 2071 of the Social Security Act (as added by subsection (b)).

(b) CAREER PATHWAYS THROUGH HEALTH PROFESSION OPPORTUNITY GRANTS.—Effective October 1, 2021, title XX of the Social Security Act (42 U.S.C. 1397-1397n–13) is amended by adding at the end the following:

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"Subtitle D—Career Pathways Through Health Profession Opportunity Grants

"SEC. 2071. CAREER PATHWAYS THROUGH HEALTH PROFESSION OPPORTUNITY GRANTS.

''(a) APPLICATION REQUIREMENTS.—An eligible entity desiring a grant under this section for a project shall submit to the Secretary an application for the grant, that includes the following:

''(1) A description of how the applicant will use a career pathways approach to train eligible individuals for health professions that pay well or will put eligible individuals on a career path to an occupation that pays well, under the project.

''(2) A description of the adult basic education and literacy activities, work readiness activities, training activities, and case management and career coaching services that the applicant will use to assist eligible individuals to gain work experience, connection to employers, and job placement, and a description of the plan for recruiting, hiring, and training staff to provide the case management, mentoring, and career coaching services, under the project directly or through local governmental, apprenticeship, educational, or charitable institutions.

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"(3) In the case of an application for a grant under this section for a demonstration project described in subsection (c)(2)(B)(i)(I)—

"(A) a demonstration that the State in which the demonstration project is to be conducted has in effect policies or laws that permit certain allied health and behavioral health care credentials to be awarded to people with certain arrest or conviction records (which policies or laws shall include appeals processes, waivers, certificates, and other opportunities to demonstrate rehabilitation to obtain credentials, licensure, and approval to work in the proposed health careers), and a plan described in the application that will use a career pathway to assist participants with such a record in acquiring credentials, licensing, and employment in the specified careers;

"(B) a discussion of how the project or future strategic hiring decisions will demonstrate the experience and expertise of the project in working with job seekers who have arrest or conviction records or employers with experience working with people with arrest or conviction records;

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"(C) an identification of promising innovations or best practices that can be used to provide the training;

"(D) a proof of concept or demonstration that the applicant has done sufficient research on workforce shortage or in-demand jobs for which people with certain types of arrest or conviction records can be hired;

"(E) a plan for recruiting students who are eligible individuals into the project; and

"(F) a plan for providing post-employment support and ongoing training as part of a career pathway under the project.

"(4) In the case of an application for a grant under this section for a demonstration project described in subsection (c)(2)(B)(i)(II)—

"(A) a description of the partnerships, strategic staff hiring decisions, tailored program activities, or other programmatic elements of the project, such as training plans for doulas and other community health workers and training plans for midwives and other allied health professions, that are designed to support a career pathway in pregnancy, birth, or postpartum services; and

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"(B) a demonstration that the State in which the demonstration project is to be conducted recognizes doulas or midwives, as the case may be.

"(5) A demonstration that the applicant has experience working with low-income populations, or a description of the plan of the applicant to work with a partner organization that has the experience.

"(6) A plan for providing post-employment support and ongoing training as part of a career pathway under the project.

"(7) A description of the support services that the applicant will provide under the project, including a plan for how child care and transportation support services will be guaranteed and, if the applicant will provide a cash stipend or wage supplement, how the stipend or supplement would be calculated and distributed.

"(8) A certification by the applicant that the project development included—

"(A) consultation with a local workforce development board established under section 107 of the Workforce Innovation and Opportunity Act;

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"(B) consideration of apprenticeship and pre-apprenticeship models registered under the Act of August 16, 1937 (also known as the 'National Apprenticeship Act');

"(C) consideration of career pathway programs in the State in which the project is to be conducted; and

"(D) a review of the State plan under section 102 or 103 of the Workforce Innovation and Opportunity Act.

"(9) A description of the availability and relevance of recent labor market information and other pertinent evidence of in-demand jobs or worker shortages.

"(10) A certification that the applicant will directly provide or contract for the training services described in the application.

"(11) A commitment by the applicant that, if the grant is made to the applicant, the applicant will—

"(A) during the planning period for the project, provide the Secretary with any information needed by the Secretary to establish adequate data reporting and administrative structure for the project;

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"(B) hire a person to direct the project not later than the end of the planning period applicable to the project;

"(C) accept all technical assistance offered by the Secretary with respect to the grant;

"(D) participate in peer technical assistance conferences as are regularly scheduled by the Secretary; and

"(E) provide all data required by the Secretary under subsection (g).

"(b) PREFERENCES IN CONSIDERING APPLICATIONS.—In considering applications for a grant under this section, the Secretary shall give preference to—

"(1) applications submitted by applicants to whom a grant was made under this section or any predecessor to this section;

"(2) applications submitted by applicants who have business and community partners in each of the following categories:

"(A) State and local government agencies and social service providers, including a State or local entity that administers a State program funded under part A of this title;

"(B) institutions of higher education, apprenticeship programs, and local workforce de-

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velopment boards established under section 107 of the Workforce Innovation and Opportunity Act; and

"(C) health care employers, health care industry or sector partnerships, labor unions, and labor-management partnerships;

"(3) applications that include opportunities for mentoring or peer support, and make career coaching available, as part of the case management plan;

"(4) applications which describe a project that will serve a rural area in which—

"(A) the community in which the individuals to be enrolled in the project reside is located;

"(B) the project will be conducted; or

"(C) an employer partnership that has committed to hiring individuals who successfully complete all activities under the project is located;

"(5) applications that include a commitment to providing project participants with a cash stipend or wage supplement; and

"(6) applications which have an emergency cash fund to assist project participants financially in emergency situations.

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"(c) GRANTS.—

"(1) COMPETITIVE GRANTS.—

"(A) GRANT AUTHORITY.—

"(i) IN GENERAL.—The Secretary may make a grant in accordance with this paragraph to an eligible entity whose application for the grant is approved by the Secretary, to conduct a project designed to train low-income individuals for allied health professions, health information technology, physicians assistants, nursing assistants, registered nurse, advanced practice nurse, and other professions considered part of a health care career pathway model.

"(ii) GUARANTEE OF GRANTEES IN EACH STATE AND THE DISTRICT OF COLUMBIA.—For each grant cycle, the Secretary shall award a grant under this paragraph to at least 2 eligible entities in each State that is not a territory, to the extent there are a sufficient number of applications submitted by the entities that meet the requirements applicable with respect to such a grant. If, for a grant cycle, there

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are fewer than 2 such eligible entities in a State, the Secretary shall include that information in the report required by subsection (g)(2) that covers the fiscal year.

"(B) GUARANTEE OF GRANTS FOR INDIAN POPULATIONS.—From the amount reserved under subsection (i)(2)(B) for each fiscal year, the Secretary shall award a grant under this paragraph to at least 10 eligible entities that are an Indian tribe, a tribal organization, or a tribal college or university, to the extent there are a sufficient number of applications submitted by the entities that meet the requirements applicable with respect to such a grant.

"(C) GUARANTEE OF GRANTEES IN THE TERRITORIES.—From the amount reserved under subsection (i)(2)(C) for each fiscal year, the Secretary shall award a grant under this paragraph to at least 2 eligible entities that are located in a territory, to the extent there are a sufficient number of applications submitted by the entities that meet the requirements applicable with respect to such a grant.

"(2) GRANTS FOR DEMONSTRATION PROJECTS.—

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"(A) GRANT AUTHORITY.—The Secretary shall make a grant in accordance with this subsection to an eligible entity whose application for the grant is approved by the Secretary, to conduct a demonstration project that meets the requirements of subparagraph (B).

"(B) REQUIREMENTS.—The requirements of this subparagraph are the following:

"(i) TYPE OF PROJECT.—The demonstration project shall be of 1 of the following types:

"(I) INDIVIDUALS WITH ARREST OR CONVICTION RECORDS DEMONSTRATION.—The demonstration project shall be of a type designed to provide education and training for eligible individuals with arrest or conviction records to enter and follow a career pathway in the health professions through occupations that pay well and are expected to experience a labor shortage or be in high demand.

"(II) PREGNANCY AND CHILDBIRTH CAREER PATHWAY DEMONSTRATION.—The demonstration

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project shall be of a type designed to provide education and training for eligible individuals to enter and follow a career pathway in the field of pregnancy, childbirth, post-partum, or childbirth and post-partum, in a State that recognizes doulas or midwives and that provides payment for services provided by doulas or midwives, as the case may be, under private or public health insurance plans.

''(ii) DURATION.—The demonstration project shall be conducted for not less than 5 years.

''(C) MINIMUM ALLOCATION OF FUNDS FOR EACH TYPE OF DEMONSTRATION PROJECT.—

''(i) INDIVIDUALS WITH ARREST OR CONVICTION RECORDS DEMONSTRATIONS.—Not less than $6,375,000 of the amounts made available for grants under this paragraph shall be used to make grants for demonstration projects of the type described in subparagraph (B)(i)(I).

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"(ii) PREGNANCY AND CHILDBIRTH CAREER PATHWAY DEMONSTRATIONS.—Not less than $6,375,000 of the amounts made available for grants under this paragraph shall be used to make grants for demonstration projects of the type described in subparagraph (B)(i)(II).

"(3) GRANT CYCLE.—The grant cycle under this section shall be not less than 5 years, with a planning period of not more than the first 12 months of the grant cycle. During the planning period, the amount of the grant shall be in such lesser amount as the Secretary determines appropriate.

"(d) USE OF GRANT.—

"(1) IN GENERAL.—An entity to which a grant is made under this section shall use the grant in accordance with the approved application for the grant.

"(2) SUPPORT TO BE PROVIDED.—

"(A) REQUIRED SUPPORT.—A project for which a grant is made under this section shall include the following:

"(i) An assessment for adult basic skill competency, and provision of adult basic skills education if necessary for

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lower-skilled eligible individuals to enroll in the project and go on to enter and complete post-secondary training, through means including the following:

"(I) Establishing a network of partners that offer pre-training activities for project participants who need to improve basic academic skills or English language proficiency before entering a health occupational training career pathway program.

"(II) Offering resources to enable project participants to continue advancing adult basic skill proficiency while enrolled in a career pathway program.

"(III) Embedding adult basic skill maintenance as part of ongoing post-graduation career coaching and mentoring.

"(ii) A guarantee that child care is an available and affordable support service for project participants through means such as the following:

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"(I) Referral to, and assistance with, enrollment in a subsidized child care program.

"(II) Direct payment to a child care provider if a slot in a subsidized child care program is not available or reasonably accessible.

"(III) Payment of co-payments or associated fees for child care.

"(iii) Case management plans that include career coaching (with the option to offer appropriate peer support and mentoring opportunities to help develop soft skills and social capital), which may be offered on an ongoing basis before, during, and after initial training as part of a career pathway model.

"(iv) A plan to provide project participants with transportation through means such as the following:

"(I) Referral to, and assistance with enrollment in, a subsidized transportation program.

"(II) If a subsidized transportation program is not reasonably

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available, direct payments to subsidize transportation costs.

For purposes of this clause, the term 'transportation' includes public transit, or gasoline for a personal vehicle if public transit is not reasonably accessible or available.

''(v) In the case of a demonstration project of the type described in subsection (c)(2)(B)(i)(I), access to legal assistance for project participants for the purpose of addressing arrest or conviction records and associated workforce barriers.

''(B) ALLOWED SUPPORT.—The goods and services provided under a project for which a grant is made under this section may include the following:

''(i) A cash stipend.

''(ii) A reserve fund for financial assistance to project participants in emergency situations.

''(iii) Tuition, and training materials such as books, software, uniforms, shoes, and hair nets, and personal protective equipment.

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"(iv) In-kind resource donations such as interview clothing and conference attendance fees.

"(v) Assistance with accessing and completing high school equivalency or adult basic education courses as necessary to achieve success in the project and make progress toward career goals.

"(vi) Assistance with programs and activities, including legal assistance, deemed necessary to address arrest or conviction records as an employment barrier.

"(vii) Other support services as deemed necessary for family well-being, success in the project, and progress toward career goals.

"(3) TRAINING.—The number of hours of training provided to an eligible individual under a project for which a grant is made under this section, for a recognized postsecondary credential (including an industry-recognized credential, and a certificate awarded by a local workforce development board established under section 107 of the Workforce Innovation and Opportunity Act), which is awarded in recognition of attainment of measurable technical or

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occupational skills necessary to gain employment or advance within an occupation, shall be—

"(A) not less than the number of hours of training required for certification in that level of skill by the State in which the project is conducted; or

"(B) if there is no such requirement, such number of hours of training as the Secretary finds is necessary to achieve that skill level.

"(4) INCLUSION OF TANF RECIPIENTS.—In the case of a project for which a grant is made under this section that is conducted in a State that has a program funded under part A of title IV, at least 10 percent of the eligible individuals to whom support is provided under the project shall meet the income eligibility requirements under that State program, without regard to whether the individuals receive benefits or services directly under that State program.

"(5) INCOME LIMITATION.—An entity to which a grant is made under this section shall not use the grant to provide support to a person who is not an eligible individual.

"(6) PROHIBITION.—An entity to which a grant is made under this section shall not use the grant

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for purposes of entertainment, except that case management and career coaching services may include celebrations of specific career-based milestones such as completing a semester, graduation, or job placement.

''(e) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall provide technical assistance—

''(A) to assist eligible entities in applying for grants under this section;

''(B) that is tailored to meet the needs of grantees at each stage of the administration of projects for which grants are made under this section;

''(C) that is tailored to meet the specific needs of Indian tribes, tribal organizations, and tribal colleges and universities;

''(D) that is tailored to meet the specific needs of the territories;

''(E) that is tailored to meet the specific needs of eligible entities in carrying out demonstration projects for which a grant is made under this section; and

''(F) to facilitate the exchange of information among eligible entities regarding best prac-

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tices and promising practices used in the projects.

''(2) CONTINUATION OF PEER TECHNICAL ASSISTANCE CONFERENCES.—The Secretary shall continue to hold peer technical assistance conferences for entities to which a grant is made under this section or was made under the immediate predecessor of this section. The preceding sentence shall not be interpreted to require any such conference to be held in person.

''(f) EVALUATION OF DEMONSTRATION PROJECTS.—

''(1) IN GENERAL.—The Secretary shall, by grant, contract, or interagency agreement, conduct rigorous and well-designed evaluations of the demonstration projects for which a grant is made under this section.

''(2) REQUIREMENT APPLICABLE TO INDIVIDUALS WITH ARREST OR CONVICTION RECORDS DEMONSTRATION.—In the case of a project of the type described in subsection (c)(2)(B)(i)(I), the evaluation shall include identification of successful activities for creating opportunities for developing and sustaining, particularly with respect to low-income individuals with arrest or conviction records, a health professions workforce that has accessible

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entry points, that meets high standards for education, training, certification, and professional development, and that provides increased wages and affordable benefits, including health care coverage, that are responsive to the needs of the workforce.

''(3) REQUIREMENT APPLICABLE TO PREGNANCY AND CHILDBIRTH CAREER PATHWAY DEMONSTRATION.—In the case of a project of the type described in subsection (c)(2)(B)(i)(II), the evaluation shall include identification of successful activities for creating opportunities for developing and sustaining, particularly with respect to low-income individuals and other entry-level workers, a career pathway that has accessible entry points, that meets high standards for education, training, certification, and professional development, and that provides increased wages and affordable benefits, including health care coverage, that are responsive to the needs of the birth, pregnancy, and post-partum workforce.

''(4) RULE OF INTERPRETATION.—Evaluations conducted pursuant to this subsection may include a randomized controlled trial, but this subsection shall not be interpreted to require an evaluation to include such a trial.

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''(g) REPORTS.—

''(1) TO THE SECRETARY.—An eligible entity awarded a grant to conduct a project under this section shall submit interim reports to the Secretary on the activities carried out under the project, and, on the conclusion of the project, a final report on the activities. Each such report shall include data on participant outcomes related to earnings, employment in health professions, graduation rate, graduation timeliness, credential attainment, participant demographics, and other data specified by the Secretary.

''(2) TO THE CONGRESS.—During each Congress, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report—

''(A) on the demographics of the participants in the projects for which a grant is made under this section;

''(B) on the rate of which project participants completed all activities under the projects;

''(C) on the employment credentials acquired by project participants;

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"(D) on the employment of project participants on completion of activities under the projects, and the earnings of project participants at entry into employment;

"(E) on best practices and promising practices used in the projects;

"(F) on the nature of any technical assistance provided to grantees under this section;

"(G) on, with respect to the period since the period covered in the most recent prior report submitted under this paragraph—

"(i) the number of applications submitted under this section, with a separate statement of the number of applications referred to in subsection (b)(5);

"(ii) the number of applications that were approved, with a separate statement of the number of such applications referred to in subsection (b)(5); and

"(iii) a description of how grants were made in any case described in the last sentence of subsection (c)(1)(A)(ii); and

"(H) that includes an assessment of the effectiveness of the projects with respect to ad-

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dressing health professions workforce shortages or in-demand jobs.

''(h) DEFINITIONS.—In this section:

''(1) ALLIED HEALTH PROFESSION.—The term 'allied health profession' has the meaning given in section 799B(5) of the Public Health Service Act.

''(2) CAREER PATHWAY.—The term 'career pathway' has the meaning given that term in section 3(7) of the Workforce Innovation and Opportunity Act.

''(3) DOULA.—The term 'doula' means an individual who—

''(A) is certified by an organization that has been established for not less than 5 years and that requires the completion of continuing education to maintain the certification, to provide non-medical advice, information, emotional support, and physical comfort to an individual during the individual's pregnancy, childbirth, and post-partum period; and

''(B) maintains the certification by completing the required continuing education.

''(4) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following entities that demonstrates in an application submitted under this sec-

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tion that the entity has the capacity to fully develop and administer the project described in the application:

"(A) A local workforce development board established under section 107 of the Workforce Innovation and Opportunity Act.

"(B) A State or territory, a political subdivision of a State or territory, or an agency of a State, territory, or such a political subdivision, including a State or local entity that administers a State program funded under part A of this title.

"(C) An Indian tribe, a tribal organization, or a tribal college or university.

"(D) An institution of higher education (as defined in the Higher Education Act of 1965).

"(E) A hospital (as defined in section 1861(e)).

"(F) A high-quality skilled nursing facility.

"(G) A Federally qualified health center (as defined in section 1861(aa)(4)).

"(H) A nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986, a labor organization, or an entity with shared labor-management oversight, that has a

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demonstrated history of providing health profession training to eligible individuals.

"(I) In the case of a demonstration project of the type provided for in subsection (c)(2)(B)(i)(II) of this section, an entity recognized by a State, Indian tribe, or tribal organization as qualified to train doulas or midwives, if midwives or doulas, as the case may be, are permitted to practice in the State involved.

"(J) An opioid treatment program (as defined in section 1861(jjj)(2)), and other high quality comprehensive addiction care providers.

"(5) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual whose family income does not exceed 200 percent of the Federal poverty level.

"(6) FEDERAL POVERTY LEVEL.—The term 'Federal poverty level' means the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section applicable to a family of the size involved).

"(7) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian tribe' and 'tribal organization' have the meaning given the terms in section 4 of the

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Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(8) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 or 102(a)(1)(B) of the Higher Education Act of 1965.

''(9) TERRITORY.—The term 'territory' means the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.

''(10) TRIBAL COLLEGE OR UNIVERSITY.—The term 'tribal college or university' has the meaning given the term in section 316(b) of the Higher Education Act of 1965.

''(i) FUNDING.—

''(1) IN GENERAL.—Out of any funds in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary to carry out this section $425,000,000 for each of fiscal years 2022 through 2026.

''(2) ALLOCATION OF FUNDS.—Of the amount appropriated for a fiscal year under paragraph (1) of this subsection—

''(A) $318,750,000 shall be available for grants under subsection (c)(1)(A);

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"(B) $17,000,000 shall be reserved for grants under subsection (c)(1)(B);

"(C) $21,250,000 shall be reserved for grants under subsection (c)(1)(C);

"(D) $25,5000,000 shall be available for demonstration project grants under subsection (c)(2);

"(E) $25,500,000, plus all amounts referred to in subparagraphs (A) through (D) of this paragraph that remain unused after all grant awards are made for the fiscal year, shall be available for the provision of technical assistance and associated staffing; and

"(F) $17,000,000 shall be available for studying the effects of the demonstration and non-demonstration projects for which a grant is made under this section, and for associated staffing, for the purpose of supporting the rigorous evaluation of the demonstration projects, and supporting the continued study of the short-, medium-, and long-term effects of all such projects, including the effectiveness of new or added elements of the non-demonstration projects.".

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PART 2—PROVISIONS RELATING TO ELDER JUSTICE

SEC. 134201. REAUTHORIZATION OF FUNDING FOR PROGRAMS TO PREVENT AND INVESTIGATE ELDER ABUSE, NEGLECT, AND EXPLOITATION.

(a) LONG-TERM CARE STAFF TRAINING GRANTS.—Section 2041 of the Social Security Act (42 U.S.C. 1397m) is amended to read as follows:

"SEC. 2041. NURSING HOME WORKER TRAINING GRANTS.

"(a) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary for each of fiscal years 2022 through 2025—

"(1) $392,000,000for grants under subsection (b)(1); and

"(2) $8,000,000 for grants under subsection (b)(2).

"(b) GRANTS.—

"(1) STATE ENTITLEMENT.—

"(A) IN GENERAL.—Each State shall be entitled to receive from the Secretary for each fiscal year specified in subsection (a) a grant in an amount equal to the amount allotted to the State under subparagraph (B) of this paragraph.

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"(B) STATE ALLOTMENTS.—The amount allotted to a State under this subparagraph for a fiscal year shall be—

"(i) the amount made available by subsection (a) for the fiscal year that is not required to be reserved by subsection (a); multiplied by

"(ii)(I) the number of State residents who have attained 65 years of age or are individuals with a disability, as determined by the Secretary using the most recent version of the American Community Survey published by the Bureau of the Census or a successor data set; divided by

"(II) the total number of such residents of all States.

"(2) GRANTS TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

"(A) IN GENERAL.—The Secretary, in consultation with the Indian tribes and tribal organizations, shall make grants in accordance with this section to Indian tribes and tribal organizations who operate at least 1 eligible setting.

"(B) GRANT FORMULA.—The Secretary, in consultation with the Indian tribes and tribal

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organizations, shall devise a formula for distributing among Indian tribes and tribal organizations the amount required to be reserved by subsection (a) for each fiscal year.

''(3) SUB-GRANTS.—A State, Indian tribe, or tribal organization to which an amount is paid under this paragraph may use the amount to make subgrants to local organizations, including community organizations, local non-profits, elder rights and justice groups, and workforce development boards for any purpose described in paragraph (1) or (2) of subsection (c).

''(c) USE OF FUNDS.—

''(1) REQUIRED USES.—A State to which an amount is paid under subsection (b) shall use the amount to—

''(A) provide wage subsidies to eligible individuals;

''(B) provide student loan repayment or tuition assistance to eligible individuals for a degree or certification in a field relevant to their position referred to in subsection (f)(1)(A);

''(C) guarantee affordable and accessible child care for eligible individuals, including help

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with referrals, co-pays, or other direct assistance; and

"(D) provide assistance where necessary with obtaining appropriate transportation, including public transportation if available, or gas money or transit vouchers for ride share, taxis, and similar types of transportation if public transportation is unavailable or impractical based on work hours or location.

"(2) AUTHORIZED USES.—A State to which an amount is paid under subsection (b) may use the amount to—

"(A) establish a reserve fund for financial assistance to eligible individuals in emergency situations;

"(B) provide in-kind resource donations, such as interview clothing and conference attendance fees;

"(C) provide assistance with programs and activities, including legal assistance, deemed necessary to address arrest or conviction records that are an employment barrier;

"(D) support employers operating an eligible setting in the State in providing employees

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with not less than 2 weeks of paid leave per year; or

"(E) provide other support services the Secretary deems necessary to allow for successful recruitment and retention of workers.

"(3) PROVISION OF FUNDS ONLY FOR THE BENEFIT OF ELIGIBLE INDIVIDUALS IN ELIGIBLE SETTINGS.—A State to which an amount is paid under subsection (b) may provide the amount to only an eligible individual or a partner organization serving an eligible individual.

"(4) NONSUPPLANTATION.—A State to which an amount is paid under subsection (b) shall not use the amount to supplant the expenditure of any State funds for recruiting or retaining employees in an eligible setting.

"(d) ADMINISTRATION.—A State to which a grant is made under subsection (b) shall reserve not more than 10 percent of the grant to—

"(1) administer subgrants in accordance with this section;

"(2) provide technical assistance and support for applying for and accessing such a subgrant opportunity;

"(3) publicize the availability of the subgrants;

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''(4) carry out activities to increase the supply of eligible individuals; and

''(5) provide technical assistance to help subgrantees find and train individuals to provide the services for which they are contracted.

''(e) DEFINITIONS.—In this section:

''(1) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who—

''(A)(i) is a qualified home health aide, as defined in section 484.80(a) of title 42, Code of Federal Regulations;

''(ii) is a nurse aide approved by the State as meeting the requirements of sections 483.150 through 483.154 of such title, and is listed in good standing on the State nurse aide registry;

''(iii) is a personal care aide approved by the State, and furnishes personal care services, as defined in section 440.167 of such title;

''(iv) is a qualified hospice aide, as defined in section 418.76 of such title; or

''(v) is a licensed practical nurse or a licensed or certified social worker; or

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''(vi) is receiving training to be certified or licensed as such an aide, nurse, or social worker; and

''(B) provides (or, in the case of a trainee, intends to provide) services as such an aide, nurse, or social worker in an eligible setting.

''(2) ELIGIBLE SETTING.—The term 'eligible setting' means—

''(A) a skilled nursing facility, as defined in section 1819;

''(B) a nursing facility, as defined in section 1919;

''(C) a home health agency, as defined in section 1891;

''(D) a facility provider approved to deliver home or community-based services authorized under State options described in subsection (c) or (i) of section 1915 or, as relevant, demonstration projects authorized under section 1115;

''(E) a hospice, as defined in section 1814; or

''(F) a tribal assisted living facility.

''(3) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given the term in sec-

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tion 4 of the Indian Self-Determination and Education Assistance Act.''.

(b) ADULT PROTECTIVE SERVICES FUNCTIONS AND GRANT PROGRAMS.—

(1) DIRECT FUNDING; STATE ENTITLEMENT.—Section 2042 of the Social Security Act (42 U.S.C. 1397m–1) is amended—

(A) in subsection (a)—

(i) in paragraph (1)(A)—

(I) by striking ''offices'' and inserting ''programs''; and

(II) by inserting ''and adults who are under a disability (as defined in section 216(i)(1))'' before the semicolon; and

(ii) by striking paragraph (2) and inserting the following:

''(2) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary $8,000,000 for each of fiscal years 2023 through 2025 to carry out this subsection.'';

(B) in subsection (b)—

(i) in paragraph (2)—

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(I) in subparagraph (A), by striking ''the availability of appropriations and''; and

(II) in subparagraph (B)—

(aa) in the heading for clause (i), by inserting ''AND THE DISTRICT OF COLUMBIA'' after ''STATES''; and

(bb) in clause (ii), by inserting ''or the District of Columbia'' after ''States''; and

(ii) by striking paragraph (5) and inserting the following:

''(5) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary for each of fiscal years 2023 through 2025—

''(A) $392,000,000 for grants to States under this subsection; and

''(B) $8,000,000 for grants to Indian tribes and tribal organizations under this subsection.''; and

(C) in subsection (c), by striking paragraph (6) and inserting the following:

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"(6) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary $75,000,000 for each of fiscal years 2023 through 2025 to carry out this subsection.".

(2) STATE ENTITLEMENT; GRANTS TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—Section 2042 of such Act (42 U.S.C. 1397m–1) is amended—

(A) in subsection (a)(1)(A), by striking "State and local" and inserting "State, local, and tribal";

(B) in subsection (b)(1), by striking "the Secretary shall annually award grants to States in the amounts calculated under paragraph (2)" and inserting "each State shall be entitled to annually receive from the Secretary in the amounts calculated under paragraph (2), and the Secretary may annually award to each Indian tribe and tribal organization in accordance with paragraph (3), grants";

(C) in subsection (b)(2)—

(i) in the paragraph heading, by inserting "FOR A STATE" after "PAYMENT";

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(ii) in subparagraph (A), by striking ''to carry out'' and inserting ''for grants to States under''; and

(iii) in subparagraph (B)(i), by striking ''such year'' and inserting ''for grants to States under this subsection for the fiscal year''; and

(D) in subsection (b), by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively, and inserting after paragraph (2) the following:

''(3) AMOUNT OF PAYMENT TO INDIAN TRIBE OR TRIBAL ORGANIZATION.—The Secretary, in consultation with Indian tribes and tribal organizations, shall determine the amount of any grant to be made to each Indian tribe and tribal organization under this subsection. Paragraphs (4) and (5) shall apply to grantees under this paragraph in the same manner in which the paragraphs apply to States.'';

(E) in subsection (c)—

(i) in paragraph (1), by striking ''to States'' and inserting ''to States, Indian tribes, and tribal organizations'';

(ii) in paragraph (2)—

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(I) in the matter preceding subparagraph (A), by inserting ''and Indian tribes and tribal organizations'' after ''government''; and

(II) in subparagraph (D), by inserting ''or Indian tribe or tribal organization, as the case may be'' after ''government'';

(iii) in paragraph (4), by inserting ''or Indian tribe or tribal organization'' after ''a State'' the 1st place it appears; and

(iv) in paragraph (5)—

(I) by inserting ''or Indian tribe or tribal organization'' after ''Each State''; and

(II) by inserting ''or Indian tribe or tribal organization, as the case may be'' after ''the State''; and

(F) by adding at the end the following:

''(d) DEFINITIONS OF INDIAN TRIBE AND TRIBAL ORGANIZATION.—In this section, the terms 'Indian tribe' and 'tribal organization' have the meanings given the terms in section 419.''.

(3) CONFORMING AMENDMENT.—Section 2011(2) of such Act (42 U.S.C. 1397j(2)) is amend-

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ed by striking ''such services provided to adults as the Secretary may specify'' and inserting ''services provided by an entity authorized by or under State law address neglect, abuse, and exploitation of older adults and people with disabilities''.

(c) LONG-TERM CARE OMBUDSMAN PROGRAM GRANTS AND TRAINING.—Section 2043 of the Social Security Act (42 U.S.C. 1397m–2) is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following:

''(2) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary to carry out this subsection—

''(A) $22,500,000 for fiscal year 2023; and

''(B) $30,000,000 for each of fiscal years 2024 and 2025.''; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary $30,000,000 for each of fiscal years 2023 through 2025 to carry out this subsection.''.

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(d) INCENTIVES FOR DEVELOPING AND SUSTAINING STRUCTURAL COMPETENCY IN PROVIDING HEALTH AND HUMAN SERVICES.—Part II of subtitle B of title XX of the Social Security Act (42 U.S.C. 1397m-1397m–5) is amended by adding at the end the following:

"SEC. 2047. INCENTIVES FOR DEVELOPING AND SUSTAINING STRUCTURAL COMPETENCY IN PROVIDING HEALTH AND HUMAN SERVICES.

''(a) GRANTS TO STATES TO SUPPORT LINKAGES TO LEGAL SERVICES AND MEDICAL LEGAL PARTNERSHIPS.—

''(1) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary $500,000,000 for fiscal year 2022, to remain available for the purposes of this subsection through fiscal year 2028.

''(2) GRANTS.—Within 2 years after the date of the enactment of this section, the Secretary shall establish and administer a program of grants to States to support the adoption of evidence-based approaches to establishing or improving and maintaining real-time linkages between health and social services and supports for vulnerable elders or in conjunction with authorized representatives of vulnerable elders, including through the following:

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"(A) MEDICAL-LEGAL PARTNERSHIPS.—The establishment and support of medical-legal partnerships, the incorporation of the partnerships in the elder justice framework and health and human services safety net, and the implementation and operation of such a partnership by an eligible grantee—

"(i) at the option of a State, in conjunction with an area agency on aging;

"(ii) in a solo provider practice in a health professional shortage area (as defined in section 332(a) of the Public Health Service Act), a medically underserved community (as defined in section 399V of such Act), or a rural area (as defined in section 330J of such Act);

"(iii) in a minority-serving institution of higher learning with health, law, and social services professional programs;

"(iv) in a federally qualified health center, as described in section 330 of the Public Health Service Act, or look-alike, as described in section 1905(l)(2)(B) of this Act; or

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"(v) in certain hospitals that are critical access hospitals, Medicare-dependent hospitals, sole community hospitals, rural emergency hospitals, or that serve a high proportion of Medicare or Medicaid patients.

"(B) LEGAL HOTLINES DEVELOPMENT OR EXPANSION.—The provision of incentives to develop, enhance, and integrate platforms, such as legal assistance hotlines, that help to facilitate the identification of older adults who could benefit from linkages to available legal services such as those described in subparagraph (A).

"(3) STATE REPORTS.—Each State to which a grant is made under this subsection shall submit to the Secretary biannual reports on the activities carried out by the State pursuant to this subsection, which shall include assessments of the effectiveness of the activities with respect to—

"(A) the number of unique individuals identified through the mechanism outlined in paragraph (2)(B) who are referred to services described in paragraph (2)(A), and the average time period associated with resolving issues;

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"(B) the success rate for referrals to community-based resources; and

"(C) other factors determined relevant by the Secretary.

"(4) EVALUATION.—The Secretary shall, by grant, contract, or interagency agreement, evaluate the activities conducted pursuant to this subsection, which shall include a comparison among the States.

"(5) SUPPLEMENT NOT SUPPLANT.—Support provided to area agencies on aging, State units on aging, eligible entities, or other community-based organizations pursuant to this subsection shall be used to supplement and not supplant any other Federal, State, or local funds expended to provide the same or comparable services described in this subsection.

"(b) GRANTS AND TRAINING TO SUPPORT AREA AGENCIES ON AGING OR OTHER COMMUNITY-BASED ORGANIZATIONS TO ADDRESS SOCIAL ISOLATION AMONG VULNERABLE OLDER ADULTS AND PEOPLE WITH DISABILITIES.—

"(1) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary $250,000,000, to remain available for the purposes of this subsection through fiscal year 2028.

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"(2) GRANTS.—The Secretary shall make grants to eligible area agencies on aging or other community-based organizations for the purpose of—

"(A) conducting outreach to individuals at risk for, or already experiencing, social isolation or loneliness, through established screening tools or other methods identified by the Secretary;

"(B) developing community-based interventions for the purposes of mitigating loneliness or social isolation (including evidence-based programs, as defined by the Secretary, developed with multi-stakeholder input for the purposes of promoting social connection, mitigating social isolation or loneliness, or preventing social isolation or loneliness) among at-risk individuals;

"(C) connecting at-risk individuals with community social and clinical supports; and

"(D) evaluating the effect of programs developed and implemented under subparagraphs (B) and (C).

"(3) TRAINING.—The Secretary shall establish programs to provide and improve training for area agencies on aging or community-based organizations with respect to addressing and preventing social iso-

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lation and loneliness among older adults and people with disabilities.

"(4) EVALUATION.—Not later than 3 years after the date of the enactment of this section and at least once after fiscal year 2025, the Secretary shall submit to the Congress a written report which assesses the extent to which the programs established under this subsection address social isolation and loneliness among older adults and people with disabilities.

"(5) COORDINATION.—The Secretary shall coordinate with resource centers, grant programs, or other funding mechanisms established under section 411(a)(18) of the Older Americans Act (42 U.S.C. 3032(a)(18)), section 417(a)(1) of such Act (42 U.S.C. 3032F(a)(1)), or other programs as determined by the Secretary.

"(c) DEFINITIONS.—In this section:

"(1) AREA AGENCY ON AGING.—The term 'area agency on aging' means an area agency on aging designated under section 305 of the Older Americans Act of 1965.

"(2) SOCIAL ISOLATION.—The term 'social isolation' means objectively being alone, or having few relationships or infrequent social contact.

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"(3) LONELINESS.—The term 'loneliness' means subjectively feeling alone, or the discrepancy between one's desired level of social connection and one's actual level of social connection.

"(4) SOCIAL CONNECTION.—The term 'social connection' means the variety of ways one can connect to others socially, through physical, behavioral, social–cognitive, and emotional channels.

"(5) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' includes, except as otherwise provided by the Secretary, a nonprofit community-based organization, a consortium of nonprofit community-based organizations, a national nonprofit organization acting as an intermediary for a community-based organization, or a community-based organization that has a fiscal sponsor that allows the organization to function as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code.".

(e) TECHNICAL AMENDMENT.—Section 2011(12)(A) of the Social Security Act (42 U.S.C. 1397j(12)(A)) is amended by striking "450b" and inserting "5304".

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SEC. 134202. APPROPRIATION FOR ASSESSMENTS.

Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services $5,000,000 for each of fiscal years 2022 through 2025 to prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, not later than 3 years after the date of enactment of this Act, and at least once after fiscal year 2025, reports on the programs, coordinating bodies, registries, and activities established or authorized under subtitle B of title XX of the Social Security Act (42 U.S.C. 1397l et seq.) or section 6703(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 1395i–3a), which shall assess the extent to which such programs, coordinating bodies, registries, and activities have improved access to, and the quality of, resources available to aging Americans and their caregivers to ultimately prevent, detect, and treat abuse, neglect, and exploitation, and shall include, as appropriate, recommendations to Congress on funding levels and policy changes to help these programs, coordinating bodies, registries, and activities better prevent, detect, and treat abuse, neglect, and exploitation of aging Americans.

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PART 3—SKILLED NURSING FACILITIES

SEC. 134301. FUNDING TO IMPROVE THE ACCURACY AND RELIABILITY OF CERTAIN SKILLED NURSING FACILITY DATA.

Section 1888 of the Social Security Act (42 U.S.C. 1395yy) is amended—

(1) in subsection (h)(12)—

(A) in subparagraph (A), by striking ''and the data submitted under subsection (e)(6)'' and inserting '', the data submitted under subsection (e)(6), and, during the period beginning with fiscal year 2024 and ending with fiscal year 2031, the resident assessment data described in section 1819(b)(3) and the direct care staffing information described in section 1128I(g)''; and

(B) in subparagraph (B)—

(i) by striking ''FUNDING.—For purposes'' and inserting ''FUNDING.—

''(i) FISCAL YEARS 2023 THROUGH 2025.—For purposes''; and

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

''(ii) FISCAL YEARS 2026 THROUGH 2031.—There is appropriated to the Secretary, out of any monies in the Treasury

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not otherwise appropriated, $50,000,000 for the period of fiscal years 2026 through 2031 for purposes of carrying out this paragraph.''; and

(2) in subsection (e)(6)(A)—

(A) in the header, by striking ''FOR FAILURE TO REPORT''; and

(B) in clause (i)—

(i) by striking ''For fiscal years'' and inserting the following:

''(I) FAILURE TO REPORT.—For fiscal years''; and

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

''(II) REPORTING OF INACCURATE INFORMATION.—For fiscal years during the period beginning with fiscal year 2025 and ending with fiscal year 2031, in the case of a skilled nursing facility that submits data under this paragraph, measures under subsection (h), resident assessment data described in section 1819(b)(3), or direct care staffing information described in section

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1128I(g) with respect to such fiscal year that is inaccurate (as determined by the Secretary through the validation process described in section 1888(h)(12) or otherwise), after determining the percentage described in paragraph (5)(B)(i), and after application of clauses (ii) and (iii) of paragraph (5)(B) and of subclause (I) of this clause (if applicable), the Secretary shall reduce such percentage for payment rates during such fiscal year by 2 percentage points.''.

SEC. 134302. ENSURING ACCURATE INFORMATION ON COST REPORTS.

Section 1888(f) of the Social Security Act (42 U.S.C. 1395yy(f)) is amended by adding at the end the following new paragraph:

''(5) AUDIT OF COST REPORTS.—There is appropriated to the Secretary, out of any monies in the Treasury not otherwise appropriated, $250,000,000 for fiscal year 2023 to remain available until expended, for purposes of conducting an annual audit (beginning with 2022 and ending with 2031) of cost

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reports submitted under this title for a representative sample of skilled nursing facilities.''.

SEC. 134303. SURVEY IMPROVEMENTS.

Section 1819 of the Social Security Act (42 U.S.C. 1395i–3) is amended by adding at the end the following new subsection:

''(l) SURVEY IMPROVEMENTS.—

''(1) IN GENERAL.—There is appropriated to the Secretary, out of any monies in the Treasury not otherwise appropriated, $325,000,000, for the period of fiscal years 2022 through 2031, for purposes of—

''(A) conducting reviews and identifying plans under paragraph (2); and

''(B) providing training, tools, technical assistance, and financial support in accordance with paragraph (3).

''(2) REVIEW.—The Secretary shall conduct reviews, during the period specified in paragraph (1), of (and, as appropriate, identify plans to improve) the following:

''(A) The extent to which surveys conducted under subsection (g) and the enforcement process under subsection (h) result in increased compliance with requirements under this section and subpart B of part 483 of title

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42, Code of Federal Regulations, with respect to skilled nursing facilities (in this subsection referred to as 'facilities').

"(B) The timeliness and thoroughness of State agency verification of deficiency corrections at facilities.

"(C) The appropriateness of the scoping and substantiation of cited deficiencies at facilities.

"(D) The accuracy of the identification and appropriateness of the scoping of life safety, infection control, and emergency preparedness deficiencies at facilities.

"(E) The timeliness of State agency investigations of—

"(i) complaints at facilities; and

"(ii) reported allegations of abuse, neglect, and exploitation at facilities.

"(F) The consistency of facility reporting of substantiated complaints to law enforcement.

"(G) The ability of the State agency to sufficiently hire, train, and retain individuals who conduct surveys.

"(H) Any other area related to surveys of facilities, or the individuals conducting such

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surveys, determined appropriate by the Secretary.

''(3) SUPPORT.—Based on the review under paragraph (2), the Secretary shall, during the period specified in paragraph (1), provide training, tools, technical assistance, and financial support to State agencies that perform surveys of facilities for the purpose of improving the surveys conducted under subsection (g) and the enforcement process under subsection (h) with respect to the areas reviewed under paragraph (2).''.

SEC. 134304. NURSE STAFFING REQUIREMENTS.

Section 1819(d) of the Social Security Act (42 U.S.C. 1395i–3(d)) is amended—

(1) in paragraph (4)(A), by inserting ''and any regulations promulgated under paragraph (5)(C)'' after ''section 1124''; and

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

''(5) NURSE STAFFING REQUIREMENTS.—

''(A) FUNDING.—There is appropriated to the Secretary, out of any monies in the Treasury not otherwise appropriated, $50,000,000 for the period of fiscal years 2022 through

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2031 for purposes of carrying out this paragraph.

''(B) STUDY.—Not later than 3 years after the date of the enactment of this paragraph, and not less frequently than once every 5 years thereafter, the Secretary shall, out of funds appropriated under subparagraph (A), conduct a study and submit to Congress a report on the appropriateness of establishing minimum staff to resident ratios for nursing staff for skilled nursing facilities. Each such report shall include—

''(i) with respect to the first such report, recommendations regarding appropriate minimum ratios of registered nurses (and, if practicable, licensed practical nurses (or licensed vocational nurses) and certified nursing assistants) to residents at such skilled nursing facilities; and

''(ii) with respect to each subsequent such report, recommendations regarding appropriate minimum ratios of registered nurses, licensed practical nurses (or licensed vocational nurses), and certified

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nursing assistants to residents at such skilled nursing facilities.

"(C) PROMULGATION OF REGULATIONS.—

"(i) IN GENERAL.—Not later than 2 years after the Secretary first submits a report under subparagraph (B), the Secretary shall, out of funds appropriated under subparagraph (A)—

"(I) specify through regulations, consistent with such report, appropriate minimum ratios (if any) of registered nurses (and, if practicable, licensed practical nurses (or licensed vocational nurses) and certified nursing assistants) to residents at skilled nursing facilities; and

"(II) except as provided in clause (ii), require such skilled nursing facilities to comply with such ratios.

"(ii) EXCEPTION.—

"(I) IN GENERAL.—In addition to the authority to waive the application of clause (i)(II) under section 1135, the Secretary may waive the application of such clause with respect

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to a skilled nursing facility if the Secretary finds that—

"(aa) the facility is located in a rural area and the supply of skilled nursing facility services in such area is not sufficient to meet the needs of individuals residing therein;

"(bb) the Secretary provides notice of the waiver to the State long-term care ombudsman (established under section 307(a)(12) of the Older Americans Act of 1965) and the protection and advocacy system in the State for the mentally ill; and

"(cc) the facility that is granted such a waiver notifies residents of the facility (or, where appropriate, the guardians or legal representatives of such residents) and members of their immediate families of the waiver.

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''(II) RENEWAL.—Any waiver in effect under this clause shall be subject to annual renewal.

''(iii) UPDATE.—Not later than 2 years after the submission of each subsequent report under subparagraph (B), the Secretary shall, out of funds appropriated under subparagraph (A) and consistent with such report, update the regulations described in clause (i)(I) to reflect appropriate minimum ratios (if any) of registered nurses, licensed practical nurses (or licensed vocational nurses), and certified nursing assistants to residents at skilled nursing facilities.''.

PART 4—MEDICARE DENTAL, HEARING, AND VISION COVERAGE

SEC. 134401. 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;

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(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

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"(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);

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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)) is 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 ''(DD)''; and

(C) by inserting before the semicolon at the end the following: ''and (EE) 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)''.

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(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;

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"(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—

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"(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.

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"(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—

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(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

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(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—

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(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

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(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

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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 134401 (other than subsection (g)) of 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 134401 (other than subsection (g)) of the An Act to

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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.

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(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 134402 and 134403.

(2) ADMINISTRATION.—Notwithstanding any other provision of law, 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. 134402. 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.—

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(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 134401(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

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"(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 134401(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

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(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 134401(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 134401(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

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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 134401(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 134401(g)(1), is amended by striking ''section 134401 (other than subsection (g))'' and inserting ''sections 134401

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(other than subsection (g)), 134402 (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 134401(g)(2), is amended by striking ''section 134401 (other than subsection (g))'' and inserting ''sections 134401 (other than subsection (g)), 134402 (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 subse-

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quent 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 134401 and 134403.

(2) ADMINISTRATION.—Notwithstanding any other provision of law, 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. 134403. 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 134401(a), is further amended—

(1) in subparagraph (HH), by striking ''and'' after the semicolon at the end;

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(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 134401(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

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section 134401(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 134401(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 134402(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 Oc-

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tober 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 134401(e)(2)(A) and section 134402(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—

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"(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 con-

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sumer 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 a physician described in section 1861(lll); 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.

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"(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 134401(e)(2)(B)(i) and section 134402(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

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(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 134401(e)(2)(B)(ii) and section 134402(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 134401(e)(2)(B)(iii) and section 134402(b)(3)(B)(ii), is further amended by adding at the end the following new subparagraph:

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''(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 134401(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)—

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(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 134401(g)(1) and amended by section 134402(d)(1), is further amended by inserting '', and 134403 (other than subsection (h))'' after ''134402 (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 134401(g)(2) and amended by section 134402(d)(2), is further amended by inserting '', and 134403 (other than subsection (h))'' after ''134402 (other than subsection (d))''.

(i) IMPLEMENTATION.—

(1) FUNDING.—

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(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 134401 and 134402.

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(2) ADMINISTRATION.—Notwithstanding any other provision of law, 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 F—Infrastructure Financing and Community Development

SEC. 135001. AMENDMENT OF 1986 CODE.

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

PART 1—INFRASTRUCTURE FINANCING

Subpart A—Bond Financing

SEC. 135101. CREDIT TO ISSUER FOR CERTAIN INFRASTRUCTURE BONDS.

(a) IN GENERAL.—Subchapter B of chapter 65 is amended by inserting before section 6432 the following new section:

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"SEC. 6431A. CREDIT ALLOWED TO ISSUER FOR QUALIFIED INFRASTRUCTURE BONDS.

"(a) IN GENERAL.—In the case of a qualified infrastructure bond, the issuer of such bond shall be allowed a credit with respect to each interest payment under such bond which shall be payable by the Secretary as provided in subsection (b).

"(b) PAYMENT OF CREDIT.—

"(1) IN GENERAL.—The Secretary shall pay (contemporaneously with each date on which interest is paid, including any interest paid after the originally scheduled payment date) to the issuer of such bond (or, at the direction of the issuer, to any person who makes such interest payments on behalf of such issuer) an amount equal to the applicable percentage of such interest so paid.

"(2) APPLICABLE PERCENTAGE.—For purposes of this subsection, except as provided in subsection (d), the applicable percentage with respect to any bond shall be determined under the following table:

"In the case of a bond issued during calendar year:	**The applicable percentage is:**
2022 through 2024	35%
2025	32%
2026	30%
2027 and thereafter	28%

"(3) LIMITATION.—

"(A) IN GENERAL.—The amount of any interest payment taken into account under

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paragraph (1) with respect to a bond for any payment date shall not exceed the amount of interest which would have been payable under such bond for such payment date if interest were determined at the applicable credit rate multiplied by the applicable amount for such bond for such payment date.

''(B) APPLICABLE CREDIT RATE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—The applicable credit rate is the rate which the Secretary estimates will permit the issuance of qualified infrastructure bonds with a specified maturity or redemption date without discount and without additional interest cost to the issuer.

''(ii) DATE OF DETERMINATION.—The applicable credit rate with respect to any qualified infrastructure bond shall be determined as of the first day on which there is a binding, written contract for the sale or exchange of the bond.

''(C) APPLICABLE AMOUNT.—

''(i) BONDS WITH MORE THAN DE MINIMIS ORIGINAL ISSUE DISCOUNT.—In

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the case of any bond that has more than a de minimis amount of original issue discount (determined under the rules of section 1273(a)(3)), the applicable amount for a payment date is the issue price of such bond (within the meaning of section 148), as adjusted for any principal payments made prior to such date.

''(ii) OTHER BONDS.—In the case of any other bond, the applicable amount for a payment date is the outstanding principal amount of such bond on such payment date (determined without taking into account any principal payment on such bond on such date).

''(c) QUALIFIED INFRASTRUCTURE BOND.—

''(1) IN GENERAL.—For purposes of this section, the term 'qualified infrastructure bond' means any bond (other than a private activity bond) issued as part of an issue if—

''(A) 100 percent of the excess of available project proceeds of such issue over the amounts in a reasonably required reserve (within the meaning of section 150(a)(3)) with respect to such issue are to be used for—

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"(i) capital expenditures or operations and maintenance expenditures in connection with property the acquisition, construction, or improvement of which would be a capital expenditure, or

"(ii) payments made by a State or political subdivision of a State to a custodian of a rail corridor for purposes of the transfer, lease, sale, or acquisition of an established railroad right-of-way consistent with section 8(d) of the National Trails Act of 1968, but only if the Surface Transportation Board has issued a certificate of interim trail use or notice of interim trail use for purposes of authorizing such transfer, lease, sale, or acquisition,

"(B) the interest on such bond would (but for this section) be excludable from gross income under section 103,

"(C) the issue price has not more than a de minimis amount (determined under rules similar to the rules of section 1273(a)(3)) of premium over the stated principal amount of the bond, and

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"(D) prior to the issuance of such bond, the issuer makes an irrevocable election to have this section apply.

"(2) APPLICABLE RULES.—For purposes of applying paragraph (1)—

"(A) NOT TREATED AS FEDERALLY GUARANTEED.—For purposes of section 149(b), a qualified infrastructure bond shall not be treated as federally guaranteed by reason of the credit allowed under this section.

"(B) APPLICATION OF ARBITRAGE RULES.—For purposes of section 148, the yield on a qualified infrastructure bond shall be reduced by the credit allowed under this section, except that no such reduction shall apply in determining the amount of gross proceeds of an issue that qualifies as a reasonably required reserve or replacement fund.

"(d) DEFINITION AND SPECIAL RULES.—For purposes of this section—

"(1) INTEREST INCLUDIBLE IN GROSS INCOME.—For purposes of this title, interest on any qualified infrastructure bond shall be includible in gross income.

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"(2) AVAILABLE PROJECT PROCEEDS.—The term 'available project proceeds' means—

"(A) the excess of—

"(i) the proceeds from the sale of an issue, over

"(ii) issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

"(B) the proceeds from any investment of the excess described in subparagraph (A).

"(3) CURRENT REFUNDINGS ALLOWED.—

"(A) IN GENERAL.—In the case of a bond issued to refund a qualified infrastructure bond, such refunding bond shall not be treated as a qualified infrastructure bond for purposes of this section unless—

"(i) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

"(ii) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond,

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"(iii) the refunded bond is redeemed not later than 90 days after the date of the issuance of the refunding bond, and

"(iv) the refunded bond was issued more than 30 days after the date of the enactment of this section.

"(B) APPLICABLE PERCENTAGE LIMITATION.—The applicable percentage with respect to any bond to which subparagraph (A) applies shall be 28 percent.

"(C) DETERMINATION OF AVERAGE MATURITY.—For purposes of subparagraph (A)(i), average maturity shall be determined in accordance with section 147(b)(2)(A).

"(4) APPLICATION OF DAVIS-BACON ACT REQUIREMENTS WITH RESPECT TO QUALIFIED INFRASTRUCTURE BONDS.—Subchapter IV of chapter 31 of title 40, United States Code, shall apply to projects financed with the proceeds of qualified infrastructure bonds.

"(e) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section.".

(b) GROSS-UP OF PAYMENT TO ISSUERS IN CASE OF SEQUESTRATION.—In the case of any payment under sec-

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tion 6431A of the Internal Revenue Code of 1986 made after the date of the enactment of this Act to which sequestration applies, the amount of such payment shall be increased to an amount equal to—

(1) such payment (determined before such sequestration), multiplied by

(2) the quotient obtained by dividing 1 by the amount by which 1 exceeds the percentage reduction in such payment pursuant to such sequestration.

For purposes of this subsection, the term ''sequestration'' means any reduction in direct spending ordered in accordance with a sequestration report prepared by the Director of the Office and Management and Budget pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or the Statutory Pay-As-You-Go Act of 2010.

(c) CONFORMING AMENDMENTS.—

(1) Section 1324(b)(2) of title 31, United States Code, is amended by striking ''or 6431'' and inserting ''6431, or 6431A''.

(2) The table of sections for subchapter B of chapter 65 is amended by inserting before the item relating to section 6432 the following new item:

''Sec. 6431A. Credit allowed to issuer for qualified infrastructure bonds.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2021.

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SEC. 135102. ADVANCE REFUNDING BONDS.

(a) IN GENERAL.—Section 149(d) is amended—

(1) by striking ''to advance refund another bond.'' in paragraph (1) and inserting ''as part of an issue described in paragraph (2), (3), or (4).'',

(2) by redesignating paragraphs (2) and (3) as paragraphs (5) and (7), respectively,

(3) by inserting after paragraph (1) the following new paragraphs:

''(2) CERTAIN PRIVATE ACTIVITY BONDS.—An issue is described in this paragraph if any bond (issued as part of such issue) is issued to advance refund a private activity bond (other than a qualified 501(c)(3) bond).

''(3) OTHER BONDS.—

''(A) IN GENERAL.—An issue is described in this paragraph if any bond (issued as part of such issue), hereinafter in this paragraph referred to as the 'refunding bond', is issued to advance refund a bond unless—

''(i) the refunding bond is only—

''(I) the first advance refunding of the original bond if the original bond is issued after 1985, or

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"(II) the first or second advance refunding of the original bond if the original bond was issued before 1986,

"(ii) in the case of refunded bonds issued before 1986, the refunded bond is redeemed not later than the earliest date on which such bond may be redeemed at par or at a premium of 3 percent or less,

"(iii) in the case of refunded bonds issued after 1985, the refunded bond is redeemed not later than the earliest date on which such bond may be redeemed,

"(iv) the initial temporary period under section 148(c) ends—

"(I) with respect to the proceeds of the refunding bond not later than 30 days after the date of issue of such bond, and

"(II) with respect to the proceeds of the refunded bond on the date of issue of the refunding bond, and

"(v) in the case of refunded bonds to which section 148(e) did not apply, on and after the date of issue of the refunding bond, the amount of proceeds of the re-

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funded bond invested in higher yielding investments (as defined in section 148(b)) which are nonpurpose investments (as defined in section 148(f)(6)(A)) does not exceed—

"(I) the amount so invested as part of a reasonably required reserve or replacement fund or during an allowable temporary period, and

"(II) the amount which is equal to the lesser of 5 percent of the proceeds of the issue of which the refunded bond is a part or $100,000 (to the extent such amount is allocable to the refunded bond).

"(B) SPECIAL RULES FOR REDEMPTIONS.—

"(i) ISSUER MUST REDEEM ONLY IF DEBT SERVICE SAVINGS.—Clause (ii) and (iii) of subparagraph (A) shall apply only if the issuer may realize present value debt service savings (determined without regard to administrative expenses) in connection with the issue of which the refunding bond is a part.

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"(ii) REDEMPTIONS NOT REQUIRED BEFORE 90TH DAY.—For purposes of clauses (ii) and (iii) of subparagraph (A), the earliest date referred to in such clauses shall not be earlier than the 90th day after the date of issuance of the refunding bond.

"(4) ABUSIVE TRANSACTIONS PROHIBITED.—An issue is described in this paragraph if any bond (issued as part of such issue) is issued to advance refund another bond and a device is employed in connection with the issuance of such issue to obtain a material financial advantage (based on arbitrage) apart from savings attributable to lower interest rates.", and

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

"(6) SPECIAL RULES FOR PURPOSES OF PARAGRAPH (3).—For purposes of paragraph (3), bonds issued before October 22, 1986, shall be taken into account under subparagraph (A)(i) thereof except—

"(A) a refunding which occurred before 1986 shall be treated as an advance refunding only if the refunding bond was issued more than 180 days before the redemption of the refunded bond, and

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"(B) a bond issued before 1986, shall be treated as advance refunded no more than once before March 15, 1986.".

(b) CONFORMING AMENDMENT.—Section 148(f)(4)(C) is amended by redesignating clauses (xiv) through (xvi) as clauses (xv) to (xvii), respectively, and by inserting after clause (xiii) the following new clause:

"(xiv) DETERMINATION OF INITIAL TEMPORARY PERIOD.—For purposes of this subparagraph, the end of the initial section temporary period shall be determined without regard to section 149(d)(3)(A)(iv).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to advance refunding bonds issued more than 30 days after the date of the enactment of this Act.

SEC. 135103. PERMANENT MODIFICATION OF SMALL ISSUER EXCEPTION TO TAX-EXEMPT INTEREST EXPENSE ALLOCATION RULES FOR FINANCIAL INSTITUTIONS.

(a) PERMANENT INCREASE IN LIMITATION.—Subparagraphs (C)(i), (D)(i), and (D)(iii)(II) of section 265(b)(3) are each amended by striking "$10,000,000" and inserting "$30,000,000".

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(b) PERMANENT MODIFICATION OF OTHER SPECIAL RULES.—Section 265(b)(3) is amended—

(1) by redesignating clauses (iv), (v), and (vi) of subparagraph (G) as clauses (ii), (iii), and (iv), respectively, and moving such clauses to the end of subparagraph (H) (as added by paragraph (2)), and

(2) by striking so much of subparagraph (G) as precedes such clauses and inserting the following:

"(G) QUALIFIED 501(c)(3) BONDS TREATED AS ISSUED BY EXEMPT ORGANIZATION.—In the case of a qualified 501(c)(3) bond (as defined in section 145), this paragraph shall be applied by treating the 501(c)(3) organization for whose benefit such bond was issued as the issuer.

"(H) SPECIAL RULE FOR QUALIFIED FINANCINGS.—

"(i) IN GENERAL.—In the case of a qualified financing issue—

"(I) subparagraph (F) shall not apply, and

"(II) any obligation issued as a part of such issue shall be treated as a qualified tax-exempt obligation if the requirements of this paragraph

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are met with respect to each qualified portion of the issue (determined by treating each qualified portion as a separate issue which is issued by the qualified borrower with respect to which such portion relates).''.

(c) INFLATION ADJUSTMENT.—Section 265(b)(3), as amended by subsection (b), is amended by adding at the end the following new subparagraph:

''(I) INFLATION ADJUSTMENT.—In the case of any calendar year after 2021, the $30,000,000 amounts contained in subparagraphs (C)(i), (D)(i), and (D)(iii)(II) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2020' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $100,000.''.

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(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 135104. MODIFICATIONS TO QUALIFIED SMALL ISSUE BONDS.

(a) MANUFACTURING FACILITIES TO INCLUDE PRODUCTION OF INTANGIBLE PROPERTY AND FUNCTIONALLY RELATED FACILITIES.—Subparagraph (C) of section 144(a)(12) is amended to read as follows:

"(C) MANUFACTURING FACILITY.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'manufacturing facility' means any facility which—

"(I) is used in the manufacturing or production of tangible personal property (including the processing resulting in a change in the condition of such property),

"(II) is used in the creation or production of intangible property which is described in section 197(d)(1)(C)(iii), or

"(III) is functionally related and subordinate to a facility described in

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subclause (I) or (II) if such facility is located on the same site as the facility described in subclause (I) or (II).

"(ii) CERTAIN FACILITIES INCLUDED.—The term 'manufacturing facility' includes facilities that are directly related and ancillary to a manufacturing facility (determined without regard to this clause) if—

"(I) those facilities are located on the same site as the manufacturing facility, and

"(II) not more than 25 percent of the net proceeds of the issue are used to provide those facilities.

"(iii) LIMITATION ON OFFICE SPACE.—A rule similar to the rule of section 142(b)(2) shall apply for purposes of clause (i).

"(iv) LIMITATION ON REFUNDINGS FOR CERTAIN PROPERTY.—Subclauses (II) and (III) of clause (i) shall not apply to any bond issued on or before the date of the enactment of the Act to provide for reconciliation pursuant to title II of S.

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Con. Res. 14, or to any bond issued to refund a bond issued on or before such date (other than a bond to which clause (iii) of this subparagraph (as in effect before the date of the enactment of such Act) applies), either directly or in a series of refundings.''.

(b) INCREASE IN LIMITATIONS.—Section 144(a)(4) is amended—

(1) in subparagraph (A)(i), by striking ''$10,000,000'' and inserting ''$30,000,000'', and

(2) in the heading, by striking ''$10,000,000'' and inserting ''$30,000,000''.

(c) ADJUSTMENT FOR INFLATION.—Section 144(a)(4) is amended by adding at the end the following new subparagraph:

''(H) ADJUSTMENT FOR INFLATION.—In the case of any calendar year after 2021, the $30,000,000 amount in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting

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'calendar year 2020' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

If any amount as increased under the preceding sentence is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 135105. EXPANSION OF CERTAIN EXCEPTIONS TO THE PRIVATE ACTIVITY BOND RULES FOR FIRST-TIME FARMERS.

(a) INCREASE IN DOLLAR LIMITATION.—

(1) IN GENERAL.—Section 147(c)(2)(A) is amended by striking ''$450,000'' and inserting ''$552,500''.

(2) REPEAL OF SEPARATE LOWER DOLLAR LIMITATION ON USED FARM EQUIPMENT.—Section 147(c)(2) is amended by striking subparagraph (F) and by redesignating subparagraphs (G) and (H) as subparagraphs (F) and (G), respectively.

(3) QUALIFIED SMALL ISSUE BOND LIMITATION CONFORMED TO INCREASED DOLLAR LIMITATION.—Section 144(a)(11)(A) is amended by striking ''$250,000'' and inserting ''$552,500''.

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(4) INFLATION ADJUSTMENT.—

(A) IN GENERAL.—Section 147(c)(2)(G), as redesignated by paragraph (2), is amended—

(i) by striking ''after 2008, the dollar amount in subparagraph (A) shall be increased'' and inserting ''after 2021, the dollar amounts in subparagraph (A) and section 144(a)(11)(A) shall each be increased'', and

(ii) in clause (ii), by striking ''2007'' and inserting ''2020''.

(B) CROSS-REFERENCE.—Section 144(a)(11) is amended by adding at the end the following new subparagraph:

''(D) INFLATION ADJUSTMENT.—For inflation adjustment of dollar amount contained in subparagraph (A), see section 147(c)(2)(G).''.

(b) SUBSTANTIAL FARMLAND DETERMINED ON BASIS OF AVERAGE RATHER THAN MEDIAN FARM SIZE.—Section 147(c)(2)(E) is amended by striking ''median'' and inserting ''average''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

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SEC. 135106. CERTAIN WATER AND SEWAGE FACILITY BONDS EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY BONDS.

(a) IN GENERAL.—Section 146(g) is amended by striking ''and'' at the end of paragraph (3), striking the period at the end of paragraph (4) and inserting '', and'', and inserting after paragraph (4) the following new paragraph:

''(5) any exempt facility bond issued as part of an issue described in paragraph (4) or (5) of section 142(a) if 95 percent or more of the net proceeds of such issue are to be used to provide facilities which—

''(A) will be used—

''(i) by a person who was, as of July 1, 2020, engaged in operation of a facility described in such paragraph, and

''(ii) to provide service within the area served by such person on such date (or within a county or city any portion of which is within such area), or

''(B) will be used by a successor in interest to such person for the same use and within the same service area as described in subparagraph (A).''.

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(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 135107. EXEMPT FACILITY BONDS FOR ZERO-EMISSION VEHICLE INFRASTRUCTURE.

(a) IN GENERAL.—Section 142 is amended—

(1) in subsection (a)—

(A) in paragraph (14), by striking ''or'' at the end,

(B) in paragraph (15), by striking the period at the end and inserting '', or'', and

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

''(16) zero-emission vehicle infrastructure.'', and

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

''(n) ZERO-EMISSION VEHICLE INFRASTRUCTURE.—

''(1) IN GENERAL.—For purposes of subsection (a)(16), the term 'zero-emission vehicle infrastructure' means any property (not including a building and its structural components) if such property is part of a unit which—

''(A) is used to charge or fuel zero-emissions vehicles,

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"(B) is located where the vehicles are charged or fueled,

"(C) is of a character subject to the allowance for depreciation (or amortization in lieu of depreciation),

"(D) is made available for use by members of the general public,

"(E) accepts payment via a credit card reader, including a credit card reader that uses contactless technology, and

"(F) is capable of charging or fueling vehicles produced by more than one manufacturer (within the meaning of section 30D(d)(3)).

"(2) INCLUSION OF UTILITY SERVICE CONNECTIONS, ETC.—The term 'zero-emission vehicle infrastructure' shall include any utility service connections, utility panel upgrades, line extensions and conduit, transformer upgrades, or similar property, in connection with property meeting the requirements of paragraph (1).

"(3) ZERO-EMISSIONS VEHICLE.—The term 'zero-emissions vehicle' means—

"(A) a zero-emission vehicle as defined in section 88.102–94 of title 40, Code of Federal Regulations, or

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"(B) a vehicle that produces zero exhaust emissions of any criteria pollutant (or precursor pollutant) or greenhouse gas under any possible operational modes and conditions.

"(4) ZERO-EMISSIONS VEHICLE INFRASTRUCTURE LOCATED WITHIN OTHER FACILITIES OR PROJECTS.—For purposes of subsection (a), any zero-emission vehicle infrastructure located within—

"(A) a facility or project described in subsection (a), or

"(B) an area adjacent to a facility or project described in subsection (a) that primarily serves vehicles traveling to or from such facility or project,

shall be treated as described in the paragraph in which such facility or project is described.

"(5) EXCEPTION FOR REFUELING PROPERTY FOR FLEET VEHICLES.—Subparagraphs (D), (E), and (F) of paragraph (1) shall not apply to property which is part of a unit which is used exclusively by fleets of commercial or governmental vehicles.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2021.

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SEC. 135108. APPLICATION OF DAVIS-BACON ACT REQUIREMENTS WITH RESPECT TO CERTAIN EXEMPT FACILITY BONDS.

(a) IN GENERAL.—Section 142(b) is amended by adding at the end the following new paragraph:

"(3) APPLICATION OF DAVIS-BACON ACT REQUIREMENTS WITH RESPECT TO CERTAIN EXEMPT FACILITY BONDS.—If any proceeds of any issue are used for construction, alteration, or repair of any facility otherwise described in paragraph (4), (5), (15), or (16) of subsection (a), such facility shall be treated for purposes of subsection (a) as described in such paragraph only if each entity that receives such proceeds to conduct such construction, alteration, or repair agrees to comply with the provisions of subchapter IV of chapter 31 of title 40, United States Code with respect to such construction, alteration, or repair.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

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Subpart B—Other Provisions Related to Infrastructure Financing

SEC. 135111. CREDIT FOR OPERATIONS AND MAINTENANCE COSTS OF GOVERNMENT-OWNED BROADBAND.

(a) IN GENERAL.—Subchapter B of chapter 65, as amended by the preceding provisions of this Act, is amended by inserting before section 6432 the following new section:

"SEC. 6431B. CREDIT FOR OPERATIONS AND MAINTENANCE COSTS OF GOVERNMENT-OWNED BROADBAND.

''(a) IN GENERAL.—In the case of any eligible governmental entity, there shall be allowed a credit equal to the applicable percentage of the qualified broadband expenses paid or incurred by such entity during the taxable year which credit shall be payable by the Secretary as provided in subsection (b).

''(b) PAYMENT OF CREDIT.—Upon receipt from an eligible governmental entity of such information as the Secretary may require for purposes of carrying out this section, the Secretary shall pay to such entity the amount of the credit determined under subsection (a) for the taxable year.

''(c) LIMITATION.—The amount of qualified broadband expenses taken into account under this section

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for any taxable year with respect to any qualified broadband network shall not exceed the product of $400 multiplied by the number of qualified households subscribed to the qualified broadband service provided by such network (determined as of any time during such taxable year).

''(d) DEFINITIONS.—For purposes of this section—

''(1) APPLICABLE PERCENTAGE.—The term 'applicable percentage' means—

''(A) in the case of any taxable year beginning in 2021 through 2026, 30 percent,

''(B) in the case of any taxable year beginning in 2027, 26 percent, and

''(C) in the case of any taxable year beginning in 2028, 24 percent.

''(2) ELIGIBLE GOVERNMENTAL ENTITY.—The term 'eligible governmental entity' means—

''(A) any State, local, or Indian tribal government,

''(B) any political subdivision or instrumentality of any government described in subparagraph (A), and

''(C) any entity wholly owned by one or more entities described in subparagraph (A) or (B).

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For purposes of this paragraph, the term 'State' includes any possession of the United States.

''(3) QUALIFIED BROADBAND EXPENSES.—The term 'qualified broadband expenses' means so much of the amounts paid or incurred for the operation and maintenance of a qualified broadband network as are properly allocable to qualified households subscribed to the qualified broadband service provided by such network.

''(4) QUALIFIED HOUSEHOLD.—The term 'qualified household' means a personal residence which—

''(A) is located in a low-income community (as defined in section 45D(e)), and

''(B) did not have access to qualified broadband service from the eligible governmental entity (determined as of the beginning of the taxable year of such entity).

''(5) QUALIFIED BROADBAND NETWORK.—The term 'qualified broadband network' means property owned by an eligible governmental entity and used for the purpose of providing qualified broadband service.

''(6) QUALIFIED BROADBAND SERVICE.—The term 'qualified broadband service' means fixed, ter-

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restrial broadband service providing downloads at a speed of at least 25 megabits per second and uploads at a speed of at least 3 megabits per second.

''(7) TAXABLE YEAR.—Except as otherwise provided by the Secretary, the term 'taxable year' means, with respect to any eligible governmental entity, the fiscal year of such entity.

''(e) SPECIAL RULES.—

''(1) ALLOCATIONS.—For purposes of subsection (d)(3), amounts shall be treated as properly allocated if allocated ratably among the subscribers of the qualified broadband service.

''(2) DENIAL OF DOUBLE BENEFIT.—Qualified broadband expenses shall not include any amount which is paid or reimbursed (directly or indirectly) by any grant from the Federal Government.

''(f) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section.

''(g) TERMINATION.—No credit shall be allowed under this section for any taxable year beginning after December 31, 2028.''.

(b) PAYMENTS MADE UNDER SECTION 6431B(b) OF INTERNAL REVENUE CODE OF 1986.—Section 255(h) of the Balanced Budget and Emergency Deficit Control Act

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of 1985 (2 U.S.C. 905(h)) is amended by inserting: ''Payments made under section 6431B(b) of the Internal Revenue Code of 1986'' after the item related to Payments for Foster Care and Permanency.

(c) CONFORMING AMENDMENTS.—

(1) Section 1324(b)(2) of title 31, United States Code, as amended by the preceding provisions of this Act, is amended by striking ''or 6431A'' and inserting ''6431A, or 6431B''.

(2) The table of sections for subchapter B of chapter 65, as amended by the preceding provisions of this Act, is amended by inserting before the item relating to section 6432 the following new item:

''Sec. 6431B. Credit for operations and maintenance costs of government-owned broadband.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

PART 2—NEW MARKETS TAX CREDIT

SEC. 135201. PERMANENT EXTENSION OF NEW MARKETS TAX CREDIT.

(a) TEMPORARY LIMIT INCREASE AND PERMANENT EXTENSION.—Section 45D(f)(1) is amended by striking ''and'' at the end of subparagraph (G) and by striking subparagraph (H) and inserting the following new subparagraphs:

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"(H) $5,000,000,000 for each of calendar years 2020 and 2021,

"(I) $7,000,000,000 for calendar year 2022,

"(J) $6,000,000,000 for calendar year 2023, and

"(K) $5,000,000,000 for calendar year 2024 and each calendar year thereafter.".

(b) ALTERNATIVE MINIMUM TAX RELIEF.—Section 38(c)(4)(B) is amended—

(1) by redesignating clauses (v) through (xii) as clauses (vi) through (xiii), respectively, and

(2) by inserting after clause (iv) the following new clause:

"(v) the credit determined under section 45D, but only with respect to credits determined with respect to qualified equity investments (as defined in section 45D(b)) initially made after December 31, 2021,".

(c) INFLATION ADJUSTMENT.—Section 45D(f) is amended by adding at the end the following new paragraph:

"(4) INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—In the case of any calendar year beginning after 2024, the dollar

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amount paragraph (1)(H) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2023' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

"(B) ROUNDING RULE.—Any increase under subparagraph (A) which is not a multiple of $1,000,000 shall be rounded to the nearest multiple of $1,000,000.".

(d) CONFORMING AMENDMENT.—Section 45D(f)(3) is amended by striking the last sentence.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to new markets tax credit limitation determined for calendar years after 2021.

(2) ALTERNATIVE MINIMUM TAX RELIEF.—The amendments made by subsection (b) shall apply to credits determined with respect to qualified equity investments (as defined in section 45D(b) of the Internal Revenue Code of 1986) initially made after December 31, 2021.

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PART 3—REHABILITATION TAX CREDIT

SEC. 135301. DETERMINATION OF CREDIT PERCENTAGE.

(a) IN GENERAL.—Section 47(a)(2) is amended by striking ''20 percent'' and inserting ''the applicable percentage''.

(b) APPLICABLE PERCENTAGE.—Section 47(a) is amended by adding at the end the following new paragraph:

''(3) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term 'applicable percentage' means the percentage determined in accordance with the following table:

''In the case of taxable years beginning:	The applicable percentage is:
Before 2020	20 percent
In 2020 through 2025	30 percent
In 2026	26 percent
In 2027	23 percent
After 2027	20 percent

''(4) APPLICATION OF PERCENTAGES TO YEAR OF EXPENDITURE.—In the case of qualified rehabilitation expenditures with respect to the qualified rehabilitated building that are paid or incurred in 2 or more taxable years for which there is a different applicable percentage under paragraph (3), the ratable share shall be determined by applying to such expenditures the applicable percentage corresponding

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to the taxable year in which such expenditures were paid or incurred.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after March 31, 2021.

SEC. 135302. INCREASE IN THE REHABILITATION CREDIT FOR CERTAIN SMALL PROJECTS.

(a) IN GENERAL.—Section 47 is amended by adding at the end the following new subsection:

''(e) SPECIAL RULE REGARDING CERTAIN SMALLER PROJECTS.—

''(1) IN GENERAL.—In the case of any smaller project—

''(A) the applicable percentage determined under subsection (a)(3) shall be 30 percent, and

''(B) the qualified rehabilitation expenditures taken into account under this section with respect to such project shall not exceed $2,500,000.

''(2) SMALLER PROJECT.—For purposes of this subsection, the term 'smaller project' means the rehabilitation of any qualified rehabilitated building if—

''(A) the qualified rehabilitation expenditures taken into account under this section (or

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which would be so taken into account but for paragraph (1)(B)) with respect to such rehabilitation do not exceed $3,750,000,

"(B) no credit was allowed under this section with respect to such building to any taxpayer for either of the 2 taxable years immediately preceding the first taxable year in which expenditures described in subparagraph (A) were paid or incurred, and

"(C) the taxpayer elects (at such time and manner as the Secretary may provide) to have this subsection apply with respect to such rehabilitation.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 135303. MODIFICATION OF DEFINITION OF SUBSTANTIALLY REHABILITATED.

(a) IN GENERAL.—Section 47(c)(1)(B)(i)(I) is amended by inserting "50 percent of" before "the adjusted basis".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to determinations with respect to 24-month periods (referred to in clause (i) of section 47(c)(1)(B) of the Internal Revenue Code of 1986) and

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60-month periods (referred to in clause (ii) of such section) which end after December 31, 2021.

SEC. 135304. ELIMINATION OF REHABILITATION CREDIT BASIS ADJUSTMENT.

(a) IN GENERAL.—Section 50(c) is amended by adding at the end the following new paragraph:

"(6) EXCEPTION FOR REHABILITATION CREDIT.—In the case of the rehabilitation credit, paragraph (1) shall not apply.".

(b) TREATMENT IN CASE OF CREDIT ALLOWED TO LESSEE.—Section 50(d) is amended by adding at the end the following: "In the case of the rehabilitation credit, paragraph (5)(B) of the section 48(d) referred to in paragraph (5) of this subsection shall not apply.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2022.

SEC. 135305. MODIFICATIONS REGARDING CERTAIN TAX-EXEMPT USE PROPERTY.

(a) IN GENERAL.—Section 47(c)(2)(B)(v) is amended by adding at the end the following new subclause:

"(III) DISQUALIFIED LEASE RULES TO APPLY ONLY IN CASE OF GOVERNMENT ENTITY.—For purposes of subclause (I), except in the case of

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a tax-exempt entity described in section 168(h)(2)(A)(i) (determined without regard to the last sentence of section 168(h)(2)(A)), the determination of whether property is tax-exempt use property shall be made under section 168(h) without regard to whether the property is leased in a disqualified lease (as defined in section 168(h)(1)(B)(ii)).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to leases entered into after December 31, 2021.

SEC. 135306. QUALIFICATION OF REHABILITATION EXPENDITURES FOR PUBLIC SCHOOL BUILDINGS FOR REHABILITATION CREDIT.

(a) IN GENERAL.—Section 47(c)(2)(B)(v), as amended by the preceding provisions of this Act, is amended by adding at the end the following new subclause:

''(IV) CLAUSE NOT TO APPLY TO PUBLIC SCHOOLS.—This clause shall not apply in the case of the rehabilitation of any building which was used as a qualified public educational facility (as defined in section 142(k)(1),

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determined without regard to subparagraph (B) thereof) at any time during the 5-year period ending on the date that such rehabilitation begins and which is used as such a facility immediately after such rehabilitation.''.

(b) REPORT.—Not later than the date which is 5 years after the date of the enactment of this Act, the Secretary of the Treasury, after consultation with the heads of appropriate Federal agencies, shall report to Congress on the effects resulting from the amendment made by subsection (a), including—

(1) the number of qualified public education facilities rehabilitated (stated separately with respect to each State) and the number of students using such facilities (stated separately with respect to each such State),

(2) the number of qualified public education facilities rehabilitated in low income communities (as section 45D(e)(1) of the Internal Revenue Code of 1986) and the number of students using such facilities,

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(3) the amount of qualified rehabilitation expenditures for each qualified public education facility rehabilitated, and

(4) and any other data determined by the Secretary to be useful in evaluating the impact of such amendment.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2021.

PART 4—DISASTER AND RESILIENCY

SEC. 135401. EXCLUSION OF AMOUNTS RECEIVED FROM STATE-BASED CATASTROPHE LOSS MITIGATION PROGRAMS.

(a) IN GENERAL.—Section 139 is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) STATE-BASED CATASTROPHE LOSS MITIGATION PROGRAMS.—

''(1) IN GENERAL.—Gross income shall not include any amount received by an individual as a qualified catastrophe mitigation payment under a program established by a State, or a political subdivision or instrumentality thereof, for the purpose of making such payments.

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"(2) QUALIFIED CATASTROPHE MITIGATION PAYMENT.—For purposes of this section, the term 'qualified catastrophe mitigation payment' means any amount which is received by an individual to make improvements to such individual's residence for the sole purpose of reducing the damage that would be done to such residence by a windstorm, earthquake, or wildfire.

"(3) NO INCREASE IN BASIS.—Rules similar to the rules of subsection (g)(3) shall apply in the case of this subsection.".

(b) CONFORMING AMENDMENTS.—

(1) Section 139(d) is amended by striking "and qualified" and inserting ", qualified catastrophe mitigation payments, and qualified".

(2) Section 139(i) (as redesignated by subsection (a)) is amended by striking "or qualified" and inserting ", qualified catastrophe mitigation payment, or qualified".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

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SEC. 135402. REPEAL OF TEMPORARY LIMITATION ON PERSONAL CASUALTY LOSSES.

(a) IN GENERAL.—Section 165(h) is amended by striking paragraph (5).

(b) EXTENSION OF PERIOD OF LIMITATION ON FILING CLAIM IN CERTAIN CIRCUMSTANCES.—In the case of a claim for credit or refund which is properly allocable to a loss which is—

(1) deductible under section 165(a) of the Internal Revenue Code of 1986,

(2) described in Revenue Procedure 2017-60 (as modified by Revenue Procedure 2018-14), and

(3) claimed for a taxable year beginning after December 31, 2016,

the period of limitation prescribed in section 6511 of the Internal Revenue Code of 1986 for the filing of such claim shall be treated as not expiring earlier than the date that is 1 year after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to losses incurred in taxable years beginning after December 31, 2017.

(d) REGULATIONS.—The Secretary of the Treasury (or the Secretary's delegate) shall issue such regulations or other guidance as are necessary to implement the amendment made by this section, including regulations or

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guidance consistent with Revenue Procedure 2017–60 (as so modified).

SEC. 135403. CREDIT FOR QUALIFIED WILDFIRE MITIGATION EXPENDITURES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by inserting after section 27 the following new section:

"SEC. 28. QUALIFIED WILDFIRE MITIGATION EXPENDITURES.

"(a) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the qualified wildfire mitigation expenditures paid or incurred by the taxpayer during such taxable year with respect to real property owned or leased by the taxpayer.

"(b) QUALIFIED WILDFIRE MITIGATION EXPENDITURES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified wildfire mitigation expenditures' means any specified wildfire mitigation expenditure made pursuant to a qualified State wildfire mitigation program of a State which requires expenditures for wildfire mitigation to be paid both by the taxpayer and such State. Such term shall not include any item of expenditure unless the ratio of the State's expenditure for such

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item to the sum of the State's and taxpayer's expenditures for such item is not less than 25 percent.

''(2) SPECIFIED WILDFIRE MITIGATION EXPENDITURE.—The term 'specified wildfire mitigation expenditure' means, with respect to any real property owned or leased by the taxpayer, any amount paid or incurred to reduce the risk of wildfire by removing accumulations of vegetation (including establishing, expanding, or maintaining fuel breaks to serve as fire breaks) on such real property.

''(3) QUALIFIED STATE WILDFIRE MITIGATION PROGRAM.—The term 'qualified State wildfire mitigation program' means any program of a State the primary purpose of which is to mitigate the risk of wildfires in such State.

''(4) TREATMENT OF REIMBURSEMENTS.—Any amount originally paid or incurred by the taxpayer which is reimbursed by a State under a qualified wildfire mitigation program of such State shall be treated as paid by such State (and not by such taxpayer).

''(c) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any

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taxable year (determined without regard to this subsection) that is attributable to expenditures made in the ordinary course of the taxpayer's trade or business (or, in the case of expenditures made by a State, would have been expenditures made in the ordinary course of the taxpayer's trade or business if made by the taxpayer) shall be treated as a credit listed in section 38(b) for taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(d) REDUCTION OF CREDIT PERCENTAGE WHERE TAXPAYER EXPENDITURES LESS THAN 30 PERCENT.—

''(1) IN GENERAL.—If the expenditure percentage with respect to any item of qualified wildfire mitigation expenditure is less than 30 percent, subsection (a) shall be applied by substituting 'the expenditure percentage' for '30 percent' with respect to such item of expenditure.

''(2) EXPENDITURE PERCENTAGE.—For purposes of this section, the term 'expenditure percentage' means, with respect to any item of qualified

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wildfire mitigation expenditure any portion of which is paid or incurred by a State, the ratio (expressed as a percentage) of—

"(A) the taxpayer's expenditure for such item, divided by

"(B) the sum of the taxpayer's and such State's expenditures for such item.

"(e) SPECIAL RULES.—

"(1) TREATMENT OF EXPENDITURES RELATED TO MARKETABLE TIMBER.—An expenditure shall not be taken into account for purposes of this section (whether made by the taxpayer or a State pursuant to a qualified State wildfire mitigation program of such State) if such expenditure is properly allocable to timber which is sold or exchanged by the taxpayer. The preceding sentence shall not apply to the extent that such amount exceeds the gain on such sale or exchange.

"(2) BASIS REDUCTION.—For purposes of this subtitle, if the basis of any property would (but for this paragraph) be determined by taking into account any qualified wildfire mitigation expenditure, the basis of such property shall be reduced by the amount of the credit allowed under subsection (a)

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with respect to such expenditure (determined without regard to subsection (c)).

''(3) DENIAL OF DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for any expenditure for which a credit is allowable under subsection (a) shall be reduced by the amount of credit allowed under such subsection for such expenditure (determined without regard to subsection (c)).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b), as amended by the preceding provisions of this Act, is amended by striking ''plus'' at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting '', plus'', and by adding at the end the following new paragraph:

''(35) the portion of the qualified wildfire mitigation expenditures credit to which section 28(c)(1) applies.''.

(2) Section 1016(a) is amended by redesignating paragraphs (35) through (38) as paragraphs (36) through (39), respectively, and by inserting after paragraph (34) the following new paragraph:

''(35) to the extent provided in section 28(e)(2),''.

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(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 27 the following new item:

''Sec. 28. Qualified wildfire mitigation expenditures.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after the date of the enactment of this Act, in taxable years ending after such date.

PART 5—HOUSING

Subpart A—Low Income Housing Tax Credit

SEC. 135501. INCREASES IN STATE ALLOCATIONS.

(a) IN GENERAL.—Section 42(h)(3)(I) is amended to read as follows:

''(I) INCREASE IN STATE HOUSING CREDIT CEILING FOR 2022 THROUGH 2028.—

''(i) IN GENERAL.—In the case of calendar years 2022 through 2028, the dollar amounts under subclauses (I) and (II) of subparagraph (C)(ii) for any such calendar shall be determined under clause (ii) and in accordance with the following table:

''In the case of calendar year:	The subclause (I) amount shall be:	The subclause (II) amount shall be:
2022	$3.22	$3,711,575
2023	$3.70	$4,269,471

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''In the case of calendar year:	The sub-clause (I) amount shall be:	The sub-clause (II) amount shall be:
2024	$4.25	$4,901,620
2025	$4.88	$5,632,880

''(ii) INFLATION ADJUSTMENT FOR 2026, 2027, AND 2028.—In the case of calendar years 2026, 2027, and 2028, the subclause (I) and (II) dollar amounts shall be the respective dollar amounts corresponding to calendar year 2025 in the table under clause (i) each increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2025' for 'calendar year 2016' in paragraph (A)(ii) thereof.

Any increase under this clause shall be rounded to the nearest cent in the case of the subclause (I) amount and the nearest dollar in the case of the subclause (II) amount.''.

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(b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2021.

SEC. 135502. TAX-EXEMPT BOND FINANCING REQUIREMENT.

(a) IN GENERAL.—Section 42(h)(4)(B) is amended by adding at the end the following: ''The preceding sentence shall be applied by substituting '25 percent' for '50 percent' in the case of any building which is financed by any obligation issued in calendar year 2022, 2023, 2024, 2025, 2026, 2027, or 2028 (and not by any obligation on which the application of this subparagraph is based during any taxable year beginning during calendar year 2019, 2020, or 2021).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to buildings placed in service in taxable years beginning after December 31, 2021.

SEC. 135503. BUILDINGS DESIGNATED TO SERVE EXTREMELY LOW-INCOME HOUSEHOLDS.

(a) RESERVED STATE ALLOCATION.—

(1) IN GENERAL.—Section 42(h) is amended—

(A) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively, and

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

''(6) PORTION OF STATE CEILING SET-ASIDE FOR PROJECTS DESIGNATED TO SERVE EXTREMELY LOW-INCOME HOUSEHOLDS.—

''(A) IN GENERAL.—Not more than 90 percent of the portion of the State housing credit ceiling amount described in paragraph (3)(C)(ii) for any State for any calendar year shall be allocated to buildings other than buildings described in subparagraph (B).

''(B) BUILDINGS DESCRIBED.—A building is described in this subparagraph if 20 percent or more of the residential units in such building are rent-restricted (determined as if the imputed income limitation applicable to such units were 30 percent of area median gross income) and are designated by the taxpayer for occupancy by households the aggregate household income of which does not exceed the greater of—

''(i) 30 percent of area median gross income, or

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"(ii) 100 percent of an amount equal to the Federal poverty line (within the meaning of section 36B(d)(3)).

"(C) STATE MAY NOT OVERRIDE SET-ASIDE.—Nothing in subparagraph (F) of paragraph (3) shall be construed to permit a State not to comply with subparagraph (A) of this paragraph.

"(D) TERMINATION.—This paragraph shall not apply to allocations after December 31, 2031.".

(2) CONFORMING AMENDMENT.—Section 42(b)(4)(C) is amended by striking "(h)(7)" and inserting "(h)(8)".

(b) INCREASE IN CREDIT.—Paragraph (5) of section 42(d) is amended by adding at the end the following new subparagraph:

"(C) INCREASE IN CREDIT FOR PROJECTS DESIGNATED TO SERVE EXTREMELY LOW-INCOME HOUSEHOLDS.—

"(i) IN GENERAL.—In the case of any building—

"(I) which is described in subsection (h)(6)(B), and

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"(II) which is designated by the housing credit agency as requiring the increase in credit under this subparagraph in order for such building to be financially feasible as part of a qualified low-income housing project,

subparagraph (B) shall not apply to the portion of such building which is comprised of such units, and the eligible basis of such portion of the building shall be 150 percent of such basis determined without regard to this subparagraph.

"(ii) ALLOCATION RULES APPLICABLE TO PROJECTS TO WHICH CLAUSE (i) APPLIES.—

"(I) STATE HOUSING CREDIT CEILING.—For any calendar year, the housing credit agency shall not allocate more than 15 percent of the portion of the State housing credit ceiling amount described in subsection (h)(3)(C)(ii) to buildings to which clause (i) applies, and

"(II) PRIVATE ACTIVITY BOND VOLUME CAP.—In the case of projects

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financed by tax-exempt bonds as described in subsection (h)(4), for any calendar year, the State shall not issue more than 10 percent of the private activity bond volume cap as described in section 146(d)(1) to buildings to which clause (i) applies.

''(iii) TERMINATION.—This subparagraph shall not apply to allocations after December 31, 2031.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to allocations, and determinations, of housing credit dollar amount after December 31, 2021.

SEC. 135504. INCLUSION OF RURAL AREAS AS DIFFICULT DEVELOPMENT AREAS.

(a) IN GENERAL.—Subclause (I) of section 42(d)(5)(B)(iii) is amended by inserting before the period the following: '', and any rural area''.

(b) RURAL AREA.—Clause (iii) of section 42(d)(5)(B) is amended by redesignating subclause (II) as subclause (III) and by inserting after subclause (I) the following new subclause:

''(II) RURAL AREA.—For purposes of subclause (I), the term 'rural area' means any non-metropolitan

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area, or any rural area as defined by section 520 of the Housing Act of 1949, which is identified by the qualified allocation plan under subsection (m)(1)(B).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to buildings placed in service after December 31, 2021.

SEC. 135505. REPEAL OF QUALIFIED CONTRACT OPTION.

(a) TERMINATION OF OPTION FOR CERTAIN BUILDINGS.—

(1) IN GENERAL.—Subclause (II) of section 42(h)(7)(E)(i), as redesignated by section 135503, is amended by inserting ''in the case of a building described in clause (iii),'' before ''on the last day''.

(2) BUILDINGS DESCRIBED.—Subparagraph (E) of section 42(h)(7), as so redesignated, is amended by adding at the end the following new clause:

''(iii) BUILDINGS DESCRIBED.—A building described in this clause is a building—

''(I) which received its allocation of housing credit dollar amount before January 1, 2022, or

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"(II) in the case of a building any portion of which is financed as described in paragraph (4), which received before January 1, 2022, a determination from the issuer of the tax-exempt bonds or the housing credit agency that the building is eligible to receive an allocation of housing credit dollar amount under the rules of paragraphs (1) and (2) of subsection (m).".

(b) RULES RELATING TO EXISTING PROJECTS.—Subparagraph (F) of section 42(h)(7), as redesignated by section 135503, is amended by striking "the nonlow-income portion" and all that follows and inserting "the nonlow-income portion and the low-income portion of the building for fair market value (determined by the housing credit agency by taking into account the rent restrictions required for the low-income portion of the building to continue to meet the standards of paragraphs (1) and (2) of subsection (g)). The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this paragraph.".

(c) CONFORMING AMENDMENTS.—

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(1) Paragraph (7) of section 42(h), as redesignated by section 135503, is amended by striking subparagraph (G) and by redesignating subparagraphs (H), (I), (J), and (K) as subparagraphs (G), (H), (I), and (J), respectively.

(2) Subclause (II) of section 42(h)(7)(E)(i), as so redesignated and as amended by subsection (a), is further amended by striking ''subparagraph (I)'' and inserting ''subparagraph (H)''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to buildings with respect to which a written request described in section 42(h)(7)(H) of the Internal Revenue Code of 1986, as redesignated by section 135503 and subsection (c), is submitted after the date of the enactment of this Act.

SEC. 135506. MODIFICATION AND CLARIFICATION OF RIGHTS RELATING TO BUILDING PURCHASE.

(a) MODIFICATION OF RIGHT OF FIRST REFUSAL.—

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(1) IN GENERAL.—Subparagraph (A) of section 42(i)(7) is amended by striking ''a right of 1st refusal'' and inserting ''an option''.

(2) CONFORMING AMENDMENT.—The heading of paragraph (7) of section 42(i) is amended by striking ''RIGHT OF 1ST REFUSAL'' and inserting ''OPTION''.

(b) CLARIFICATION WITH RESPECT TO RIGHT OF FIRST REFUSAL AND PURCHASE OPTIONS.—

(1) PURCHASE OF PARTNERSHIP INTEREST.—Subparagraph (A) of section 42(i)(7), as amended by subsection (a), is amended by striking ''the property'' and inserting ''the property or all of the partnership interests (other than interests of the person exercising such option or a related party thereto (within the meaning of section 267(b) or 707(b)(1))) relating to the property''.

(2) PROPERTY INCLUDES ASSETS RELATING TO THE BUILDING.—Paragraph (7) of section 42(i) is amended by adding at the end the following new subparagraph:

''(C) PROPERTY.—For purposes of subparagraph (A), the term 'property' may include all or any of the assets held for the develop-

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ment, operation, or maintenance of a building.''.

(3) EXERCISE OF RIGHT OF FIRST REFUSAL AND PURCHASE OPTIONS.—Subparagraph (A) of section 42(i)(7), as amended by subsection (a) and paragraph (1)(A), is amended by adding at the end the following: ''For purposes of determining whether an option, including a right of first refusal, to purchase property or partnership interests holding (directly or indirectly) such property is described in the preceding sentence—

''(i) such option or right of first refusal shall be exercisable with or without the approval of any owner of the project (including any partner, member, or affiliated organization of such an owner), and

''(ii) a right of first refusal shall be exercisable in response to any offer to purchase the property or partnership interests, including an offer by a related party.''.

(c) CONFORMING AMENDMENTS.—Subparagraph (B) of section 42(i)(7) is amended by striking ''the sum of'' and all that follows and inserting ''the principal amount of outstanding indebtedness secured by the building (other than indebtedness incurred within the 5-year period end-

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ing on the date of the sale to the tenants). In the case of a purchase of a partnership interest, the minimum purchase price is an amount not less than such interest's ratable share of the amount determined under the first sentence of this subparagraph.''.

(d) EFFECTIVE DATES.—

(1) MODIFICATION OF RIGHT OF FIRST REFUSAL.—The amendments made by subsections (a) and (c) shall apply to agreements entered into or amended after the date of the enactment of this Act.

(2) CLARIFICATION.—The amendments made by subsection (b) shall apply to agreements among the owners of the project (including partners, members, and their affiliated organizations) and persons described in section 42(i)(7)(A) of the Internal Revenue Code of 1986 entered into before, on, or after the date of the enactment of this Act.

(3) NO EFFECT ON AGREEMENTS.—None of the amendments made by this section is intended to supersede express language in any agreement with respect to the terms of a right of first refusal or option permitted by section 42(i)(7) of the Internal Revenue Code of 1986 in effect on the date of the enactment of this Act.

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SEC. 135507. INCREASE IN CREDIT FOR BOND-FINANCED PROJECTS DESIGNATED BY HOUSING CREDIT AGENCY.

(a) IN GENERAL.—Section 42(d)(5)(B)(v) is amended by striking ''The preceding sentence'' and inserting ''In the case of determinations of housing credit dollar amount after December 31, 2028, the preceding sentence''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to buildings which receive a determination of housing credit dollar amount pursuant to section 42(m)(2)(D) of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

Subpart B—Neighborhood Homes Investment Act

SEC. 135511. NEIGHBORHOOD HOMES CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by inserting after section 42 the following new section:

''SEC. 42A. NEIGHBORHOOD HOMES CREDIT.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the neighborhood homes credit determined under this section for the taxable year is, with respect to each qualified residence sold by the taxpayer during such taxable year in an affordable sale, the lesser of—

''(1) the excess (if any) of—

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"(A) the reasonable development costs paid or incurred by the taxpayer with respect to such qualified residence, over

"(B) the sale price of such qualified residence (reduced by any reasonable expenses paid or incurred by the taxpayer in connection with such sale), or

"(2) 35 percent of the lesser of—

"(A) the eligible development costs paid or incurred by the taxpayer with respect to such qualified residence, or

"(B) 80 percent of the national median sale price for new homes (as determined pursuant to the most recent census data available as of the date on which the neighborhood homes credit agency makes an allocation for the qualified project).

"(b) DEVELOPMENT COSTS.—For purposes of this section—

"(1) REASONABLE DEVELOPMENT COSTS.—

"(A) IN GENERAL.—The term 'reasonable development costs' means amounts paid or incurred for the acquisition of buildings and land, construction, substantial rehabilitation, demolition of structures, or environmental remedi-

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ation, to the extent that the neighborhood homes credit agency determines that such amounts meet the standards specified pursuant to subsection (f)(1)(C) (as of the date on which construction or substantial rehabilitation is substantially complete, as determined by such agency) and are necessary to ensure the financial feasibility of such qualified residence.

''(B) CONSIDERATIONS IN MAKING DETERMINATION.—In making the determination under subparagraph (A), the neighborhood homes credit agency shall consider—

''(i) the sources and uses of funds and the total financing,

''(ii) any proceeds or receipts generated or expected to be generated by reason of tax benefits, and

''(iii) the reasonableness of the developmental costs and fees.

''(2) ELIGIBLE DEVELOPMENT COSTS.—The term 'eligible development costs' means the amount which would be reasonable development costs if the amounts taken into account as paid or incurred for the acquisition of buildings and land did not exceed 75 percent of such costs determined without regard

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to any amount paid or incurred for the acquisition of buildings and land.

''(3) SUBSTANTIAL REHABILITATION.—The term 'substantial rehabilitation' means amounts paid or incurred for rehabilitation of a qualified residence if such amounts exceed the greater of—

''(A) $20,000, or

''(B) 20 percent of the amounts paid or incurred by the taxpayer for the acquisition of buildings and land with respect to such qualified residence.

''(4) CONSTRUCTION AND REHABILITATION ONLY AFTER ALLOCATION TAKEN INTO ACCOUNT.—

''(A) IN GENERAL.—The terms 'reasonable development costs' and 'eligible development costs' shall not include any amount paid or incurred before the date on which an allocation is made to the taxpayer under subsection (e) with respect to the qualified project of which the qualified residence is part unless such amount is paid or incurred for the acquisition of buildings or land.

''(B) LAND AND BUILDING ACQUISITION COSTS.—Amounts paid or incurred for the acquisition of buildings or land shall be included

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under paragraph (A) only if paid or incurred not more than 3 years before the date on which the allocation referred to in subparagraph (A) is made. If the taxpayer acquired any building or land from an entity (or any related party to such entity) that holds an ownership interest in the taxpayer, then such entity must also have acquired such property within such 3-year period, and the acquisition cost included under subparagraph (A) with respect to the taxpayer shall not exceed the amount such entity paid or incurred to acquire such property.

''(c) QUALIFIED RESIDENCE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified residence' means a residence that—

''(A) is real property affixed on a permanent foundation,

''(B) is—

''(i) a house which is comprised of 4 or fewer residential units,

''(ii) a condominium unit, or

''(iii) a house or an apartment owned by a cooperative housing corporation (as defined in section 216(b)),

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"(C) is part of a qualified project with respect to the neighborhood homes credit agency has made an allocation under subsection (e), and

"(D) is located in a qualified census tract (determined as of the date of such allocation).

"(2) QUALIFIED CENSUS TRACT.—

"(A) IN GENERAL.—The term 'qualified census tract' means a census tract—

"(i) which—

"(I) has a median family income which does not exceed 80 percent of the median family income for the applicable area,

"(II) has a poverty rate that is not less than 130 percent of the poverty rate of the applicable area, and

"(III) has a median value for owner-occupied homes that does not exceed the median value for owner-occupied homes in the applicable area,

"(ii) which—

"(I) is located in a city which has a population of not less than 50,000 and such city has a poverty rate that

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is not less than 150 percent of the poverty rate of the applicable area,

"(II) has a median family income which does not exceed the median family income for the applicable area, and

"(III) has a median value for owner-occupied homes that does not exceed 80 percent of the median value for owner-occupied homes in the applicable area,

"(iii) which—

"(I) is located in a nonmetropolitan county,

"(II) has a median family income which does not exceed the median family income for the applicable area, and

"(III) has been designated by a neighborhood homes credit agency under this clause, or

"(iv) which is not otherwise a qualified census tract and is located in a disaster area (as defined in section 7508A(d)(3)), but only with respect to

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credits allocated in any period during which the President of the United States has determined that such area warrants individual or individual and public assistance by the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

''(B) APPLICABLE AREA.—The term 'applicable area' means—

''(i) in the case of a metropolitan census tract, the metropolitan area in which such census tract is located, and

''(ii) in the case of a census tract other than a census tract described in clause (i), the State.

''(d) AFFORDABLE SALE.—For purposes of this section—

''(1) IN GENERAL.—The term 'affordable sale' means a sale to a qualified homeowner of a qualified residence that the neighborhood homes credit agency certifies as meeting the standards promulgated under subsection (f)(1)(D) for a price that does not exceed—

''(A) in the case of any qualified residence not described in subparagraph (B), (C), or (D),

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the amount equal to the product of 4 multiplied by the median family income for the applicable area (as determined pursuant to the most recent census data available as of the date of the contract for such sale),

"(B) in the case of a house comprised of 2 residential units, 125 percent of the amount described in subparagraph (A),

"(C) in the case of a house comprised of 3 residential units, 150 percent of the amount described in subparagraph (A), or

"(D) in the case of a house comprised of 4 residential units, 175 percent of the amount described in subparagraph (A).

"(2) QUALIFIED HOMEOWNER.—The term 'qualified homeowner' means, with respect to a qualified residence, an individual—

"(A) who owns and uses such qualified residence as the principal residence of such individual, and

"(B) whose family income (determined as of the date that a binding contract for the affordable sale of such residence is entered into) is 140 percent or less of the median family in-

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come for the applicable area in which the qualified residence is located.

''(e) CREDIT CEILING AND ALLOCATIONS.—

''(1) CREDIT LIMITED BASED ON ALLOCATIONS TO QUALIFIED PROJECTS.—

''(A) IN GENERAL.—The credit allowed under subsection (a) to any taxpayer for any taxable year with respect to one or more qualified residences which are part of the same qualified project shall not exceed the excess (if any) of—

''(i) the amount allocated by the neighborhood homes credit agency under this paragraph to such taxpayer with respect to such qualified project, over

''(ii) the aggregate amount of credit allowed under subsection (a) to such taxpayer with respect to qualified residences which are a part of such qualified project for all prior taxable years.

''(B) DEADLINE FOR COMPLETION.—No credit shall be allowed under subsection (a) with respect to any qualified residence unless the affordable sale of such residence is during the 5-year period beginning on the date of the

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allocation to the qualified project of which such residence is a part (or, in the case of a qualified residence to which subsection (i) applies, the rehabilitation of such residence is completed during such 5-year period).

"(2) LIMITATIONS ON ALLOCATIONS TO QUALIFIED PROJECTS.—

"(A) ALLOCATIONS LIMITED BY STATE NEIGHBORHOOD HOMES CREDIT CEILING.—The aggregate amount allocated to taxpayers with respect to qualified projects by the neighborhood homes credit agency of any State for any calendar year shall not exceed the State neighborhood homes credit amount of such State for such calendar year.

"(B) SET-ASIDE FOR CERTAIN PROJECTS INVOLVING QUALIFIED NONPROFIT ORGANIZATIONS.—Rules similar to the rules of section 42(h)(5) shall apply for purposes of this section.

"(3) DETERMINATION OF STATE NEIGHBORHOOD HOMES CREDIT CEILING.—

"(A) IN GENERAL.—The State neighborhood homes credit amount for a State for a calendar year is an amount equal to the sum of—

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"(i) the greater of—

"(I) the product of $6, multiplied by the State population (determined in accordance with section 146(j)), or

"(II) $8,000,000, and

"(ii) any amount previously allocated to any taxpayer with respect to any qualified project by the neighborhood homes credit agency of such State which can no longer be allocated to any qualified residence because the 5-year period described in paragraph (1)(B) expires during calendar year.

"(B) 3-YEAR CARRYFORWARD OF UNUSED LIMITATION.—The State neighborhood homes credit amount for a State for a calendar year shall be increased by the excess (if any) of the State neighborhood homes credit amount for such State for the preceding calendar year over the aggregate amount allocated by the neighborhood homes credit agency of such State during such preceding calendar year. Any amount carried forward under the preceding sentence shall not be carried past the third calendar year after the calendar year in which such credit

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amount originally arose, determined on a first-in, first-out basis.

"(f) RESPONSIBILITIES OF NEIGHBORHOOD HOMES CREDIT AGENCIES.—

"(1) IN GENERAL.—Notwithstanding subsection (e), the State neighborhood homes credit dollar amount shall be zero for a calendar year unless the neighborhood homes credit agency of the State—

"(A) allocates such amount pursuant to a qualified allocation plan of the neighborhood homes credit agency,

"(B) allocates not more than 20 percent of amounts allocated in the previous year (or for allocations made in 2022, not more than 20 percent of the neighborhood homes credit ceiling for such year) to projects with respect to qualified residences which—

"(i) are located in census tracts described in subsection (c)(2)(A)(iii), (c)(2)(A)(iv), (i)(5), or

"(ii) are not located in a qualified census tract but meet the requirements of (i)(8),

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"(C) promulgates standards with respect to reasonable qualified development costs and fees,

"(D) promulgates standards with respect to construction quality,

"(E) in the case of any neighborhood homes credit agency which makes an allocation to a qualified project which includes any qualified residence to which subsection (i) applies, promulgates standards with respect to protecting the owners of such residences, including the capacity of such owners to pay rehabilitation costs not covered by the credit provided by this section and providing for the disclosure to such owners of their rights and responsibilities with respect to the rehabilitation of such residences, and

"(F) submits to the Secretary (at such time and in such manner as the Secretary may prescribe) an annual report specifying—

"(i) the amount of the neighborhood homes credits allocated to each qualified project for the previous year,

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"(ii) with respect to each qualified residence completed in the preceding calendar year—

"(I) the census tract in which such qualified residence is located,

"(II) with respect to the qualified project that includes such qualified residence, the year in which such project received an allocation under this section,

"(III) whether such qualified residence was new, substantially rehabilitated and sold to a qualified homeowner, or substantially rehabilitated pursuant to subsection (i),

"(IV) the eligible development costs of such qualified residence,

"(V) the amount of the neighborhood homes credit with respect to such qualified residence,

"(VI) the sales price of such qualified residence, if applicable, and

"(VII) the family income of the qualified homeowner (expressed as a percentage of the applicable area me-

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dian family income for the location of the qualified residence), and

"(iii) such other information as the Secretary may require.

"(2) QUALIFIED ALLOCATION PLAN.—For purposes of this subsection, the term 'qualified allocation plan' means any plan which—

"(A) sets forth the selection criteria to be used to prioritize qualified projects for allocations of State neighborhood homes credit dollar amounts, including—

"(i) the need for new or substantially rehabilitated owner-occupied homes in the area addressed by the project,

"(ii) the expected contribution of the project to neighborhood stability and revitalization, including the impact on neighborhood residents,

"(iii) the capability and prior performance of the project sponsor, and

"(iv) the likelihood the project will result in long-term homeownership,

"(B) has been made available for public comment, and

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"(C) provides a procedure that the neighborhood homes credit agency (or any agent or contractor of such agency) shall follow for purposes of—

"(i) identifying noncompliance with any provisions of this section, and

"(ii) notifying the Internal Revenue Service of any such noncompliance of which the agency becomes aware.

"(g) REPAYMENT.—

"(1) IN GENERAL.—

"(A) SOLD DURING 5-YEAR PERIOD.—If a qualified residence is sold during the 5-year period beginning immediately after the affordable sale of such qualified residence referred to in subsection (a), the seller (with respect to the sale during such 5-year period) shall transfer an amount equal to the repayment amount to the relevant neighborhood homes credit agency.

"(B) USE OF REPAYMENTS.—A neighborhood homes credit agency shall use any amount received pursuant to subparagraph (A) only for purposes of qualified projects.

"(2) REPAYMENT AMOUNT.—For purposes of paragraph (1)(A), the repayment amount is an

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amount equal to 50 percent of the gain from the sale to which the repayment relates, reduced by 20 percent for each year of the 5-year period referred to in paragraph (1)(A) which ends before the date of such sale.

''(3) LIEN FOR REPAYMENT AMOUNT.—A neighborhood homes credit agency receiving an allocation under this section shall place a lien on each qualified residence that is built or rehabilitated as part of a qualified project for an amount such agency deems necessary to ensure potential repayment pursuant to paragraph (1)(A).

''(4) DENIAL OF DEDUCTIONS IF CONVERTED TO RENTAL HOUSING.—If, during the 5-year period described in paragraph (1), an individual who owns a qualified residence fails to use such qualified residence as such individual's principal residence for any period of time, no deduction shall be allowed for expenses paid or incurred by such individual with respect to renting, during such period of time, such qualified residence.

''(5) WAIVER.—The neighborhood homes credit agency may waive the repayment required under paragraph (1)(A) in the case of homeowner experiencing a hardship.

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''(h) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) NEIGHBORHOOD HOMES CREDIT AGENCY.—The term 'neighborhood homes credit agency' means the agency designated by the governor of a State as the neighborhood homes credit agency of the State.

''(2) QUALIFIED PROJECT.—The term 'qualified project' means a project that a neighborhood homes credit agency certifies will build or substantially rehabilitate one or more qualified residences.

''(3) DETERMINATIONS OF FAMILY INCOME.—Rules similar to the rules of section 143(f)(2) shall apply for purposes of this section.

''(4) POSSESSIONS TREATED AS STATES.—The term 'State' includes the District of Columbia and the possessions of the United States.

''(5) SPECIAL RULES RELATED TO CONDOMINIUMS AND COOPERATIVE HOUSING CORPORATIONS.—

''(A) DETERMINATION OF DEVELOPMENT COSTS.—In the case of a qualified residence described in clause (ii) or (iii) of subsection (c)(1)(A), the reasonable development costs and eligible development costs of such qualified residence shall be an amount equal to such costs,

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respectively, of the entire condominium or cooperative housing property in which such qualified residence is located, multiplied by a fraction—

"(i) the numerator of which is the total floor space of such qualified residence, and

"(ii) the denominator of which is the total floor space of all residences within such property.

"(B) TENANT-STOCKHOLDERS OF COOPERATIVE HOUSING CORPORATIONS TREATED AS OWNERS.—In the case of a cooperative housing corporation (as such term is defined in section 216(b)), a tenant-stockholder shall be treated as owning the house or apartment which such person is entitled to occupy.

"(6) RELATED PARTY SALES NOT TREATED AS AFFORDABLE SALES.—

"(A) IN GENERAL.—A sale between related persons shall not be treated as an affordable sale.

"(B) RELATED PERSONS.—For purposes of this paragraph, a person (in this subparagraph referred to as the 'related person') is related to any person if the related person bears

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a relationship to such person specified in section 267(b) or 707(b)(1), or the related person and such person are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52). For purposes of the preceding sentence, in applying section 267(b) or 707(b)(1), '10 percent' shall be substituted for '50 percent'.

"(7) INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—In the case of a calendar year after 2022, the dollar amounts in subsections (b)(3)(A), (e)(3)(A)(i)(I), (e)(3)(A)(i)(II), and (i)(2)(C) shall each be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2021' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

"(B) ROUNDING.—

"(i) In the case of the dollar amounts in subsection (b)(3)(A) and (i)(2)(C), any increase under paragraph (1) which is not

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a multiple of $1,000 shall be rounded to the nearest multiple of $1,000.

"(ii) In the case of the dollar amount in subsection (e)(3)(A)(i)(I), any increase under paragraph (1) which is not a multiple of $0.01 shall be rounded to the nearest multiple of $0.01.

"(iii) In the case of the dollar amount in subsection (e)(3)(A)(i)(II), any increase under paragraph (1) which is not a multiple of $100,000 shall be rounded to the nearest multiple of $100,000.

"(8) REPORT.—

"(A) IN GENERAL.—The Secretary shall annually issue a report, to be made available to the public, which contains the information submitted pursuant to subsection (f)(1)(F).

"(B) DE-IDENTIFICATION.—The Secretary shall ensure that any information made public pursuant to paragraph (1) excludes any information that would allow for the identification of qualified homeowners.

"(9) LIST OF QUALIFIED CENSUS TRACTS.—The Secretary of Housing and Urban Development

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shall, for each year, make publicly available a list of qualified census tracts under—

"(A) on a combined basis, clauses (i) and (ii) of subsection (c)(2)(A),

"(B) clause (iii) of such subsection, and

"(C) subsection (i)(5)(A).

"(i) APPLICATION OF CREDIT WITH RESPECT TO OWNER-OCCUPIED REHABILITATIONS.—

"(1) IN GENERAL.—In the case of a qualified rehabilitation by the taxpayer of any qualified residence which is owned (as of the date that the written binding contract referred to in paragraph (3) is entered into) by a specified homeowner, the rules of paragraphs (2) through (7) shall apply.

"(2) ALTERNATIVE CREDIT DETERMINATION.—In the case of any qualified residence described in paragraph (1), the neighborhood homes credit determined under subsection (a) with respect to such residence shall (in lieu of any credit otherwise determined under subsection (a) with respect to such residence) be allowed in the taxable year during which the qualified rehabilitation is completed (as determined by the neighborhood homes credit agency) and shall be equal to the least of—

"(A) the excess (if any) of—

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"(i) the amounts paid or incurred by the taxpayer for the qualified rehabilitation of the qualified residence to the extent that such amounts are certified by the neighborhood homes credit agency (at the time of the completion of such rehabilitation) as meeting the standards specified pursuant to subsection (f)(1)(C), over

"(ii) any amounts paid to such taxpayer for such rehabilitation,

"(B) 50 percent of the amounts described in subparagraph (A)(i), or

"(C) $50,000.

"(3) QUALIFIED REHABILITATION.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'qualified rehabilitation' means a rehabilitation or reconstruction performed pursuant to a written binding contract between the taxpayer and the qualified homeowner if the amount paid or incurred by the taxpayer in the performance of such rehabilitation or reconstruction exceeds the dollar amount in effect under subsection (b)(3)(A).

"(B) APPLICATION OF LIMITATION TO EXPENSES PAID OR INCURRED AFTER ALLOCA-

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TION.—A rule similar to the rule of section (b)(4) shall apply for purposes of this subsection.

"(4) SPECIFIED HOMEOWNER.—For purposes of this subsection, the term 'qualified homeowner' means, with respect to a qualified residence, an individual—

"(A) who owns and uses such qualified residence as the principal residence of such individual as of the date that the written binding contract referred to in paragraph (3) is entered into, and

"(B) whose family income (determined as of such date) does not exceed the median family income for the applicable area (with respect to the census tract in which the qualified residence is located).

"(5) ADDITIONAL CENSUS TRACTS IN WHICH OWNER-OCCUPIED RESIDENCES MAY BE LOCATED.—In the case of any qualified residence described in paragraph (1), the term 'qualified census tract' includes any census tract which—

"(A) meets the requirements of subsection (c)(2)(A)(i) without regard to subclause (III) thereof, and

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"(B) is designated by the neighborhood homes credit agency for purposes of this paragraph.

"(6) MODIFICATION OF REPAYMENT REQUIREMENT.—In the case of any qualified residence described in paragraph (1), subsection (g) shall be applied by beginning the 5-year period otherwise described therein on the date on which the qualified owner acquired the residence.

"(7) RELATED PARTIES.—Paragraph (1) shall not apply if the taxpayer is the owner of the qualified residence described in paragraph (1) or is related (within the meaning of subsection (h)(6)(B)) to such owner.

"(8) PYRRHOTITE REMEDIATION.—The requirement of subsection (c)(1)(C) shall not apply to a qualified rehabilitation under this subsection of a qualified residence that is documented by an engineer's report and core testing to have a foundation that is adversely impacted by pyrrhotite or other iron sulfide minerals.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regula-

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tions that prevent avoidance of the rules, and abuse of the purposes, of this section.''.

(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b), as amended by the preceding provisions of this Act, is amended by striking ''plus'' at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting '', plus'', and by adding at the end the following new paragraph:

''(36) the neighborhood homes credit determined under section 42A(a),''.

(c) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—Section 38(c)(4)(B), as amended by the preceding provisions of this Act, is amended by redesginating clauses (iv) through (xiii) as clauses (v) through (xiv), respectively, and by inserting after clause (iii) the following new clause:

''(iv) the credit determined under section 42A,''.

(d) CONFORMING AMENDMENTS.—

(1) Subsections (i)(3)(C), (i)(6)(B)(i), and (k)(1) of section 469 are each amended by inserting ''or 42A'' after ''section 42''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by in-

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serting after the item relating to section 42 the following new item:

"Sec. 42A. Neighborhood homes credit.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

PART 6—INVESTMENTS IN TRIBAL INFRASTRUCTURE

SEC. 135601. TREATMENT OF INDIAN TRIBES AS STATES WITH RESPECT TO BOND ISSUANCE.

(a) IN GENERAL.—Section 7871(c) is amended to read as follows:

"(c) SPECIAL RULES FOR TAX-EXEMPT BONDS.—

"(1) IN GENERAL.—In applying section 146 to bonds issued by Indian Tribal Governments the Secretary shall annually—

"(A) establish a national bond volume cap based on the greater of—

"(i) the State population formula approach in section 146(d)(1)(A) (using national Tribal population estimates supplied annually by the Department of the Interior in consultation with the Census Bureau), and

"(ii) the minimum State ceiling amount in section 146(d)(1)(B) (as ad-

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justed in accordance with the cost of living provision in section 146(d)(2)),

"(B) allocate such national bond volume cap among all Indian Tribal Governments seeking such an allocation in a particular year under regulations prescribed by the Secretary.

"(2) APPLICATION OF GEOGRAPHIC RESTRICTION.—In the case of national bond volume cap allocated under paragraph (1), section 146(k)(1) shall not apply to the extent that such cap is used with respect to financing for a facility located on qualified Indian lands.

"(3) RESTRICTION ON FINANCING OF CERTAIN GAMING FACILITIES.—No portion of the volume cap allocated under this subsection may be used with respect to the financing of any portion of a building in which class II or class III gaming (as defined in section 4 of the Indian Gaming Regulatory Act) is conducted or housed or any property actually used in the conduct of such gaming.

"(4) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) INDIAN TRIBAL GOVERNMENT.—The term 'Indian Tribal Government' means the governing body of an Indian Tribe, band, na-

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tion, or other organized group or community, or of Alaska Natives, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, and also includes any agencies, instrumentalities or political subdivisions thereof.

"(B) INTERTRIBAL CONSORTIUMS, ETC.—In any case in which an Indian Tribal Government has authorized an intertribal consortium, a Tribal organization, or an Alaska Native regional or village corporation, as defined in, or established pursuant to, the Alaska Native Claims Settlement Act, to plan for, coordinate or otherwise administer services, finances, functions, or activities on its behalf under this subsection, the authorized entity shall have the rights and responsibilities of the authorizing Indian Tribal Government only to the extent provided in the Authorizing resolution.

"(C) QUALIFIED INDIAN LANDS.—The term 'qualified Indian lands' shall mean an Indian reservation as defined in section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)), including lands which are within the

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jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of the Interior) and shall include lands outside a reservation where the facility is to be placed in service in connection with—

"(i) the active conduct of a trade or business by an Indian Tribe on, contiguous to, within reasonable proximity of, or with a substantial connection to, an Indian reservation or Alaska Native village, or

"(ii) infrastructure (including roads, power lines, water systems, railroad spurs, and communication facilities) serving an Indian reservation or Alaska Native village.".

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 45(c)(9) is amended to read as follows:

"(B) INDIAN TRIBE.—For purposes of this paragraph, the term 'Indian tribe' has the meaning given the term 'Indian Tribal Government' by section 7871(c)(3)(A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued in calendar years beginning after the date of the enactment of this Act.

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SEC. 135602. NEW MARKETS TAX CREDIT FOR TRIBAL STATISTICAL AREAS.

(a) ADDITIONAL ALLOCATIONS FOR TRIBAL STATISTICAL AREAS.—Section 45D(f), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

"(5) ADDITIONAL ALLOCATIONS FOR TRIBAL STATISTICAL AREAS.—

"(A) IN GENERAL.—In the case of each calendar year after 2021, there is (in addition to any limitation under any other paragraph of this subsection) a new markets tax credit limitation of $175,000,000 which shall be allocated by the Secretary as provided in paragraph (2) except that such limitation may only be allocated with respect to Tribal Statistical Areas.

"(B) CARRYOVER OF UNUSED TRIBAL STATISTICAL AREA LIMITATION.—

"(i) IN GENERAL.—If the credit limitation under subparagraph (A) for any calendar year exceeds the amount of such limitation allocated by the Secretary for such calendar year, such limitation for the succeeding calendar year shall be increased by the amount of such excess.

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"(ii) LIMITATION ON CARRYOVER.—No amount of credit limitation may be carried under clause (i) past the 5th calendar year following the calendar year in which such amount of credit limitation arose.

"(iii) TRANSFER OF EXPIRED TRIBAL STATISTICAL AREA LIMITATION TO GENERAL LIMITATION.—In the case of any amount of credit limitation which would (but for clause (ii)) be carried under clause (i) to the 6th calendar year following the calendar year in which such amount of credit limitation arose, the new market tax credit limitation under paragraph (1) for such 6th calendar year shall be increased by the amount of such credit limitation.

"(C) TRIBAL STATISTICAL AREA.—For purposes of this paragraph, the term 'Tribal Statistical Area' means—

"(i) any low-income community which is located in any Tribal Census Tract, Oklahoma Tribal Statistical Area, Tribal-Designated Statistical Area, Alaska Native Village Statistical Area, or Hawaiian Home Land, and

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"(ii) any low-income community described in subsection (e)(1)(B).".

(b) ELIGIBILITY OF CERTAIN PROJECTS SERVING TRIBAL MEMBERS.—Section 45D(e)(1) is amended to read as follows:

"(1) IN GENERAL.—The term 'low-income community' means any area—

"(A) comprising a population census tract if—

"(i) the poverty rate for such tract is at least 20 percent, or

"(ii)(I) in the case of a tract not located within a metropolitan area, the median family income for such tract does not exceed 80 percent of statewide median family income, or

"(II) in the case of a tract located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the greater of statewide median family income or the metropolitan area median family income,

"(B) which is used for a qualified active low-income community business which—

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"(i) services a significant population of Tribal or Alaska Native Village members who are residents of a low-income community described in subsection (f)(5)(C)(i), and

"(ii) obtains a written statement from the relevant Indian Tribal Government (within the meaning of section 7871(c)) that documents the eligibility such project with respect to the requirement of clause (i).

Subparagraph (A)(ii) shall be applied using possession wide median family income in the case of census tracts located within a possession of the United States.".

(c) APPLICATION OF INFLATION ADJUSTMENT.—Section 45D(f)(4), as added by the preceding provisions of this Act, is amended by striking "the dollar amount paragraph (1)(H) shall be increased" and inserting "the dollar amounts in paragraphs (1)(H) and (5)(A) shall each be increased".

(d) COORDINATION WITH EXISTING CARRYOVER.—Section 45D(f)(3), as amended by the preceding provisions of this Act, is amended to read as follows:

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"(3) CARRYOVER OF UNUSED LIMITATION.—If the new markets tax credit limitation under paragraph (1) for any calendar year exceeds the amount of such limitation allocated by the Secretary under paragraph (2) for such year, such limitation for the succeeding calendar year shall be increased by the amount of such excess.".

(e) REGULATORY AUTHORITY.—Section 45D(i) is amended by striking "and" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ", and", and by adding at the end the following new paragraph:

"(7) which provide documentation requirements for the written statement required under subsection (e)(1)(B)(ii), and

"(8) which provide procedures for determining which projects under subsection (e)(1)(B) are qualified active low-income community businesses with respect to the populations described in such subsection. Such procedures shall take into account the location needs of such projects, especially with respect to projects that serve multiple tribal or Alaska Native Village communities.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to new markets tax credit limita-

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tion determined for calendar years after December 31, 2021.

SEC. 135603. INCLUSION OF INDIAN AREAS AS DIFFICULT DEVELOPMENT AREAS FOR PURPOSES OF CERTAIN BUILDINGS.

(a) IN GENERAL.—Subclause (I) of section 42(d)(5)(B)(iii), as amended by the preceding provisions of this Act, is amended by inserting ", any Indian area" after "median gross income".

(b) INDIAN AREA.—Clause (iii) of section 42(d)(5)(B), as amended by the preceding provisions of this Act is amended by redesignating subclause (III) as subclause (V) and by inserting after subclause (II) the following new subclauses:

"(III) INDIAN AREA.—For purposes of subclause (I), the term 'Indian area' means any Indian area (as defined in section 4(11) of the Native American Housing Assistance and Self Determination Act of 1996 (25 U.S.C. 4103(11))).

"(IV) SPECIAL RULE FOR BUILDINGS IN INDIAN AREAS.—In the case of an area which is a difficult development area solely because it is an In-

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dian area, a building shall not be treated as located in such area unless such building is assisted or financed under the Native American Housing Assistance and Self Determination Act of 1996 (25 U.S.C. 4101 et seq.) or the project sponsor is an Indian tribe (as defined in section 45A(c)(6)), a tribally designated housing entity (as defined in section 4(22) of such Act (25 U.S.C. 4103(22))), or wholly owned or controlled by such an Indian tribe or tribally designated housing entity.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to buildings placed in service after December 31, 2021.

PART 7—INVESTMENTS IN THE TERRITORIES

SEC. 135701. POSSESSIONS ECONOMIC ACTIVITY CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

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"SEC. 45V. POSSESSIONS ECONOMIC ACTIVITY CREDIT.

"(a) ALLOWANCE OF CREDIT.—For purposes of section 38, in the case of a qualified domestic corporation the possessions economic activity credit determined under this section for a taxable year is an amount equal to 20 percent of the sum of the qualified possession wages and allocable employee fringe benefit expenses paid or incurred by the taxpayer for the taxable year.

"(b) QUALIFIED DOMESTIC CORPORATION; QUALIFIED CORPORATION.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified domestic corporation' means any domestic corporation which is—

"(A) a qualified corporation, or

"(B) a United States shareholder of a foreign corporation which—

"(i) is a qualified corporation, and

"(ii) is wholly owned by the United States shareholder together with any corporations which are members of the same affiliated group (within the meaning of section 1504(a)) as such United States shareholder.

"(2) QUALIFIED CORPORATION.—The term 'qualified corporation' means any corporation if such corporation meets the following requirements:

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"(A) SOURCE QUALIFICATION.—80 percent or more of the gross income of the corporation for the 3-year period immediately preceding the close of the taxable year (or for such part of such period immediately preceding the close of such taxable year as may be applicable) was derived from sources within a possession of the United States (determined without regard to section 904(f)).

"(B) TRADE OR BUSINESS QUALIFICATION.—75 percent or more of the gross income of the corporation for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States.

"(3) SPECIAL RULE FOR SEPARATE AND CLEARLY IDENTIFIED UNITS OF FOREIGN CORPORATIONS.—

"(A) IN GENERAL.—In the case of a United States shareholder of a foreign corporation which—

"(i) is not a qualified corporation but with respect to which the ownership requirements of paragraph (1)(B)(ii) are met, and

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"(ii) has an eligible foreign business unit which, if such unit were a corporation, would be a qualified corporation with respect to which such ownership requirements would be met,

then, for purposes of this section, the United States shareholder may elect to treat such unit as a separate foreign corporation which meets the requirements of paragraph (1)(B) and with respect to which such shareholder is a United States shareholder.

"(B) ELIGIBLE FOREIGN BUSINESS UNIT.—For purposes of this paragraph, the term 'eligible foreign business unit' means a separate and clearly identified foreign unit of a trade or business, including a partnership or an entity treated as disregarded as a separate entity from its owner (under section 7701 or other provision under this title), which maintains separate books and records.

"(C) SPECIAL ELECTION FOR AFFILIATED GROUPS.—In the case of an affiliated group described in paragraph (1)(B)(ii), the election under subparagraph (A) with respect to any eligible foreign business unit shall be made by the

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common parent of such group and shall apply uniformly to all members of such group which are United States shareholders with respect to the foreign corporation which has such unit.

''(c) QUALIFIED POSSESSION WAGES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified possession wages' means wages paid or incurred by the qualified corporation during the taxable year in connection with the active conduct of a trade or business within a possession of the United States to any employee for services performed in such possession, but only if such services are performed while the principal place of employment of such employee is within such possession.

''(2) LIMITATION ON AMOUNT OF WAGES TAKEN INTO ACCOUNT.—

''(A) IN GENERAL.—The amount of wages which may be taken into account under paragraph (1) with respect to any employee for any taxable year shall not exceed $50,000.

''(B) TREATMENT OF PART-TIME EMPLOYEES, ETC.—If—

''(i) any employee is not employed by the qualified corporation on a substantially

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full-time basis at all times during the taxable year, or

"(ii) the principal place of employment of any employee with the qualified corporation is not within a possession at all times during the taxable year,

the limitation applicable under paragraph (1) with respect to such employee shall be the appropriate portion (as determined by the Secretary) of the limitation which would otherwise be in effect under paragraph (1).

"(C) WAGES.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'wages' has the meaning given to such term by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section). For purposes of the preceding sentence, such subsection (b) shall be applied as if the term 'United States' included all possessions of the United States.

"(ii) SPECIAL RULE FOR AGRICULTURAL LABOR AND RAILWAY LABOR.—In any case to which subparagraph (A) or (B)

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of paragraph (1) of section 51(h) applies, the term 'wages' has the meaning given to such term by section 51(h)(2).

''(3) ALLOCABLE EMPLOYEE FRINGE BENEFIT EXPENSES.—

''(A) IN GENERAL.—The allocable employee fringe benefit expenses of any qualified corporation for any taxable year is an amount which bears the same ratio to the amount determined under subparagraph (B) for such taxable year as—

''(i) the aggregate amount of the qualified corporation's qualified possession wages for such taxable year, bears to

''(ii) the aggregate amount of the wages paid or incurred by such qualified corporation during such taxable year.

In no event shall the amount determined under the preceding sentence exceed 15 percent of the amount referred to in clause (i).

''(B) EXPENSES TAKEN INTO ACCOUNT.—For purposes of subparagraph (A), the amount determined under this subparagraph for any taxable year is the aggregate amount allowable (or, in the case of a foreign corporation, which

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would be allowable if such foreign corporation were a domestic corporation) as a deduction under this chapter to the qualified corporation for such taxable year with respect to—

''(i) employer contributions under a stock bonus, pension, profit-sharing, or annuity plan,

''(ii) employer-provided coverage under any accident or health plan for employees, and

''(iii) the cost of life or disability insurance provided to employees.

Any amount treated as wages under paragraph (2)(C) shall not be taken into account under this subparagraph.

''(d) SPECIAL RULE FOR QUALIFIED SMALL DOMESTIC CORPORATION.—For purposes of this section—

''(1) INCREASED CREDIT PERCENTAGE.—In the case of a qualified small domestic corporation, subsection (a) shall be applied by substituting '50 percent' for '20 percent'.

''(2) QUALIFIED SMALL DOMESTIC CORPORATION.—

''(A) IN GENERAL.—The term 'qualified small domestic corporation' means a qualified

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domestic corporation that meets the requirements of subparagraphs (B) and (C).

"(B) FULL-TIME EMPLOYMENT.—A qualified domestic corporation meets the requirements of this subparagraph if the qualified corporation which is the qualified domestic corporation under subsection (b)(1)(A) or the foreign corporation under subsection (b)(1)(B)(i)—

"(i) has at least 5 full-time employees in a possession of the United States for each year in the 3-year period immediately preceding the close of the taxable year (or for such part of such period immediately preceding the close of such taxable year as may be applicable), and

"(ii) has not more than a total of 30 full-time employees for each year in such 3-year period.

"(C) GROSS RECEIPTS.—A qualified domestic corporation meets the requirements of this subparagraph if the annual gross receipts of the qualified domestic corporation (and all persons related thereto) for each year in such 3-year period is not more than $50,000,000.

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"(3) RELATED PERSONS.—In determining whether the limitations under subparagraphs (B)(ii) and (C) of paragraph (2) are met, all persons who are treated as related to the qualified domestic corporation for purposes of subsection (a) or (b) of section 52 shall be taken into account.

"(4) AMOUNT OF WAGES TAKEN INTO ACCOUNT.—Subsection (c)(2)(A) shall be applied by substituting '$139,500' for '$50,000'.

"(e) POSSESSION OF THE UNITED STATES.—

"(1) IN GENERAL.—The term 'possession of the United States' means American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

"(2) MIRROR CODE POSSESSIONS.—In the case of any possession of the United States with a mirror code tax system (as defined in section 24(k)), this section shall not be treated as part of the income tax laws of the United States for purposes of determining the income tax law of such possession unless such possession elects to have this section be so treated.

"(f) SEPARATE APPLICATION TO EACH POSSESSION.—For purposes of determining the amount of the

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credit allowed under this section, this section shall be applied separately with respect to each possession of the United States.

''(g) TERMINATION.—No credit shall be allowed under this section for any taxable year beginning after December 31, 2031.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38, as amended by the preceding provisions of this Act, is amended by striking ''plus'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', plus'', and by adding at the end the following new paragraph:

''(37) the possessions economic activity credit determined under section 45V.''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following:

''Sec. 45V. Possessions Economic Activity Credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act, and in the case of a qualified corporation that is a foreign corporation, to taxable years beginning after the date of enactment and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

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SEC. 135702. ADDITIONAL NEW MARKETS TAX CREDIT ALLOCATIONS FOR THE TERRITORIES.

(a) IN GENERAL.—Section 45D(f), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

"(6) ADDITIONAL ALLOCATIONS FOR POSSESSIONS OF THE UNITED STATES.—

"(A) IN GENERAL.—In the case of each calendar year after 2021, there is (in addition to the limitation under paragraph (1)—

"(i) a new markets tax credit limitation of $80,000,000 which shall be allocated by the Secretary as provided in paragraph (2) except that such limitation may only be allocated with respect to low-income communities located in Puerto Rico, and

"(ii) a new markets tax credit limitation of $20,000,000 which shall be allocated by the Secretary as provided in paragraph (2) except that such limitation may only be allocated with respect to low-income communities located in possessions of the United States other than Puerto Rico.

"(B) CARRYOVER OF UNUSED LIMITATION.—

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"(i) IN GENERAL.—If the credit limitation under clause (i) or clause (ii) of subparagraph (A) for any calendar year exceeds the amount of such limitation allocated by the Secretary for such calendar year, such limitation for the succeeding calendar year shall be increased by the amount of such excess.

"(ii) LIMITATION ON CARRYOVER.—No amount of credit limitation may be carried under clause (i) past the 5th calendar year following the calendar year in which such amount of credit limitation arose.

"(iii) TRANSFER OF EXPIRED POSSESSION LIMITATION TO GENERAL LIMITATION.—In the case of any amount of credit limitation which would (but for clause (ii)) be carried under clause (i) to the 6th calendar year following the calendar year in which such amount of credit limitation arose, the new market tax credit limitation under paragraph (1) for such 6th calendar year shall be increased by the amount of such credit limitation.".

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(b) APPLICATION OF INFLATION ADJUSTMENT.—Section 45D(f)(4), as added and amended by the preceding provisions of this Act, is amended by striking ''paragraphs (1)(H) and (5)(A)'' and inserting ''paragraphs (1)(H), (5)(A), (6)(A)(i), and (6)(A)(ii)''.

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to new markets tax credit limitation determined for calendar years after December 31, 2021.

Subtitle G—Green Energy

SEC. 136001. AMENDMENT OF 1986 CODE.

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

PART 1—RENEWABLE ELECTRICITY AND REDUCING CARBON EMISSIONS

SEC. 136101. EXTENSION AND MODIFICATION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—The following provisions of section 45(d) are each amended by striking ''January 1,

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2022'' each place it appears and inserting ''January 1, 2034'':

(1) Paragraph (2)(A).

(2) Paragraph (3)(A).

(3) Paragraph (4)(B).

(4) Paragraph (6).

(5) Paragraph (7).

(6) Paragraph (9).

(7) Paragraph (11)(B).

(b) APPLICATION OF EXTENSION TO SOLAR.—Section 45(d)(4)(A) is amended by striking ''is placed in service before January 1, 2006'' and inserting ''the construction of which begins before January 1, 2034.''.

(c) EXTENSION OF ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.—Section 48(a)(5)(C)(ii) is amended by striking ''January 1, 2022'' and inserting ''January 1, 2034''.

(d) APPLICATION OF EXTENSION TO WIND FACILITIES.—

(1) IN GENERAL.—Section 45(d)(1) is amended by striking ''January 1, 2022'' and inserting ''January 1, 2034''.

(2) APPLICATION OF PHASEOUT PERCENTAGE.—

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(A) RENEWABLE ELECTRICITY PRODUCTION CREDIT.—Section 45(b)(5)(D) is amended by inserting ''placed in service before January 1, 2022'' after ''In the case of any facility''.

(B) ENERGY CREDIT.—Section 48(a)(5)(E)(iv) is amended by inserting ''placed in service before January 1, 2022'' after ''In the case of any facility''.

(3) QUALIFIED OFFSHORE WIND FACILITIES UNDER ENERGY CREDIT.—Section 48(a)(5)(F)(i) is amended by striking ''offshore wind facility—'' and all that follows and inserting the following: ''offshore wind facility, subparagraph (E) shall not apply.''.

(e) PERCENTAGE PHASEOUT OF CREDIT.—Section 45(b) is amended by adding at the end the following new paragraph:

''(6) PERCENTAGE PHASEOUT OF CREDIT.—In the case of any facility, the amount of the credit determined under subsection (a) shall be reduced by—

''(A) in the case of any facility the construction of which begins after December 31, 2031 and before January 1, 2033, 20 percent,

''(B) in the case of any facility the construction of which begins after December 31,

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2032 and before January 1, 2034, 40 percent, and

"(C) in the case of any facility the construction of which begins after December 31, 2033, 100 percent.".

(f) WAGE AND APPRENTICESHIP REQUIREMENTS.—Section 45(b) is amended by adding at the end the following new paragraphs:

"(7) BASE CREDIT AMOUNT AND INCREASED CREDIT AMOUNT FOR QUALIFIED FACILITIES.—

"(A) IN GENERAL.—In the case of any qualified facility which does not satisfy the requirements of subparagraph (B), the amount of the credit determined under subsection (a) (determined after the application of paragraphs (1) through (6)) shall be 20 percent of such amount (determined without regard to this sentence).

"(B) INCREASED CREDIT FOR CERTAIN FACILITIES MEETING PROJECT REQUIREMENTS.—

"(i) IN GENERAL.—In the case of any qualified facility which meets the project requirements of this subparagraph, subparagraph (A) shall not apply.

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"(ii) PROJECT REQUIREMENTS.—A project meets the requirements of this subparagraph if it is one of the following:

"(I) A project with a maximum net output of less than 1 megawatt.

"(II) A project which commences construction prior to the date of the enactment of this paragraph.

"(III) A project which satisfies the requirements of paragraphs (8) and (9).

"(8) PREVAILING WAGE REQUIREMENTS.—

"(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified facility are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in—

"(i) the construction of such facility, and

"(ii) for the 10-year period beginning on the date the facility was originally placed in service, the alteration or repair of such facility,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or

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repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—

''(i) IN GENERAL.—In the case of any taxpayer which fails to satisfy the requirement under subparagraph (A) with respect to the construction of any qualified facility or with respect to the alteration or repair of a facility in any year during the period described in subparagraph (A)(ii), such taxpayer shall be deemed to have satisfied such requirement under such subparagraph with respect to such facility for any year if, with respect to any laborer or mechanic who was paid wages at a rate below the rate described in such subparagraph for any period during such year, such taxpayer—

''(I) makes payment to such laborer or mechanic in an amount equal to the sum of—

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"(aa) an amount equal to the difference between the amount of wages paid to such laborer or mechanic during such period, and—

"(AA) the amount of wages required to be paid to such laborer or mechanic pursuant to such subparagraph during such period, plus

"(BB) interest on the amount determined under item (aa) at the underpayment rate established under section 6621 for the period described in such item, and

"(II) makes payment to the Secretary of a penalty in an amount equal to the product of—

"(aa) $5,000, multiplied by

"(bb) the total number of laborers and mechanics who were paid wages at a rate below the

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rate described in subparagraph (A) for any period during such year.

"(ii) PENALTY ASSESSED AS TAX.—The penalty described in clause (i)(II) shall be treated in the same manner as a penalty imposed under subchapter B of chapter 68.

"(9) APPRENTICESHIP REQUIREMENTS.—The requirements described in this subparagraph with respect to the construction of any qualified facility are as follows:

"(A) LABOR HOURS.—

"(i) PERCENTAGE OF TOTAL LABOR HOURS.—All contractors and subcontractors engaged in the performance of construction, alteration, or repair work on any project shall, subject to subparagraph (B), ensure that not less than the applicable percentage of the total labor hours of such work be performed by qualified apprentices.

"(ii) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be—

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"(I) in the case of any applicable project the construction of which begins before January 1, 2023, 5 percent,

"(II) in the case of any applicable project the construction of which begins after December 31, 2022, and before January 1, 2024, 10 percent, and

"(III) in the case of any applicable project the construction of which begins after December 31, 2023, 15 percent.

"(B) APPRENTICE TO JOURNEYWORKER RATIO.—The requirement under subparagraph (A)(i) shall be subject to any applicable requirements for apprentice-to-journeyworker ratios of the Department of Labor or the applicable State apprenticeship agency.

"(C) PARTICIPATION.—Each contractor and subcontractor who employs 4 or more individuals to perform construction, alteration, or repair work on an applicable project shall employ 1 or more qualified apprentices to perform such work.

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"(D) EXCEPTION.—

"(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, this paragraph shall not apply in the case of a taxpayer who—

"(I) demonstrates a lack of availability of qualified apprentices in the geographic area of the construction, alteration, or repair work, and

"(II) makes a good faith effort to comply with the requirements of this paragraph, or

"(ii) GOOD FAITH EFFORT.—For purposes of clause (i), a taxpayer shall be deemed to have satisfied the requirements under such paragraph with respect to an applicable project if such taxpayer has requested qualified apprentices from a registered apprenticeship program, as defined in section 3131(e)(3)(B), and such request has been denied, provided that such denial is not the result of a refusal by the contractors or subcontractors engaged in the performance of construction, alteration, or repair work on such applicable project to

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comply with the established standards and requirements of such apprenticeship program.

"(E) DEFINITIONS.—For purposes of this paragraph—

"(i) LABOR HOURS.—The term 'labor hours'—

"(I) means the total number of hours devoted to the performance of construction, alteration, or repair work by employees of the contractor or subcontractor, and

"(II) excludes any hours worked by—

"(aa) foremen,

"(bb) superintendents,

"(cc) owners, or

"(dd) persons employed in a bona fide executive, administrative, or professional capacity (within the meaning of those terms in part 541 of title 29, Code of Federal Regulations).

"(ii) QUALIFIED APPRENTICE.—The term 'qualified apprentice' means an indi-

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vidual who is an employee of the contractor or subcontractor and who is participating in a registered apprenticeship program, as defined in section 3131(e)(3)(B).

"(10) DOMESTIC CONTENT BONUS CREDIT AMOUNT.—

"(A) IN GENERAL.—In the case of any qualified facility which satisfies the requirement under subparagraph (B), the amount of the credit determined under subsection (a) (determined after the application of paragraphs (1) through (9)) shall be increased by an amount equal to 10 percent of the amount otherwise in effect under such subsection.

"(B) REQUIREMENT.—

"(i) IN GENERAL.—Subject to clause (iii), the requirement described in this subclause with respect to any qualified facility is that, prior to the end of the taxable year in which such facility is placed in service, the taxpayer shall certify to the Secretary that, any steel, iron, or manufactured product used in the construction of such facility was produced in the United States.

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"(ii) STEEL AND IRON.—In the case of steel or iron, clause (i) shall be applied in a manner consistent with section 661.5(b) of title 49, Code of Federal Regulations.

"(iii) MANUFACTURED PRODUCT.—For purposes of clause (i), a manufactured product shall be deemed to have been manufactured in the United States if not less than 55 percent of the total cost of the components of such product is attributable to components which are mined, produced, or manufactured in the United States.

"(C) INTERNATIONAL AGREEMENTS.—This paragraph shall be applied in a manner which is consistent with the obligations of the United States under international agreements.

"(11) PENALTY FOR DIRECT PAY.—

"(A) IN GENERAL.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, the amount of such credit shall be replaced with—

"(i) the value of such credit (determined without regard to this paragraph), multiplied by

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"(ii) the applicable percentage.

"(B) 100 PERCENT APPLICABLE PERCENTAGE FOR CERTAIN QUALIFIED FACILITIES.—In the case of any qualified facility—

"(i) which satisfies the requirements under paragraph (10) with respect to the construction of such facility, or

"(ii) with a maximum net output of less than 1 megawatt,

the applicable percentage shall be 100 percent.

"(C) PHASED DOMESTIC CONTENT REQUIREMENT.—Subject to subparagraph (D), in the case of any qualified facility which is not described in subparagraph (B), the applicable percentage shall be—

"(i) if construction of such facility began before January 1, 2024, 100 percent,

"(ii) if construction of such facility began in calendar year 2024, 90 percent,

"(iii) if construction of such facility began in calendar year 2025, 85 percent, and

"(iv) if construction of such facility began after December 31, 2025, 0 percent.

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"(D) EXCEPTIONS.—In order to facilitate the use of amounts made available in this section, increase the tax incentives for investment in clean energy, and grow the domestic supply chains, the Secretary shall provide appropriate exceptions to the domestic content requirements for products under subparagraph (C) for the construction of qualified facilities if either the inclusion of domestic products increases the overall costs of projects by more than 25 percent or relevant manufactured products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality.

"(12) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2021.

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SEC. 136102. EXTENSION AND MODIFICATION OF ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—The following provisions of section 48 are each amended by striking ''January 1, 2024'' each place it appears and inserting ''January 1, 2034'':

(1) Subsection (a)(3)(A)(ii).

(2) Subsection (a)(3)(A)(vii).

(3) Subsection (c)(1)(D).

(4) Subsection (c)(2)(D).

(5) Subsection (c)(3)(A)(iv).

(6) Subsection (c)(4)(C).

(b) PHASEOUT OF CREDIT.—Section 48(a) is amended by striking paragraphs (6) and (7) and inserting the following new paragraphs:

''(6) PHASEOUT FOR SOLAR ENERGY PROPERTY.—

''(A) IN GENERAL.—Subject to subparagraph (B), in the case of any energy property described in paragraph (3)(A)(i) the construction of which begins before January 1, 2034, the energy percentage determined under paragraph (2) shall be equal to—

''(i) in the case of any property the construction of which begins after Decem-

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ber 31, 2019, and which is placed in service before January 1, 2022, 26 percent,

"(ii) in the case of any property the construction of which begins before January 1, 2032, and which is placed in service after December 31, 2021, 30 percent,

"(iii) in the case of any property the construction of which begins after December 31, 2031 and before January 1, 2033, 26 percent, and

"(iv) in the case of any property the construction of which begins after December 31, 2032 and before January 1, 2034, 22 percent.

"(B) PLACED IN SERVICE DEADLINE.—In the case of any energy property described in paragraph (3)(A)(i) the construction of which begins before January 1, 2034, and which is not placed in service before January 1, 2036, the energy percentage determined under paragraph (2) shall be equal to 10 percent.

"(7) PHASEOUT FOR CERTAIN OTHER ENERGY PROPERTY.—

"(A) IN GENERAL.—Subject to subparagraph (B), in the case of any qualified fuel cell

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property, qualified small wind property, waste energy recovery property, or energy property described in paragraph (3)(A)(ii), the energy percentage determined under paragraph (2) shall be equal to—

"(i) in the case of any property the construction of which begins after December 31, 2019, and which is placed in service before January 1, 2022, 26 percent,

"(ii) in the case of any property the construction of which begins before January 1, 2032, and which is placed in service after December 31, 2021, 30 percent,

"(iii) in the case of any property the construction of which begins after December 31, 2031 and before January 1, 2033, 26 percent, and

"(iv) in the case of any property the construction of which begins after December 31, 2032 and before January 1, 2034, 22 percent.

"(B) PLACED IN SERVICE DEADLINE.—In the case of any energy property described in subparagraph (A) which is not placed in service before January 1, 2036, the energy percentage

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determined under paragraph (2) shall be equal to 0 percent.''.

(c) 30 PERCENT CREDIT FOR SOLAR AND GEOTHERMAL.—

(1) EXTENSION FOR SOLAR.—Section 48(a)(2)(A)(i)(II) is amended by striking ''January 1, 2024'' and inserting ''January 1, 2034''.

(2) APPLICATION TO GEOTHERMAL.—

(A) IN GENERAL.—Paragraphs (2)(A)(i)(II), (6)(A), and (6)(B) of section 48(a) are each amended by striking ''paragraph (3)(A)(i)'' and inserting ''clause (i), (iii), or (vii) of paragraph (3)(A)''.

(B) CONFORMING AMENDMENT.—The heading of section 48(a)(6) is amended by inserting ''AND GEOTHERMAL'' after ''SOLAR ENERGY''.

(d) ENERGY STORAGE TECHNOLOGIES; QUALIFIED BIOGAS PROPERTY; MICROGRID CONTROLLERS; EXTENSION OF WASTE ENERGY RECOVERY PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) is amended by striking ''or'' at the end of clause (vii), and by adding at the end the following new clauses:

''(viii) energy storage technology,

''(ix) qualified biogas property, or

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"(x) microgrid controllers,".

(2) APPLICATION OF 30 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking "and" at the end of subclauses (IV) and (V) and adding at the end the following new subclauses:

"(VI) energy storage technology,

"(VII) qualified biogas property, and

"(VIII) microgrid controllers, and".

(3) APPLICATION OF PHASEOUT.—Section 48(a)(7) is amended by inserting "energy storage technology, qualified biogas property, microgrid contollers," after "waste energy recovery property,".

(4) DEFINITIONS.—Section 48(c) is amended by adding at the end the following new paragraphs:

"(6) ENERGY STORAGE TECHNOLOGY.—

"(A) IN GENERAL.—The term 'energy storage technology' means equipment (other than equipment primarily used in the transportation of goods or individuals and not for the production of electricity) which uses batteries, compressed air, pumped hydropower, hydrogen storage, thermal energy storage, regenerative fuel cells, flywheels, capacitors, superconducting

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magnets, or other technologies identified by the Secretary, after consultation with the Secretary of Energy, to store energy for conversion to electricity (or, in the case of hydrogen storage, to store energy), and has a capacity of not less than 5 kilowatt hours.

''(B) MODIFICATIONS OF CERTAIN PROPERTY.—In the case of any equipment which either—

''(i) would be described in subparagraph (A) except that such equipment has a capacity of less than 5 kilowatt hours is modified such that such equipment (after such modification) has a capacity of not less than 5 kilowatt hours, or

''(ii) is described in subparagraph (A) and which has a capacity of not less than 5 kilowatt hours and is modified such that such equipment (after such modification) has an increased capacity,

such equipment shall be treated as described in subparagraph (A) except that the basis of any property which was part of such equipment before such modification shall not be taken into account for purposes of this section. In the case

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of any property to which this subparagraph applies, subparagraph (C) shall be applied by substituting 'modification' for 'construction'.

"(C) TERMINATION.—The term 'energy storage technology' shall not include any property the construction of which does not begin before January 1, 2034.

"(7) QUALIFIED BIOGAS PROPERTY.—

"(A) IN GENERAL.—The term 'qualified biogas property' means property comprising a system which—

"(i) converts biomass (as defined in section 45K(c)(3), as in effect on the date of enactment of this paragraph) into a gas which—

"(I) consists of not less than 52 percent methane, or

"(II) is concentrated by such system into a gas which consists of not less than 52 percent methane, and

"(ii) captures such gas for productive use.

"(B) INCLUSION OF CLEANING AND CONDITIONING PROPERTY.—The term 'qualified biogas property' includes any property which is

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part of such system which cleans or conditions such gas.

"(C) TERMINATION.—The term 'qualified biogas property' shall not include any property the construction of which does not begin before January 1, 2034.

"(8) MICROGRID CONTROLLER.—

"(A) IN GENERAL.—The term 'microgrid controller' means equipment which is—

"(i) part of a qualified microgrid, and

"(ii) designed and used to monitor and control the energy resources and loads on such microgrid to maintain acceptable frequency, voltage, or economic dispatch.

"(B) QUALIFIED MICROGRID.—The term 'qualified microgrid' means an electrical system which—

"(i) includes equipment which is capable of generating not less than 4 kilowatts and not greater than 20 megawatts of electricity,

"(ii) is capable of operating—

"(I) in connection with the electrical grid and as a single controllable entity with respect to such grid, and

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"(II) independently (and disconnected) from such grid, and

"(iii) is not part of a bulk-power system (as defined in section 215 of the Federal Power Act (16 U.S.C. 24o)).

"(C) TERMINATION.—The term 'microgrid controller' shall not include any property the construction of which does not begin before January 1, 2034.".

(5) DENIAL OF DOUBLE BENEFIT FOR QUALIFIED BIOGAS PROPERTY.—Section 45(e) is amended by adding at the end the following new paragraph:

"(12) COORDINATION WITH ENERGY CREDIT FOR QUALIFIED BIOGAS PROPERTY.—The term 'qualified facility' shall not include any facility which produces electricity from gas produced by qualified biogas property (as defined in section 48(c)(7)) if a credit is determined under section 48 with respect to such property for the taxable year or any prior taxable year.".

(6) EXTENSION OF WASTE ENERGY RECOVERY PROPERTY.—Section 48(c)(5)(D) is amended by striking "January 1, 2024" and inserting "January 1, 2034".

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(e) FUEL CELLS USING ELECTROMECHANICAL PROCESSES.—

(1) IN GENERAL.—Section 48(c)(1) is amended—

(A) in subparagraph (A)(i)—

(i) by inserting ''or electromechanical'' after ''electrochemical'', and

(ii) by inserting ''(1 kilowatts in the case of a fuel cell power plant with a linear generator assembly)'' after ''0.5 kilowatt'', and

(B) in subparagraph (C)—

(i) by inserting '', or linear generator assembly,'' after ''a fuel cell stack assembly'', and

(ii) by inserting ''or electromechanical'' after ''electrochemical''.

(2) LINEAR GENERATOR ASSEMBLY LIMITATION.—Section 48(c)(1) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) LINEAR GENERATOR ASSEMBLY.—The term 'linear generator assembly' does not

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include any assembly which contains rotating parts.''.

(f) DYNAMIC GLASS.—Section 48(a)(3)(A)(ii) is amended by inserting '', or electrochromic glass which uses electricity to change its light transmittance properties in order to heat or cool a structure,'' after ''sunlight''.

(g) COORDINATION WITH LOW INCOME HOUSING TAX CREDIT.—Paragraph (3) of section 50(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of subparagraph (A),

(2) by striking the period at the end of subparagraph (B) and inserting '', and'', and

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

''(C) paragraph (1) shall not apply for purposes of determining eligible basis under section 42.''.

(h) WAGE AND APPRENTICESHIP REQUIREMENTS.—Section 48(a) is amended by adding at the end the following new paragraphs:

''(8) BASE CREDIT AMOUNT AND INCREASED CREDIT AMOUNT FOR ENERGY PROJECTS.—

''(A) IN GENERAL.—

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"(i) RULE.—In the case of any energy project which does not satisfy the requirements of subparagraph (B), the amount of the credit determined under this subsection (determined after the application of paragraphs (1) through (7)) shall be 20 percent of such amount (determined without regard to this sentence).

"(ii) ENERGY PROJECT DEFINED.—For purposes of this subsection the term 'energy project' means a project consisting of multiple energy properties that are part of a single project. The requirements of this paragraph shall be applied to such project.

"(B) INCREASED CREDIT FOR ENERGY PROJECTS MEETING PROJECT REQUIREMENTS.—

"(i) IN GENERAL.—In the case of any energy project which meets the project requirements of this subparagraph, subparagraph (A) shall not apply.

"(ii) PROJECT REQUIREMENTS.—A project meets the requirements of this subparagraph if it is one of the following:

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"(I) A project with a maximum net output of less than 1 megawatt.

"(II) A project which commences construction prior to the date of the enactment of this paragraph.

"(III) A project which satisfies the requirements of paragraphs (9) and (10).

"(9) PREVAILING WAGE REQUIREMENTS.—

"(A) IN GENERAL.—The requirements described in this subparagraph with respect to any energy project are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in—

"(i) the construction of such energy project , and

"(ii) for any year during the period beginning on the date any energy property of such project is originally placed in service, the alteration or repair of such property,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of

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Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

"(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—A taxpayer shall not be treated as failing to satisfy the requirements of this paragraph if such taxpayer meets requirements similar to the requirements of section 45(b)(8)(B).

"(10) APPRENTICESHIP REQUIREMENTS.—The requirements described in this subparagraph with respect to the construction of any applicable facility are as follows:

"(A) LABOR HOURS.—

"(i) PERCENTAGE OF TOTAL LABOR HOURS.—All contractors and subcontractors engaged in the performance of construction, alteration, or repair work on any applicable facility prior to such facility being placed into service shall, subject to subparagraph (B), ensure that not less than the applicable percentage of the total labor hours of such work be performed by qualified apprentices.

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"(ii) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be—

"(I) in the case of any applicable project the construction of which begins before January 1, 2023, 5 percent,

"(II) in the case of any applicable project the construction of which begins after December 31, 2022, and before January 1, 2024, 10 percent, and

"(III) in the case of any applicable project the construction of which begins after December 31, 2023, 15 percent.

"(B) APPRENTICE TO JOURNEYWORKER RATIO.—The requirement under subparagraph (A)(i) shall be subject to any applicable requirements for apprentice-to-journeyworker ratios of the Department of Labor or the applicable State apprenticeship agency.

"(C) PARTICIPATION.—Each contractor and subcontractor who employs 4 or more individuals to perform construction, alteration, or

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repair work on an applicable project shall employ 1 or more qualified apprentices to perform such work.

"(D) EXCEPTION.—

"(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, this paragraph shall not apply in the case of a taxpayer who—

"(I) demonstrates a lack of availability of qualified apprentices in the geographic area of the construction, alteration, or repair work, and

"(II) makes a good faith effort to comply with the requirements of this paragraph.

"(ii) GOOD FAITH EFFORT.—For purposes of clause (i), a taxpayer shall be deemed to have satisfied the requirements under such paragraph with respect to an applicable project if such taxpayer has requested qualified apprentices from a registered apprenticeship program, as defined in section 3131(e)(3)(B), and such request has been denied, provided that such denial is not the result of a refusal by the con-

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tractors or subcontractors engaged in the performance of construction, alteration, or repair work on such applicable project to comply with the established standards and requirements of such apprenticeship program.

''(E) DEFINITIONS.—For purposes of this paragraph—

''(i) LABOR HOURS.—The term 'labor hours' has the meaning given such term in section 45(b)(9)(E)(i).

''(ii) QUALIFIED APPRENTICE.—The term 'qualified apprentice' has the meaning given such term in section 45(b)(9)(E)(ii).

''(11) DOMESTIC CONTENT BONUS CREDIT AMOUNT.—

''(A) IN GENERAL.—In the case of any energy project which satisfies the requirements under subparagraph (B), the energy percentage in subsection (a)(2) shall be increased by the applicable rate in subparagraph (C).

''(B) REQUIREMENTS.—

''(i) IN GENERAL.—The requirement described in this subclause with respect to

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any energy project is satisfied if the taxpayer certifies to the Secretary (at such time, and in such form and manner, as the Secretary may prescribe) that the facility is composed of steel, iron, or manufactured products which were produced in the United States.

''(ii) STEEL AND IRON.—In the case of steel or iron, clause (i) shall be applied in a manner consistent with section 661.5(b) of title 49, Code of Federal Regulations.

''(iii) MANUFACTURED PRODUCT.—For purposes of clause (i), a manufactured product shall be deemed to have been manufactured in the United States if not less than 55 percent of the total cost of the components of such product is attributable to components which are mined, produced, or manufactured in the United States.

''(C) APPLICABLE RATE INCREASE.—For purposes of subparagraph (A), the applicable credit rate increase shall be an amount equal to—

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"(i) in the case of energy project that does not meet the requirements of subclause (I) or (III) of paragraph (8)(B)(ii), 2 percentage points, and

"(ii) in the case of energy property that meets the requirements of subclause (I) or (III) of paragraph (8)(B)(ii), 10 percentage points.

"(D) INTERNATIONAL AGREEMENTS.—This paragraph shall be applied in a manner which is consistent with the obligations of the United States under international agreements.

"(12) PENALTY FOR DIRECT PAY.—

"(A) IN GENERAL.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, the amount of such credit shall be replaced with—

"(i) the value of such credit (determined without regard to this paragraph), multiplied by

"(ii) the applicable percentage.

"(B) 100 PERCENT APPLICABLE PERCENTAGE FOR CERTAIN ENERGY PROJECTS.—In the case of any energy project—

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"(i) which satisfies the requirements under paragraph (11) with respect to the construction of such project, or

"(ii) with a maximum net output of less than 1 megawatt

the applicable percentage shall be 100 percent.

"(C) PHASED DOMESTIC CONTENT REQUIREMENT.—Subject to subparagraph (D), in the case of any energy project which is not described in subparagraph (B), the applicable percentage shall be—

"(i) if construction of such project began before January 1, 2024, 100 percent,

"(ii) if construction of such project began in calendar year 2024, 90 percent,

"(iii) if construction of such project began in calendar year 2025, 85 percent, and

"(iv) if construction of such project began after December 31, 2025, 0 percent.

"(D) EXCEPTIONS.—In order to facilitate the use of amounts made available in this section, increase the tax incentives for investment in clean energy, and grow the domestic supply

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chains, the Secretary shall provide appropriate exceptions to the domestic content requirements for products under subparagraph (C) for the construction of qualified facilities if either the inclusion of domestic products increases the overall costs of projects by more than 25 percent or relevant manufactured products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality.

''(13) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection.''.

(i) EFFECTIVE DATES.—

(1) The amendments made by subsections (a), (b), (c), (e), (f), (g), and (h) of this section shall apply to property placed in service after December 31, 2021.

(2) The amendment made by subsection (d) shall apply to periods after December 31, 2021, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on

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the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 136103. INCREASE IN ENERGY CREDIT FOR SOLAR FACILITIES PLACED IN SERVICE IN CONNECTION WITH LOW-INCOME COMMUNITIES.

(a) IN GENERAL.—Section 48 is amended by adding at the end the following new subsection:

''(e) SPECIAL RULES FOR CERTAIN SOLAR FACILITIES PLACED IN SERVICE IN CONNECTION WITH LOW-INCOME COMMUNITIES.—

''(1) IN GENERAL.—In the case of any qualified solar facility with respect to which the Secretary, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, makes an allocation of environmental justice solar capacity limitation under paragraph (4)—

''(A) equipment described in paragraph (3)(B) shall be treated for purposes of this section as energy property described in subsection (a)(2)(A)(i),

''(B) the energy percentage otherwise determined under subsection (a)(2) with respect to any eligible property which is part of such facility shall be increased by—

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"(i) in the case of a facility described in subclause (I) of paragraph (2)(A)(iii) and not described in subclause (II) of such paragraph, 10 percentage points, and

"(ii) in the case of a facility described in subclause (II) of paragraph (2)(A)(iii), 20 percentage points, and

"(C) the increase in the credit determined under subsection (a) by reason of this subsection for any taxable year with respect to all property which is part of such facility shall not exceed the amount which bears the same ratio to the amount of such increase (determined without regard to this subparagraph) as—

"(i) the environmental justice solar capacity limitation allocated to such facility, bears to

"(ii) the total megawatt nameplate capacity of such facility, as measured in direct current.

"(2) QUALIFIED SOLAR FACILITY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified solar facility' means any facility—

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"(i) which generates electricity solely from property described in subsection (a)(3)(A)(i),

"(ii) which has a nameplate capacity of 5 megawatts or less, and

"(iii) which—

"(I) is located in a low-income community (as defined in section 45D(e)), or

"(II) is part of a qualified low-income residential building project or a qualified low-income economic benefit project.

"(B) QUALIFIED LOW-INCOME RESIDENTIAL BUILDING PROJECT.—A facility shall be treated as part of a qualified low-income residential building project if—

"(i) such facility is installed on a residential rental building which participates in a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)(3)), a Housing Development Fund Corporation cooperative under Article XI of the New York State Private

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Housing Finance Law, a housing assistance program administered by the Department of Agriculture under title V of the Housing Act of 1949, or such other affordable housing programs as the Secretary may provide, and

"(ii) the financial benefits of the electricity produced by such facility are allocated equitably among the occupants of the dwelling units of such building.

"(C) QUALIFIED LOW-INCOME ECONOMIC BENEFIT PROJECT.—A facility shall be treated as part of a qualified low-income economic benefit project if at least 50 percent of the financial benefits of the electricity produced by such facility are provided to households with income of—

"(i) less than 200 percent of the poverty line applicable to a family of the size involved, or

"(ii) less than 80 percent of area median gross income (as determined under section 142(d)(2)(B)).

"(D) FINANCIAL BENEFIT.—For purposes of subparagraphs (B) and (C), electricity ac-

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quired at a below-market rate shall not fail to be taken into account as a financial benefit.

"(3) ELIGIBLE PROPERTY.—

"(A) IN GENERAL.—For purposes of this section, the term 'eligible property' means—

"(i) energy property which is described in subsection (a)(3)(A)(i), including energy storage property (described in subsection (a)(3)(A)(viii)) installed in connection with such energy property, and

"(ii) the amount of any expenditures which are paid or incurred by the taxpayer for qualified interconnection property installed in connection with the installation of property described in subparagraph (A) to provide for the transmission or distribution of the electricity produced or stored by such property, and which are properly chargeable to the capital account of the taxpayer.

"(B) DEFINITIONS.—For purposes of subparagraph (A)—

"(i) QUALIFIED INTERCONNECTION PROPERTY.—The term 'qualified interconnection property' means, with respect

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to a qualified facility which is not a microgrid, any tangible property—

"(I) which is part of an addition, modification, or upgrade to a transmission or distribution system which is required at or beyond the point at which the qualified facility interconnects to such transmission or distribution system in order to accommodate such interconnection,

"(II) either—

"(aa) which is constructed, reconstructed, or erected by the taxpayer, or

"(bb) for which the cost with respect to the construction, reconstruction, or erection of such property is paid or incurred by such taxpayer, and

"(III) the original use of which, pursuant to an interconnection agreement, commences with the utility.

"(ii) INTERCONNECTION AGREEMENT.—The term 'interconnection agreement' means an agreement with a utility

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for the purposes of interconnecting the qualified facility owned by such taxpayer to the transmission or distribution system of such utility.

"(iii) UTILITY.—The term 'utility' means the owner or operator of an electrical transmission or distribution system which is subject to the regulatory authority of—

"(I) the Federal Energy Regulatory Commission, or

"(II) a State or political subdivision thereof, any agency or instrumentality of the United States, a public service or public utility commission or other similar body of any State or political subdivision thereof, or the governing or ratemaking body of an electric cooperative.

"(C) SPECIAL RULE FOR INTERCONNECTION PROPERTY.—In the case of expenses paid or incurred for interconnection property, amounts otherwise chargeable to capital account with respect to such expenses shall be re-

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duced under rules similar to the rules of section 50(c).

"(4) ALLOCATIONS.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish a program to allocate amounts of environmental justice solar capacity limitation to qualified solar facilities.

"(B) LIMITATION.—The amount of environmental justice solar capacity limitation allocated by the Secretary under subparagraph (A) during any calendar year shall not exceed the annual capacity limitation with respect to such year.

"(C) ANNUAL CAPACITY LIMITATION.—For purposes of this paragraph, the term 'annual capacity limitation' means 1.8 gigawatts of direct current capacity for each of calendar years 2022 through 2031, and zero thereafter.

"(D) CARRYOVER OF UNUSED LIMITATION.—If the annual capacity limitation for any calendar year exceeds the aggregate amount allocated for such year under this paragraph, such limitation for the succeeding calendar year

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shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after 2033.

"(E) PLACED IN SERVICE DEADLINE.—

"(i) IN GENERAL.—Paragraph (1) shall not apply with respect to any property which is placed in service after the date that is 4 years after the date of the allocation with respect to the facility of which such property is a part.

"(ii) APPLICATION OF CARRYOVER.—Any amount of environmental justice solar capacity limitation which expires under clause (i) during any calendar year shall be taken into account as an excess described in subparagraph (D) (or as an increase in such excess) for such calendar year, subject to the limitation imposed by the last sentence of such subparagraph.

"(F) SELECTION CRITERIA.—In determining to which qualified solar facilities to allocate environmental justice solar capacity limitation under this paragraph, the Secretary shall take into consideration which facilities will result in—

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"(i) the greatest health and economic benefits, including the ability to withstand extreme weather events, for individuals described in section 45D(e)(2),

"(ii) the greatest employment and wages for such individuals, and

"(iii) the greatest engagement with, outreach to, or ownership by, such individuals, including through partnerships with local governments and community-based organizations.

"(G) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making an allocation of environmental justice solar capacity limitation under this paragraph, publicly disclose the identity of the applicant, the amount of the environmental justice solar capacity limitation allocated to such applicant, and the location of the facility for which such allocation is made.

"(5) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recapturing the benefit of any increase in the credit allowed under subsection (a) by reason of this subsection with respect to any property which ceases to be property eligible for such increase (but which does

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not cease to be investment credit property within the meaning of section 50(a)). The period and percentage of such recapture shall be determined under rules similar to the rules of section 50(a). To the extent provided by the Secretary, such recapture may not apply with respect to any property if, within 12 months after the date the taxpayer becomes aware (or reasonably should have become aware) of such property ceasing to be property eligible for such increase, the eligibility of such property for such increase is restored. The preceding sentence shall not apply more than once with respect to any facility.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2021, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 136104. ELECTIVE PAYMENT FOR ENERGY PROPERTY AND ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES, ETC.

(a) IN GENERAL.—Subchapter B of chapter 65 is amended by inserting after section 6416 the following new section:

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"SEC. 6417. ELECTIVE PAYMENT OF APPLICABLE CREDITS.

"(a) IN GENERAL.—In the case of a taxpayer making an election (at such time and in such manner as the Secretary may provide) under this section with respect to any applicable credit determined with respect to such taxpayer, such taxpayer shall be treated as making a payment against the tax imposed by subtitle A (for the taxable year with respect to which such credit was determined) equal to the amount of such credit.

"(b) APPLICABLE CREDIT.—The term 'applicable credit' means each of the following:

"(1) The renewable electricity production credit determined under section 45.

"(2) The energy credit determined under section 48.

"(3) The credit for carbon oxide sequestration determined under section 45Q.

"(4) The credit for alternative fuel vehicle refueling property allowed under section 30C.

"(5) The qualifying advanced energy project credit determined under section 48C.

"(c) SPECIAL RULES.—For purposes of this section—

"(1) APPLICATION TO TAX-EXEMPT AND GOVERNMENTAL ENTITIES.—In the case of any organization exempt from the tax imposed by subtitle A,

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any State or local government (or political subdivision thereof), or any Indian tribal government (within the meaning of section 139E), which makes the election described in subsection (a), any applicable credit shall be determined—

''(A) without regard to paragraphs (3) and (4)(A)(i) of section 50(b), and

''(B) by treating any property with respect to which such credit is determined as used in a trade or business of the taxpayer.

''(2) APPLICATION TO PARTNERSHIPS AND S CORPORATIONS.—

''(A) IN GENERAL.—In the case of any applicable credit determined with respect to any qualified resources, qualified facility, or energy property held directly by a partnership or S corporation, if such partnership or S corporation makes an election under this subsection (in such manner as the Secretary may provide) with respect to such credit—

''(i) the Secretary shall make a payment to such partnership or S corporation equal to the amount of such credit,

''(ii) subsection (d) shall be applied with respect to such credit before deter-

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mining any partner's distributive share, or shareholder's pro rata share, of such credit,

"(iii) any amount with respect to which the election in subsection (a) is made shall be treated as tax exempt income for purposes of sections 705 and 1366, and

"(iv) a partner's distributive share of such tax exempt income shall be based on such partner's distributive share of the otherwise applicable credit for each taxable year.

"(B) COORDINATION WITH APPLICATION AT PARTNER OR SHAREHOLDER LEVEL.—In the case of any partnership or S corporation, subsection (a) shall be applied at the partner or shareholder level after application of paragraph (2)(A)(ii).

"(3) IRREVOCABLE ELECTION.—Any election under this subsection shall be made not later than the due date (including extensions of time) for the return of tax for the taxable year for which the applicable credit is determined, but in no event earlier than 180 days after the date of the enactment of

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this section. Any such election, once made, shall be irrevocable.

''(4) TIMING.—The payment described in subsection (a) shall be treated as made on—

''(A) in the case of any government, or political subdivision, described in paragraph (1) and for which no return is required under section 6011 or 6033(a), the later of the date that a return would be due under section 6033(a) if such government or subdivision were described in that section or the date on which such government or subdivision submits a claim for credit or refund (at such time and in such manner as the Secretary shall provide), and

''(B) in any other case, the later of the due date of the return of tax for the taxable year or the date on which such return is filed.

''(5) TREATMENT OF PAYMENTS TO PARTNERSHIPS AND S CORPORATIONS.—For purposes of section 1324 of title 31, United States Code, the payments under subparagraph (A)(ii) of paragraph (2) shall be treated in the same manner as a refund due from a credit provision referred to in subparagraph (B) of such paragraph.

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"(6) ADDITIONAL INFORMATION.—As a condition of, and prior to, a payment under this section, the Secretary may require such information or registration as the Secretary deems necessary or appropriate for purposes of preventing duplication, fraud, improper payments, or excessive payments under this section.

"(7) EXCESSIVE PAYMENT.—

"(A) IN GENERAL.—In the case of a payment made to a taxpayer under this subsection or any amount treated as a payment which is made by the taxpayer under subsection (a) which the Secretary determines constitutes an excessive payment, the tax imposed on such taxpayer by chapter 1 for the taxable year in which such determination is made shall be increased by an amount equal to the sum of—

"(i) the amount of such excessive payment, plus

"(ii) an amount equal to 20 percent of such excessive payment.

"(B) REASONABLE CAUSE.—Subparagraph (A)(ii) shall not apply if the taxpayer demonstrates to the satisfaction of the Secretary

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that the excessive payment resulted from reasonable cause.

"(C) EXCESSIVE PAYMENT DEFINED.—For purposes of this paragraph, the term 'excessive payment' means, with respect to a facility for which an election is made under this section for any taxable year, an amount equal to the excess of—

"(i) the amount of the payment made to the taxpayer under this subsection with respect to such facility for such taxable year, over

"(ii) the amount of the credit which, without application of this subsection, would be otherwise allowable under this section with respect to such facility for such taxable year.

"(d) DENIAL OF DOUBLE BENEFIT.—In the case of a taxpayer making an election under this section with respect to an applicable credit, such credit shall be reduced to zero and such taxpayer shall be deemed to have taken such credit.

"(e) MIRROR CODE POSSESSIONS.—In the case of any possession of the United States with a mirror code tax system (as defined in section 24(k)), this section shall

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not be treated as part of the income tax laws of the United States for purposes of determining the income tax law of such possession unless such possession elects to have this section be so treated.

''(f) BASIS REDUCTION AND RECAPTURE.—Rules similar to the rules of subsections (a) and (c) of section 50 shall apply for purposes of this section.

''(g) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including—

''(1) regulations or other guidance providing rules for determining a partner's distributive share of the tax exempt income described in subsection (c)(2)(A)(iii), and

''(2) guidance to ensure that the amount of the payment or deemed payment made under this section is commensurate with the amount of the credit that would be otherwise allowable.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by inserting after the item relating to section 6416 the following new item:

''Sec. 6417. Elective payment of applicable credits.''.

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(c) IN GENERAL.—The amendments made by this section shall apply to property placed in service after the December 31, 2021.

SEC. 136105. INVESTMENT CREDIT FOR ELECTRIC TRANSMISSION PROPERTY.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 is amended by inserting after section 48C the following new section:

"SEC. 48D. QUALIFYING ELECTRIC TRANSMISSION PROPERTY.

"(a) ALLOWANCE OF CREDIT.—For purposes of section 46, the qualifying electric transmission property credit for any taxable year is an amount equal to 30 percent of the basis of qualifying electric transmission property placed in service by the taxpayer during such taxable year.

"(b) QUALIFYING ELECTRIC TRANSMISSION PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying electric transmission property' means tangible property—

"(A) which is a qualifying electric transmission line or related transmission property,

"(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

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"(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer, and

"(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

"(2) QUALIFYING ELECTRIC TRANSMISSION LINE.—The term 'qualifying electric transmission line' means an electric transmission line which—

"(A) is capable of transmitting electricity at a voltage of not less than 275 kilovolts, and

"(B) has a transmission capacity of not less than 500 megawatts.

"(3) RELATED TRANSMISSION PROPERTY.—

"(A) IN GENERAL.—The term 'related transmission property' means, with respect to any electric transmission line, any property which—

"(i) is listed as 'transmission plant' in the Uniform System of Accounts for the Federal Energy Regulatory Commission under part 101 of subchapter C of chapter I of title 18, Code of Federal Regulations, and

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"(ii) is necessary for the operation of such electric transmission line.

"(B) CREDIT NOT ALLOWED SEPARATELY WITH RESPECT TO RELATED PROPERTY.—No credit shall be allowed to any taxpayer under this section with respect to any related transmission property unless such taxpayer is allowed a credit under this section with respect to the qualifying electric transmission line to which such related transmission property relates.

"(c) APPLICATION TO REPLACEMENT AND UPGRADED SYSTEMS.—

"(1) IN GENERAL.—In the case of any qualifying electric transmission line (determined without regard to this subsection) which replaces any existing electric transmission line—

"(A) the 500 megawatts referred to in subsection (b)(2)(B) shall be increased by the transmission capacity of such existing electric transmission line, and

"(B) in no event shall the basis of such existing electric transmission line (or related transmission property with respect to such existing electric transmission line) be taken into

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account in determining the credit allowed under this section.

"(2) UPGRADES TREATED AS REPLACEMENTS.—For purposes of this subsection, any upgrade of an existing electric transmission line shall be treated as a replacement of such line.

"(d) EXCEPTION FOR CERTAIN PROPERTY AND PROJECTS ALREADY IN PROCESS.—No credit shall be allowed under this section with respect to—

"(1) any property if a State or political subdivision thereof, any agency or instrumentality of the United States, a public service or public utility commission or other similar body of any State or political subdivision thereof, or the governing or ratemaking body of an electric cooperative has, before the date of the enactment of this section, selected for cost allocation such property for cost recovery, or

"(2) any property if—

"(A) construction of such property begins before January 1, 2022, or

"(B) construction of any portion of the qualifying electric transmission line to which such property relates begins before such date.

"(e) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of

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subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

"(f) CREDIT ADJUSTMENTS; WAGE AND APPRENTICESHIP REQUIREMENTS.—

"(1) BASE CREDIT AMOUNT AND INCREASED CREDIT AMOUNT FOR APPLICABLE FACILITIES.—

"(A) IN GENERAL.—

"(i) RULE.—In the case of any applicable facility which does not satisfy the requirements of subparagraph (B), the amount of the credit determined under this subsection shall be 20 percent of such amount (determined without regard to this sentence).

"(ii) APPLICABLE FACILITY DEFINED.—For purposes of this subsection, the term 'applicable facility' means a qualifying electric transmission line and related transmission property to which such qualifying electric transmission line relates.

"(B) INCREASED CREDIT FOR APPLICABLE FACILITY MEETING PROJECT REQUIREMENTS.—

"(i) IN GENERAL.—In the case of any applicable facility which meets the project

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requirements of this subparagraph, subparagraph (A) shall not apply.

"(ii) PROJECT REQUIREMENTS.—A project meets the requirements of this subparagraph if it is one of the following:

"(I) A project with a maximum net output of less than 1 megawatt.

"(II) A project which commences construction prior to the date of the enactment of this paragraph.

"(III) A project which satisfies the requirements of paragraphs (2) and (3).

"(2) PREVAILING WAGE REQUIREMENTS.—

"(A) IN GENERAL.—The requirements described in this subparagraph with respect to any applicable facility are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in—

"(i) the construction of such facility, and

"(ii) for any year during the 5-year period beginning on the date the facility or property is originally placed in service, the

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alteration or repair of such facility or property,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—A taxpayer shall not be treated as failing to satisfy the requirements of this paragraph if such taxpayer meets requirements similar to the requirements of section 45(b)(8)(B).

''(3) APPRENTICESHIP REQUIREMENTS.—The requirements described in this subparagraph with respect to the construction of any applicable facility are as follows:

''(A) LABOR HOURS.—

''(i) PERCENTAGE OF TOTAL LABOR HOURS.—All contractors and subcontractors engaged in the performance of construction, alteration, or repair work on any applicable facility prior to such facility

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being placed into service shall, subject to subparagraph (B), ensure that not less than the applicable percentage of the total labor hours of such work be performed by qualified apprentices.

''(ii) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be—

''(I) in the case of any applicable project the construction of which begins before January 1, 2023, 5 percent,

''(II) in the case of any applicable project the construction of which begins after December 31, 2022, and before January 1, 2024, 10 percent, and

''(III) in the case of any applicable project the construction of which begins after December 31, 2023, 15 percent.

''(B) APPRENTICE TO JOURNEYWORKER RATIO.—The requirement under subparagraph (A)(i) shall be subject to any applicable requirements for apprentice-to-journeyworker ratios of

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the Department of Labor or the applicable State apprenticeship agency.

"(C) PARTICIPATION.—Each contractor and subcontractor who employs 4 or more individuals to perform construction, alteration, or repair work on an applicable project shall employ 1 or more qualified apprentices to perform such work.

"(D) EXCEPTION.—

"(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, this paragraph shall not apply in the case of a taxpayer who—

"(I) demonstrates a lack of availability of qualified apprentices in the geographic area of the construction, alteration, or repair work, and

"(II) makes a good faith effort to comply with the requirements of this paragraph.

"(ii) GOOD FAITH EFFORT.—For purposes of clause (i), a taxpayer shall be deemed to have satisfied the requirements under such paragraph with respect to an applicable project if such taxpayer has re-

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quested qualified apprentices from a registered apprenticeship program, as defined in section 3131(e)(3)(B), and such request has been denied, provided that such denial is not the result of a refusal by the contractors or subcontractors engaged in the performance of construction, alteration, or repair work on such applicable project to comply with the established standards and requirements of such apprenticeship program.

''(E) DEFINITIONS.—For purposes of this paragraph—

''(i) LABOR HOURS.—The term 'labor hours' has the meaning given such term in section 45(b)(9)(E)(i).

''(ii) QUALIFIED APPRENTICE.—The term 'qualified apprentice' has the meaning given such term in section 45(b)(9)(E)(ii).

''(4) DOMESTIC CONTENT BONUS CREDIT AMOUNT.—

''(A) IN GENERAL.—In the case of any applicable facility which satisfies the requirements under subparagraph (B), the credit determined

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under subsection (a) shall be increased by the applicable rate in subparagraph (C).

"(B) REQUIREMENTS.—

"(i) IN GENERAL.—The requirement described in this subclause with respect to any applicable facility is satisfied if the taxpayer certifies to the Secretary (at such time, and in such form and manner, as the Secretary may prescribe) that the facility is composed of steel, iron, or manufactured products which were produced in the United States.

"(ii) STEEL AND IRON.—In the case of steel or iron, clause (i) shall be applied in a manner consistent with section 661.5(b) of title 49, Code of Federal Regulations.

"(iii) MANUFACTURED PRODUCT.—For purposes of clause (i), a manufactured product shall be deemed to have been manufactured in the United States if not less than 55 percent of the total cost of the components of such product is attributable to components which are mined, produced, or manufactured in the United States.

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"(C) APPLICABLE RATE INCREASE.—For purposes of subparagraph (A), the applicable credit rate increase shall be an amount equal to—

"(i) in the case of applicable facility that does not meet the requirements of subclause (I) or (III) of paragraph (1)(B)(ii), 2 percentage points, and

"(ii) in the case of applicable facility that meets the requirements of subclause (I) or (III) of paragraph (1)(B)(ii), 10 percentage points.

"(D) INTERNATIONAL AGREEMENTS.—This paragraph shall be applied in a manner which is consistent with the obligations of the United States under international agreements.

"(5) PENALTY FOR DIRECT PAY.—

"(A) IN GENERAL.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, the amount of such credit shall be replaced with—

"(i) the value of such credit (determined without regard to this paragraph), multiplied by

"(ii) the applicable percentage.

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"(B) 100 PERCENT APPLICABLE PERCENTAGE FOR CERTAIN APPLICABLE FACILITY.—In the case of any applicable facility—

"(i) which satisfies the requirements under paragraph (11) with respect to the construction of such property, or

"(ii) with a maximum net output of less than 1 megawatt,

the applicable percentage shall be 100 percent.

"(C) PHASED DOMESTIC CONTENT REQUIREMENT.—Subject to subparagraph (D), in the case of any qualified facility which is not described in subparagraph (B), the applicable percentage shall be—

"(i) if construction of such facility began before January 1, 2024, 100 percent,

"(ii) if construction of such facility began in calendar year 2024, 90 percent,

"(iii) if construction of such facility began in calendar year 2025, 85 percent, and

"(iv) if construction of such facility began after December 31, 2025, 0 percent.

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"(D) EXCEPTIONS.—In order to facilitate the use of amounts made available in this section, increase the tax incentives for investment in clean energy, and grow the domestic supply chains, the Secretary shall provide appropriate exceptions to the domestic content requirements for products under subparagraph (C) for the construction of qualified facilities if either the inclusion of domestic products increases the overall costs of projects by more than 25 percent or relevant manufactured products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality.

"(g) TERMINATION.—This section shall not apply to any property unless—

"(1) such property is placed in service before January 1, 2032, and

"(2) the qualifying electric transmission line with respect to which such property relates is placed in service before such date.

"(h) REGULATIONS AND GUIDANCE.—The Secretary, after consultation with the Chairman of the Federal Energy Regulatory Commission, shall issue such regulations

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or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this section.''.

(b) ELECTIVE PAYMENT OF CREDIT.—Section 6417(b), as added by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(6) The qualifying electric transmission property credit determined under section 48D.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 46 is amended—

(A) by striking ''and'' at the end of paragraph (5),

(B) by striking the period at the end of paragraph (6) and inserting '', and'', and

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

''(7) the qualifying electric transmission property credit.''.

(2) Section 49(a)(1)(C) is amended—

(A) by striking ''and'' at the end of clause (iv),

(B) by striking the period at the end of clause (v) and inserting '', and'', and

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

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"(vi) the basis of any qualifying electric transmission property under section 48D.".

(3) Section 50(a)(2)(E) is amended by striking "or 48C(b)(2)" and inserting "48C(b)(2), or 48D".

(4) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 48C the following new item:

"Sec. 48D. Qualifying electric transmission property.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to property placed in service after December 31, 2021.

(2) EXCEPTION FOR CERTAIN PROPERTY AND PROJECTS ALREADY IN PROCESS.—For exclusion of certain property and projects already in process, see section 48D(d) of the Internal Revenue Code of 1986 (as added by this section).

SEC. 136106. ZERO EMISSIONS FACILITY CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 is amended by inserting after section 48C the following new section:

"SEC. 48E. ZERO EMISSIONS FACILITY CREDIT.

"(a) IN GENERAL.—For purposes of section 46, the zero emissions facility credit for any taxable year is an

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amount equal to 30 percent of the qualified investment for such taxable year with respect to any zero emissions facility of the taxpayer.

"(b) QUALIFIED INVESTMENT.—

"(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year which is part of a zero emissions facility.

"(2) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

"(3) LIMITATION.—The amount which is treated as the qualified investment for all taxable years with respect to any zero emissions facility shall not exceed the amount designated by the Secretary as eligible for the credit under this section.

"(c) ZERO EMISSIONS FACILITY.—

"(1) IN GENERAL.—For purposes of this section, the term 'zero emissions facility' means any facility—

"(A) which generates electricity,

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"(B) which does not generate any greenhouse gases (within the meaning of section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)), as in effect on the date of the enactment of this section),

"(C) which uses a technology or process which, in the calendar year in which an amount of credit is designated with respect to such facility, achieved a market penetration level of less than 3 percent,

"(D) no portion of which is—

"(i) a qualified facility (as defined in section 45(d)),

"(ii) an advanced nuclear power facility (as defined in section 45J(d)),

"(iii) a qualified facility (as defined in section 45Q), or

"(iv) energy property (as defined in section 48(a)(3)).

"(2) MARKET PENETRATION LEVEL.—For purposes of this subsection, the term 'market penetration level' means, with respect to any calendar year, the amount equal to the greater of—

"(A) the amount (expressed as a percentage) equal to the quotient of—

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"(i) the sum of all electricity produced (expressed in terawatt hours) from the technology or method used for the production of electricity by all electricity generating facilities in the United States during such calendar year (as determined by the Secretary on the basis of data reported by the Energy Information Administration), divided by the total domestic power sector electricity production (expressed in terawatt hours) for such calendar year, or

"(ii) the amount determined under this subparagraph for the preceding calendar year with respect to such technology or method.

"(d) ELIGIBLE PROPERTY.—For purposes of this section, the term 'eligible property' means any property—

"(1) which is necessary for the generation of electricity,

"(2) which is—

"(A) tangible personal property, or

"(B) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the zero emissions facility, and

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"(3) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

"(e) ALLOCATIONS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall establish a program to consider and award certification amounts of zero emissions facility credit limitation to zero emissions facilities.

"(2) ANNUAL LIMITATION.—

"(A) IN GENERAL.—The amount of zero emissions facility credit limitation that may be designated under this subsection during any calendar year shall not exceed the annual credit limitation with respect to such year.

"(B) ANNUAL CREDIT LIMITATION.—For purposes of this subsection, the term 'annual credit limitation' means $250,000,000 for each of calendar years 2022 through 2031, and zero thereafter.

"(C) CARRYOVER OF UNUSED LIMITATION.—If the annual credit limitation for any calendar year exceeds the aggregate amount

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designated for such year under this subsection, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after 2031.

''(3) PLACED IN SERVICE DEADLINE.—

''(A) IN GENERAL.—No credit shall be determined under subsection (a) with respect to any zero emissions facility which is placed in service after the date that is 4 years after the date of the designation under this subsection relating to such zero emissions facility.

''(B) APPLICATION OF CARRYOVER.—Any amount of credit which expires under subparagraph (A) during any calendar year shall be taken into account as an excess described in paragraph (2)(C) (or as an increase in such excess) for such calendar, subject to the limitation imposed by the last sentence of such paragraph.

''(4) SELECTION CRITERIA.—In determining which zero emissions facilities to certify under this section, the Secretary, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall—

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"(A) take into consideration which facilities—

"(i) will result in the greatest reduction of greenhouse gas emissions,

"(ii) have the greatest potential for technological innovation and commercial deployment, and

"(iii) will result in the greatest reduction of local environmental effects that are harmful to human health, and

"(B) require that applicants provide written assurances to the Secretary that all laborers and mechanics employed by contractors and subcontractors in the performance of construction, alteration or repair work on a zero emissions facility 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.

"(5) DISCLOSURE OF CERTIFICATIONS.—The Secretary shall, upon making a certification under this subsection, publicly disclose the identity of the applicant, the amount of the credit awarded with re-

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spect to such applicant, and the location of the zero-emissions facility for which such credit is awarded.

''(f) CREDIT CONDITIONED UPON WAGE AND APPRENTICESHIP REQUIREMENTS.—

''(1) IN GENERAL.—No credit shall be allocated for a zero emissions facility under this section unless the zero emissions facility meets the prevailing wage requirements of paragraph (2) and the apprenticeship requirements of paragraph (3).

''(2) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this paragraph with respect to a zero emissions facility are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in—

''(i) the construction of such zero emissions facility, and

''(ii) for any year during the 5-year period beginning on the date the facility is originally placed in service, the alteration or repair of such zero emissions facility,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of

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Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

"(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—

"(i) IN GENERAL.—In the case of any taxpayer which fails to satisfy the requirement under subparagraph (A) with respect to the construction of any qualified facility or with respect to the alteration or repair of a facility in any year during the period described in subparagraph (A)(ii), such taxpayer shall be deemed to have satisfied such requirement under such subparagraph with respect to such zero emissions facility for any year if, with respect to any laborer or mechanic who was paid wages at a rate below the rate described in such subparagraph for any period during such year, such taxpayer—

"(I) makes payment to such laborer or mechanic in an amount equal to the sum of—

"(aa) an amount equal to the difference between the

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amount of wages paid to such laborer or mechanic during such period, and—

"(bb) the amount of wages required to be paid to such laborer or mechanic pursuant to such subparagraph during such period, plus

"(AA) interest on the amount determined under item (aa) at the underpayment rate established under section 6621 for the period described in such item, and

"(II) makes payment to the Secretary of a penalty in an amount equal to the product of—

"(aa) $5,000, multiplied by

"(bb) the total number of laborers and mechanics who were paid wages at a rate below the rate described in subparagraph (A) for any period during such year.

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"(ii) PENALTY ASSESSED AS TAX.—The penalty described in clause (i)(II) shall be treated in the same manner as a penalty imposed under subchapter B of chapter 68.

"(3) APPRENTICESHIP REQUIREMENTS.—The requirements described in this subparagraph with respect to a zero emissions facility are as follows:

"(A) LABOR HOURS.—

"(i) PERCENTAGE OF TOTAL LABOR HOURS.—All contractors and subcontractors engaged in the performance of construction, alteration, or repair work on any facility prior to such facility being placed into service shall, subject to subparagraph (B), ensure that not less than the applicable percentage of the total labor hours of such work be performed by qualified apprentices.

"(ii) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be—

"(I) in the case of any applicable zero emissions facility the construc-

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tion of which begins before January 1, 2023, 5 percent,

"(II) in the case of any applicable zero emissions facility the construction of which begins after December 31, 2022, and before January 1, 2024, 10 percent, and

"(III) in the case of any applicable zero emissions facility the construction of which begins after December 31, 2023, 15 percent.

"(B) APPRENTICE TO JOURNEYWORKER RATIO.—The requirement under subparagraph (A)(i) shall be subject to any applicable requirements for apprentice-to-journeyworker ratios of the Department of Labor or the applicable State apprenticeship agency.

"(C) PARTICIPATION.—Each contractor and subcontractor who employs 4 or more individuals to perform construction, alteration, or repair work on an applicable zero emissions facility shall employ 1 or more qualified apprentices to perform such work.

"(D) EXCEPTION.—

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"(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, this paragraph shall not apply in the case of a taxpayer who—

"(I) demonstrates a lack of availability of qualified apprentices in the geographic area of the construction, alteration, or repair work, and

"(II) makes a good faith effort to comply with the requirements of this paragraph.

"(ii) GOOD FAITH EFFORT.—For purposes of clause (i), a taxpayer shall be deemed to have satisfied the requirements under such paragraph with respect to an applicable project if such taxpayer has requested qualified apprentices from a registered apprenticeship program, as defined in section 3131(e)(3)(B), and such request has been denied, provided that such denial is not the result of a refusal by the contractors or subcontractors engaged in the performance of construction, alteration, or repair work on such applicable project to comply with the established standards and

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requirements of such apprenticeship program.

"(E) DEFINITIONS.—For purposes of this paragraph—

"(i) LABOR HOURS.—The term 'labor hours'—

"(I) means the total number of hours devoted to the performance of construction, alteration, or repair work by employees of the contractor or subcontractor prior to a facility being placed into service, and

"(II) excludes any hours worked by—

"(aa) foremen,

"(bb) superintendents,

"(cc) owners, or

"(dd) persons employed in a bona fide executive, administrative, or professional capacity (within the meaning of those terms in part 541 of title 29, Code of Federal Regulations).

"(ii QUALIFIED APPRENTICE.—The term 'qualified apprentice' has the mean-

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ing given such term in section 45(b)(9)(E)(ii).

"(4) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection.

"(5) PENALTY FOR DIRECT PAY.—

"(A) IN GENERAL.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, the amount of such credit shall be replaced with—

"(i) the value of such credit (determined without regard to this paragraph), multiplied by

"(ii) the applicable percentage.

"(B) 100 PERCENT APPLICABLE PERCENTAGE FOR CERTAIN QUALIFIED FACILITIES.—In the case of any qualified facility—

"(i) which satisfies the requirements under paragraph (5) with respect to the construction of such facility, or

"(ii) with a maximum net output of less than 1 megawatt,

the applicable percentage shall be 100 percent.

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"(C) PHASED DOMESTIC CONTENT REQUIREMENT.—Subject to subparagraph (D), in the case of any qualified facility which is not described in subparagraph (B), the applicable percentage shall be—

"(i) if construction of such facility began before January 1, 2024, 100 percent,

"(ii) if construction of such facility began in calendar year 2024, 90 percent,

"(iii) if construction of such facility began in calendar year 2025, 85 percent, and

"(iv) if construction of such facility began after December 31, 2025, 0 percent.

"(D) EXCEPTION.—If the Secretary, after consultation with the Secretary of Commerce and the United States Trade Representative, determines that, for purposes of application of the requirements under paragraph (5) with respect to the construction of the qualified facility—

"(i) their application would be inconsistent with the public interest,

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"(ii) such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality, or

"(iii) inclusion of domestic material will increase the cost of the construction of the qualified facility by more than 25 percent,

the applicable percentage shall be 100 percent.".

(b) ELECTIVE PAYMENT OF CREDIT.—Section 6417(b), as added and amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

"(7) The zero emissions facility credit determined under section 48E.".

(c) CONFORMING AMENDMENTS.—

(1) Section 46 is amended by striking "and" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ", and", and by adding at the end the following new paragraph:

"(8) the zero emissions facility credit.".

(2) Section 49(a)(1)(C) is amended by striking "and" at the end of clause (v), by striking the pe-

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riod at the end of clause (vi) and inserting a comma, and by adding at the end the following new clause:

"(vii) the basis of any eligible property which is part of a zero emissions facility under section 48D.".

(3) Section 50(a)(2)(E) is amended by striking " or 48D" and inserting "48D, or 48E(b)(2)".

(4) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48D the following new item:

Sec. 48E. Zero emissions facility credit.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2021, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)

SEC. 136107. EXTENSION AND MODIFICATION OF CREDIT FOR CARBON OXIDE SEQUESTRATION.

(a) EXTENSION.—Section 45Q(d)(1) is amended by striking "January 1, 2026" and inserting "January 1, 2032".

(b) MODIFICATION OF CARBON OXIDE CAPTURE REQUIREMENTS.—Section 45Q(d)(2) is amended to read as follows:

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"(2) which captures—

"(A) in the case of a direct air capture facility, not less than 1,000 metric tons of qualified carbon oxide during the taxable year,

"(B) in the case of an electricity generating facility, not less than 18,750 metric tons of qualified carbon oxide during the taxable year and not less than 75 percent of the carbon oxide that would otherwise be released into the atmosphere by such facility during such taxable year, and

"(C) in the case of any other facility, not less than 12,500 metric tons of qualified carbon oxide during the taxable year and not less than 50 percent of the carbon oxide that would otherwise be released into the atmosphere by such facility during such taxable year.".

(c) DETERMINATION OF APPLICABLE DOLLAR AMOUNT.—

(1) IN GENERAL.—Section 45Q(b)(1) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) SPECIAL RULE FOR DIRECT AIR CAPTURE FACILITIES.—For any taxable year begin-

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ning after December 31, 2021, in the case of any qualified facility described in subsection (d)(2)(C), the applicable dollar amount shall be an amount equal to—

"(i) for purposes of paragraph (3) of subsection (a), an amount equal to the product of $180 and the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting '2020' for '1990', and

"(ii) for purposes of paragraph (4) of such subsection, an amount equal to the product of $130 and the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting '2020' for '1990'.".

(2) CONFORMING AMENDMENTS.—

(A) Section 45Q(b)(1)(A) is amended by striking "The applicable dollar amount" and inserting "Except as provided in subparagraph (B), the applicable dollar amount".

(B) Section 45Q(b)(1)(C), as redesignated by subparagraph (A), is amended by striking

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"subparagraph (A)" and inserting "subparagraph (A) or (B)".

(d) WAGE AND APPRENTICESHIP REQUIREMENTS.—Section 45Q is amended by redesignating subsection (h) as subsection (i) and inserting after subsection (g) following new subsection:

"(h) BASE CREDIT AMOUNT AND INCREASED CREDIT AMOUNT FOR QUALIFIED FACILITIES AND CARBON CAPTURE EQUIPMENT.—

"(1) IN GENERAL.—In the case of any qualified facility and any carbon capture equipment which does not satisfy the requirements of paragraph (2), the amount of the credit determined under subsection (a) shall be 20 percent of such amount (determined without regard to this sentence).

"(2) INCREASED CREDIT FOR CERTAIN FACILITIES AND CARBON CAPTURE EQUIPMENT MEETING PROJECT REQUIREMENTS.—

"(A) IN GENERAL.—In the case of any qualified facility and any carbon capture equipment placed in service at such facility which meets the project requirements of this subparagraph, subparagraph (A) shall not apply.

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"(B) PROJECT REQUIREMENTS.—A project meets the requirements of this subparagraph if it is one of the following:

"(i) A qualified facility with a maximum net output of less than 1 megawatt.

"(ii) A qualified facility or any carbon capture equipment placed in service at such facility which commences construction prior to the date of the enactment of this paragraph.

"(iii) A project which satisfies the requirements of paragraphs (3) and (4).

"(3) PREVAILING WAGE REQUIREMENTS.—

"(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified facility and any carbon capture equipment placed in service at such facility are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in—

"(i) the construction of such facility and carbon capture equipment,

"(ii) the alteration or repair of such facility and carbon capture equipment during the 12 year-period after being placed

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into service, or for carbon capture equipment placed in service prior to 2018, until the date determined by the Secretary under subsection (g),

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—

''(i) IN GENERAL.—In the case of any taxpayer which fails to satisfy the requirement under subparagraph (A) with respect to the construction of any qualified facility or with respect to the alteration or repair of a facility in any year during the period described in subparagraph (A)(ii), such taxpayer shall be deemed to have satisfied such requirement under such subparagraph with respect to such facility and carbon capture equipment for any year if, with respect to any laborer or mechanic who was

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paid wages at a rate below the rate described in such subparagraph for any period during such year, such taxpayer—

"(I) makes payment to such laborer or mechanic in an amount equal to the sum of an amount equal to the difference between the amount of wages paid to such laborer or mechanic during such period, and—

"(aa) the amount of wages required to be paid to such laborer or mechanic pursuant to such subparagraph during such period, plus

"(bb) interest on the amount determined under item (aa) at the underpayment rate established under section 6621 for the period described in such item, and

"(II) makes payment to the Secretary of a penalty in an amount equal to the product of—

"(aa) $5,000, multiplied by

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''(bb) the total number of laborers and mechanics who were paid wages at a rate below the rate described in subparagraph (A) for any period during such year.

''(ii) PENALTY ASSESSED AS TAX.—The penalty described in clause (i)(II) shall be treated in the same manner as a penalty imposed under subchapter B of chapter 68.

''(4) APPRENTICESHIP REQUIREMENTS.—The requirements described in this paragraph with respect to any qualified facility and carbon capture equipment are as follows:

''(A) LABOR HOURS.—

''(i) PERCENTAGE OF TOTAL LABOR HOURS.—All contractors and subcontractors engaged in the performance of construction, alteration, or repair work on any facility and carbon capture equipment prior to such facility being placed into service shall, subject to subparagraph (B), ensure that not less than the applicable percentage of the total labor hours of such

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work be performed by qualified apprentices.

"(ii) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be—

"(I) in the case of any applicable project the construction of which begins before January 1, 2023, 5 percent,

"(II) in the case of any applicable project the construction of which begins after December 31, 2022, and before January 1, 2024, 10 percent, and

"(III) in the case of any applicable project the construction of which begins after December 31, 2023, 15 percent.

"(B) APPRENTICE TO JOURNEYWORKER RATIO.—The requirement under subparagraph (A)(i) shall be subject to any applicable requirements for apprentice-to-journeyworker ratios of the Department of Labor or the applicable State apprenticeship agency.

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"(C) PARTICIPATION.—Each contractor and subcontractor who employs 4 or more individuals to perform construction, alteration, or repair work on an applicable project shall employ 1 or more qualified apprentices to perform such work.

"(D) EXCEPTION.—

"(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, this paragraph shall not apply in the case of a taxpayer who—

"(I) demonstrates a lack of availability of qualified apprentices in the geographic area of the construction, alteration, or repair work, and

"(II) makes a good faith effort to comply with the requirements of this paragraph.

"(ii) GOOD FAITH EFFORT.—For purposes of clause (i), a taxpayer shall be deemed to have satisfied the requirements under such paragraph with respect to an applicable project if such taxpayer has requested qualified apprentices from a registered apprenticeship program, as defined

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in section 3131(e)(3)(B), and such request has been denied, provided that such denial is not the result of a refusal by the contractors or subcontractors engaged in the performance of construction, alteration, or repair work on such applicable project to comply with the established standards and requirements of such apprenticeship program.

''(E) DEFINITIONS.—For purposes of this paragraph—

''(i) LABOR HOURS.—The term 'labor hours' has the meaning given such term in section 45(b)(9)(E)(i).

''(ii) QUALIFIED APPRENTICE.—The term 'qualified apprentice' has the meaning given such term in section 45(b)(9)(E)(ii).

''(5) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection.''.

(e) INCREASED APPLICABLE DOLLAR AMOUNT.—

(1) IN GENERAL.—Section 45Q(b)(1) is amended—

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(A) by amending clause (i) of subparagraph (A) to read as follows:

"(i) for any taxable year beginning in a calendar year after 2016 and before 2027—

"(I) for purposes of paragraph (3) of subsection (a), $50 for each calendar year during such period, and

"(II) for purposes of paragraph (4) of such subsection, $35 for each calendar year during such period, and",

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2025, each of the dollar amounts in subparagraph (A)(i) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year be-

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gins, determined by substituting 'calendar year 2024' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest cent.''.

(f) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to facilities the construction of which begins after December 31, 2025.

(2) OTHER AMENDMENTS.—The amendments made by subsections (b), (c), (d), and (e) shall apply to taxable years beginning after December 31, 2021.

SEC. 136108. GREEN ENERGY PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Section 7704(d)(1)(E) is amended—

(1) by striking ''income and gains derived from the exploration'' and inserting ''income and gains derived from—

''(i) the exploration'',

(2) by inserting ''or'' before ''industrial source'', and

(3) by striking '', or the transportation or storage'' and all that follows and inserting the following:

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"(ii) the generation of electric power or thermal energy exclusively using any qualified energy resource (as defined in section 45(c)(1)),

"(iii) the operation of energy property (as defined in section 48(a)(3), determined without regard to any date by which the construction of the facility is required to begin),

"(iv) in the case of a facility described in paragraph (3) or (7) of section 45(d) (determined without regard to any placed in service date or date by which construction of the facility is required to begin), the accepting or processing of open-loop biomass or municipal solid waste,

"(v) the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426,

"(vi) the conversion of renewable biomass (as defined in subparagraph (I) of section 211(o)(1) of the Clean Air Act (as in effect on the date of the enactment of this clause)) into renewable fuel (as defined in subparagraph (J) of such section

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as so in effect), or the storage or transportation of such fuel,

"(vii) the production, storage, or transportation of any fuel which—

"(I) uses as its primary feedstock carbon oxides captured from an anthropogenic source or the atmosphere,

"(II) does not use as its primary feedstock carbon oxide which is deliberately released from naturally occurring subsurface springs, and

"(III) is determined by the Secretary, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, to achieve a reduction of not less than a 60 percent in lifecycle greenhouse gas emissions (as defined in section 211(o)(1)(H) of the Clean Air Act, as in effect on the date of the enactment of this clause) compared to baseline lifecycle greenhouse gas emissions (as defined in section 211(o)(1)(C) of such Act, as so in effect), or

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"(viii) a qualified facility (as defined in section 45Q(d), without regard to any date by which construction of the facility is required to begin).".

(b) EFFECTIVE DATE.—The amendments made by this section apply to taxable years beginning after December 31, 2021.

SEC. 136109. ZERO-EMISSION NUCLEAR POWER PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 45W. ZERO-EMISSION NUCLEAR POWER PRODUCTION CREDIT.

"(a) AMOUNT OF CREDIT.—For purposes of section 38, the zero-emission nuclear power production credit for any taxable year is an amount equal to the amount by which—

"(1) the product of—

"(A) 1.5 cents, multiplied by

"(B) the kilowatt hours of electricity—

"(i) produced by the taxpayer at a qualified nuclear power facility, and

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"(ii) sold by the taxpayer to an unrelated person during the taxable year, exceeds

"(2) the reduction amount for such taxable year.

"(b) DEFINITIONS.—

"(1) QUALIFIED NUCLEAR POWER FACILITY.—For purposes of this section, the term 'qualified nuclear power facility' means any nuclear facility—

"(A) which is owned by the taxpayer and which uses nuclear energy to produce electricity,

"(B) which has not received an allocation under section 45J(b), and

"(C) which is placed in service before the date of the enactment of this section.

"(2) REDUCTION AMOUNT.—

"(A) IN GENERAL.—For purposes of this section, the term 'reduction amount' means, with respect to any qualified nuclear power facility for any taxable year, the amount equal to the lesser of—

"(i) the amount determined under subsection (a)(1), or

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"(ii) the amount equal to 80 percent of the excess of—

"(I) subject to subparagraph (B), the gross receipts from any electricity produced by such facility (including any electricity services or products provided in conjunction with the electricity produced by such facility) and sold to an unrelated person during such taxable year, over

"(II) the amount equal to the product of—

"(aa) 2.5 cents, multiplied by

"(bb) the amount determined under subsection (a)(1)(B).

"(B) TREATMENT OF CERTAIN RECEIPTS.—

"(i) IN GENERAL.—The amount determined under subparagraph (A)(ii)(I) shall include any amount received by the taxpayer during the taxable year with respect to the qualified nuclear power facility from a zero-emission credit program unless

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the amount received by the taxpayer is subject to reduction—

"(I) by the full amount of the credit determined under this section, or

"(II) by any lesser amount if such amount entirely offsets the amount received from a zero-emission credit program.

"(ii) ZERO-EMISSION CREDIT PROGRAM.—For purposes of this subparagraph, the term 'zero-emission credit program' means any payments to a qualified nuclear power facility as a result of any Federal, State or local government program for, in whole or in part, the zero-emission, zero-carbon, or air quality attributes of any portion of the electricity produced by such facility.

"(3) ELECTRICITY.—For purposes of this section, the term 'electricity' means the energy produced by a qualified nuclear power facility from the conversion of nuclear fuel into electric power.

"(c) OTHER RULES.—

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"(1) INFLATION ADJUSTMENT.—The 1.5 cent amount in subsection (a)(1)(A) and the 2.5 cent amount in subsection (b)(2)(A)(ii)(II)(aa) shall each be adjusted by multiplying such amount by the inflation adjustment factor (as determined under section 45(e)(2), as applied by substituting 'calendar year 2022' for 'calendar year 1992' in subparagraph (B) thereof) for the calendar year in which the sale occurs. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

"(2) SPECIAL RULES.—Rules similar to the rules of paragraphs (1), (3), (4), and (5) of section 45(e) shall apply for purposes of this section.

"(3) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under section 48E for any power production for which a credit is taken under this section.

"(d) WAGE AND APPRENTICESHIP REQUIREMENTS.—

"(1) BASE CREDIT AMOUNT AND INCREASED CREDIT AMOUNT FOR QUALIFIED NUCLEAR POWER FACILITIES.—

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"(A) IN GENERAL.—In the case of any qualified nuclear power facility which does not satisfy the requirements of subparagraph (B), the amount of the credit determined under subsection (a) and the 2.5 cent amount in subsection (b)(2)(A)(ii)(II)(aa) shall be 20 percent of such amount (determined without regard to this sentence).

"(B) INCREASED CREDIT FOR CERTAIN FACILITIES MEETING PROJECT REQUIREMENTS.—

"(i) IN GENERAL.—In the case of any qualified nuclear power facility which meets the project requirements of this subparagraph, subparagraph (A) shall not apply.

"(ii) PROJECT REQUIREMENTS.—A project meets the requirements of this subparagraph if it is one of the following:

"(I) A project with a maximum net output of less than 1 megawatt.

"(II) A project which satisfies the requirements of paragraphs (2) and (3).

"(2) PREVAILING WAGE REQUIREMENTS.—

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"(A) IN GENERAL.—The taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in the alteration or repair of a facility shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

"(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—

"(i) IN GENERAL.—In the case of any taxpayer which fails to satisfy the requirement under subparagraph (A), such taxpayer shall be deemed to have satisfied such requirement under such subparagraph with respect to such facility for any year if, with respect to any laborer or mechanic who was paid wages at a rate below the rate described in such subparagraph for any period during such year, such taxpayer—

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"(I) makes payment to such laborer or mechanic in an amount equal to the sum of—

"(aa) an amount equal to the difference between the amount of wages paid to such laborer or mechanic during such period, and—

"(AA) the amount of wages required to be paid to such laborer or mechanic pursuant to such subparagraph during such period, plus

"(BB) interest on the amount determined under item (aa) at the underpayment rate established under section 6621 for the period described in such item, and

"(II) makes payment to the Secretary of a penalty in an amount equal to the product of—

"(aa) $5,000, multiplied by

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''(bb) the total number of laborers and mechanics who were paid wages at a rate below the rate described in subparagraph (A) for any period during such year.

''(ii) PENALTY ASSESSED AS TAX.—The penalty described in clause (i)(II) shall be treated in the same manner as a penalty imposed under subchapter B of chapter 68.

''(3) APPRENTICESHIP REQUIREMENTS.—The requirements described in this subparagraph with respect to any qualified nuclear power facility are as follows:

''(A) LABOR HOURS.—

''(i) PERCENTAGE OF TOTAL LABOR HOURS.—All contractors and subcontractors engaged in the performance of alteration or repair work on any qualified nuclear power facility shall, subject to subparagraph (B), ensure that not less than the applicable percentage of the total labor hours of such work be performed by qualified apprentices.

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"(ii) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be—

"(I) in the case of any applicable project the construction of which begins before January 1, 2023, 5 percent,

"(II) in the case of any applicable project the construction of which begins after December 31, 2022, and before January 1, 2024, 10 percent, and

"(III) in the case of any applicable project the construction of which begins after December 31, 2023, 15 percent.

"(B) APPRENTICE TO JOURNEYWORKER RATIO.—The requirement under subparagraph (A)(i) shall be subject to any applicable requirements for apprentice-to-journeyworker ratios of the Department of Labor or the applicable State apprenticeship agency.

"(C) PARTICIPATION.—Each contractor and subcontractor who employs 4 or more individuals to perform construction, alteration, or

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repair work on an applicable project shall employ 1 or more qualified apprentices to perform such work.

"(D) EXCEPTION.—

"(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, this paragraph shall not apply in the case of a taxpayer who—

"(I) demonstrates a lack of availability of qualified apprentices in the geographic area of the construction, alteration, or repair work, and

"(II) makes a good faith effort to comply with the requirements of this paragraph.

"(ii) GOOD FAITH EFFORT.—For purposes of clause (i), a taxpayer shall be deemed to have satisfied the requirements under such paragraph with respect to an applicable project if such taxpayer has requested qualified apprentices from a registered apprenticeship program, as defined in section 3131(e)(3)(B), and such request has been denied, provided that such denial is not the result of a refusal by the con-

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tractors or subcontractors engaged in the performance of construction, alteration, or repair work on such applicable project to comply with the established standards and requirements of such apprenticeship program.

"(E) DEFINITIONS.—For purposes of this paragraph—

"(i) LABOR HOURS.—The term 'labor hours' has the meaning given such term in section 45(b)(9)(E)(i).

"(ii) QUALIFIED APPRENTICE.—The term 'qualified apprentice' has the meaning given such term in section 45(b)(9)(E)(ii).

"(4) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection.

"(e) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2026.".

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended—

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(A) in paragraph (36), by striking ''plus'' at the end,

(B) in paragraph (37), by striking the period at the end and inserting '', plus'', and

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

''(38) the zero-emission nuclear power production credit determined under section 45W(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 45W. Zero-emission nuclear power production credit.''.

(c) ELECTIVE PAYMENT OF CREDIT.—Section 6417(b), as added by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(8) The zero-emission nuclear power production credit determined under section 45W.''.

(d) EFFECTIVE DATE.—This section shall apply to electricity produced and sold after December 31, 2021, in taxable years beginning after such date.

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PART 2—RENEWABLE FUELS

SEC. 136201. EXTENSION OF INCENTIVES FOR BIODIESEL, RENEWABLE DIESEL AND ALTERNATIVE FUELS.

(a) BIODIESEL AND RENEWABLE DIESEL CREDIT.—Section 40A(g) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2031''.

(b) BIODIESEL MIXTURE CREDIT.—

(1) IN GENERAL.—Section 6426(c)(6) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2031''.

(2) FUELS NOT USED FOR TAXABLE PURPOSES.—Section 6427(e)(6)(B) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2031''.

(c) ALTERNATIVE FUEL CREDIT.—Section 6426(d)(5) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2031''.

(d) ALTERNATIVE FUEL MIXTURE CREDIT.—Section 6426(e)(3) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2031''.

(e) PAYMENTS FOR ALTERNATIVE FUELS.—Section 6427(e)(6)(C) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2031''.

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(f) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2021.

SEC. 136202. EXTENSION OF SECOND GENERATION BIOFUEL INCENTIVES.

(a) IN GENERAL.—Section 40(b)(6)(J)(i) is amended by striking ''2022'' and inserting ''2032''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to qualified second generation biofuel production after December 31, 2021.

SEC. 136203. SUSTAINABLE AVIATION FUEL CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by inserting after section 40A the following new section:

''SEC. 40B. SUSTAINABLE AVIATION FUEL CREDIT.

''(a) IN GENERAL.—For purposes of section 38, the sustainable aviation fuel credit for the taxable year is, with respect to any sale or use of a qualified mixture which occurs during such taxable year, an amount equal to the product of—

''(1) the number of gallons of sustainable aviation fuel in such mixture, multiplied by

''(2) the sum of—

''(A) $1.25, plus

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"(B) the applicable supplementary amount with respect to such sustainable aviation fuel.

"(b) APPLICABLE SUPPLEMENTARY AMOUNT.—For purposes of this section, the term 'applicable supplementary amount' means, with respect to any sustainable aviation fuel, an amount equal to $0.01 for each percentage point by which the lifecycle greehouse gas emissions reduction percentage with respect to such fuel exceeds 50 percent. In no event shall the applicable supplementary amount determined under this subsection exceed $0.50.

"(c) QUALIFIED MIXTURE.—For purposes of this section, the term 'qualified mixture' means a mixture of sustainable aviation fuel and kerosene if—

"(1) such mixture is produced by the taxpayer in the United States,

"(2) such mixture is used by the taxpayer (or sold by the taxpayer for use) in an aircraft,

"(3) such sale or use is in the ordinary course of a trade or business of the taxpayer, and

"(4) the transfer of such mixture to the fuel tank of such aircraft occurs in the United States.

"(d) SUSTAINABLE AVIATION FUEL.—For purposes of this section, the term 'sustainable aviation fuel' means liquid fuel which—

"(1) meets the requirements of—

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"(A) ASTM International Standard D7566, or

"(B) the Fischer Tropsch provisions of ASTM International Standard D1655, Annex A1,

"(2) is not derived from palm fatty distillates or petroleum, and

"(3) has been certified in accordance with subsection (e) as having a lifecycle greenhouse gas emissions reduction percentage of at least 50 percent.

"(e) LIFECYCLE GREENHOUSE GAS EMISSIONS REDUCTION PERCENTAGE.—For purposes of this section—

"(1) IN GENERAL.—The term 'lifecycle greenhouse gas emissions reduction percentage' means, with respect to any sustainable aviation fuel, the percentage reduction in lifecycle greenhouse gas emissions achieved by such fuel in comparison with petroleum-based jet fuel as stated in a certification which meets the requirements of paragraphs (2).

"(2) CERTIFICATION METHODOLOGY.—A certification meets the requirements of this paragraph if such certification (including the methodology and process of such certification) conforms with all requirements (including requirements related to traceability and information transmission) of the

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most recent Carbon Offsetting and Reduction Scheme for International Aviation which has been adopted by the International Civil Aviation Organization with the agreement of the United States.

''(3) OPTION TO OBTAIN CERTIFICATION FROM SECRETARY.—Not later than 24 months after the date of the enactment of this section, the Secretary, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall establish procedures pursuant to which taxpayers may obtain a certification which meets the requirements of paragraph (2) from the Secretary.

''(f) REGISTRATION OF SUSTAINABLE AVIATION FUEL PRODUCERS.—No credit shall be allowed under this section with respect to any sustainable aviation fuel unless the producer of such fuel has entered into an agreement with the Secretary to provide the Secretary such information with respect to such fuel as the Secretary may require for purposes of carrying out this section.

''(g) COORDINATION WITH CREDIT AGAINST EXCISE TAX.—The amount of the credit determined under this section with respect to any sustainable aviation fuel shall, under rules prescribed by the Secretary, be properly reduced to take into account any benefit provided with re-

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spect to such sustainable aviation fuel solely by reason of the application of section 6426 or 6427(e).

''(h) TERMINATION.—This section shall not apply to any sale or use after December 31, 2031.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.— Section 38(b) is amended by striking ''plus'' at the end of paragraph (37), by striking the period at the end of paragraph (38) and inserting '', plus'', and by inserting after paragraph (38) the following new paragraph:

''(39) the sustainable aviation fuel credit determined under section 40B.''.

(c) COORDINATION WITH BIODIESEL INCENTIVES.—

(1) IN GENERAL.—Section 40A(d)(1) is amended by inserting ''or 40B'' after ''determined under section 40''.

(2) CONFORMING AMENDMENT.—Section 40A(f) is amended by striking paragraph (4).

(d) SUSTAINABLE AVIATION FUEL ADDED TO CREDIT FOR ALCOHOL FUEL, BIODIESEL, AND ALTERNATIVE FUEL MIXTURES.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(k) SUSTAINABLE AVIATION FUEL CREDIT.—

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"(1) IN GENERAL.—For purposes of this section, the sustainable aviation fuel credit for the taxable year is, with respect to any sale or use of a qualified mixture, an amount equal to the product of—

"(A) the number of gallons of sustainable aviation fuel in such mixture, multiplied by

"(B) the sum of—

"(i) $1.25, plus

"(ii) the applicable supplementary amount with respect to such sustainable aviation fuel.

"(2) APPLICABLE SUPPLEMENTARY AMOUNT.—For purposes of this subsection, the term 'applicable supplementary amount' has the meaning given such term in section 40B(b).

"(3) OTHER DEFINITIONS.—Any term used in this subsection which is also used in section 40B shall have the meaning given such term by section 40B.

"(4) REGISTRATION REQUIREMENT.—For purposes of this subsection, rules similar to the rules of section 40B(f) shall apply.".

(2) CONFORMING AMENDMENTS.—

(A) Section 6426 is amended—

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(i) in subsection (a)(1), by striking ''and (e)'' and inserting ''(e), and (k)'', and

(ii) in subsection (h), by striking ''under section 40 or 40A'' and inserting ''under section 40, 40A, or 40B''.

(B) Section 6427(e)(6) is amended by striking the ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) any qualified mixture of sustainable aviation fuel (as defined in section 6426(k)(3)) sold or used after December 31, 2031.''.

(e) GUIDANCE.—Under rules prescribed by the Secretary of the Treasury (or the Secretary's delegate), the amount of the credit allowed under section 40B of the Internal Revenue Code of 1986 (as added by this subsection) shall be properly reduced to take into account any benefit provided with respect to sustainable aviation fuel (as defined in such section 40B) by reason of the application of section 6426 or section 6427(e).

(f) AMOUNT OF CREDIT INCLUDED IN GROSS INCOME.—Section 87 is amended by striking ''and'' in para-

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graph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) the sustainable aviation fuel credit determined with respect to the taxpayer for the taxable year under section 40B(a).".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2022.

SEC. 136204. CLEAN HYDROGEN.

(a) CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 45X. CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.

"(a) AMOUNT OF CREDIT.—For purposes of section 38, the clean hydrogen production credit for any taxable year is an amount equal to the product of—

"(1) the applicable amount, multiplied by

"(2) the kilograms of qualified clean hydrogen produced by the taxpayer during such taxable year at a qualified clean hydrogen production facility dur-

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ing the 10-year period beginning on the date such facility was originally placed in service.

''(b) APPLICABLE AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (a)(1), the applicable amount shall be an amount equal to the applicable percentage of $3.00. If any amount as determined under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means—

''(A) in the case of any qualified clean hydrogen which is produced through a process that, as compared to hydrogen produced by steam-methane reforming, achieves a percentage reduction in lifecycle greenhouse gas emissions which is less than 75 percent, 20 percent,

''(B) in the case of any qualified clean hydrogen which is produced through a process that, as compared to hydrogen produced by steam-methane reforming, achieves a percentage reduction in lifecycle greenhouse gas emissions which is not less than 75 percent and less than 85 percent, 25 percent,

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''(C) in the case of any qualified clean hydrogen which is produced through a process that, as compared to hydrogen produced by steam-methane reforming, achieves a percentage reduction in lifecycle greenhouse gas emissions which is not less than 85 percent and less than 95 percent, 34 percent, and

''(D) in the case of any qualified clean hydrogen which is produced through a process that, as compared to hydrogen produced by steam-methane reforming, achieves a percentage reduction in lifecycle greenhouse gas emissions which is not less than 95 percent, 100 percent.

''(3) INFLATION ADJUSTMENT.—The $3.00 amount in paragraph (1) shall be adjusted by multiplying such amount by the inflation adjustment factor (as determined under section 45(e)(2), determined by substituting '2020' for '1992' in subparagraph (B) thereof) for the calendar year in which the qualified clean hydrogen is produced. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(c) DEFINITIONS.—For purposes of this section—

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"(1) LIFECYCLE GREENHOUSE GAS EMISSIONS.—For purposes of this section, the term 'lifecycle greenhouse gas emissions' has the same meaning given such term under subparagraph (H) of section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)), as in effect on the date of enactment of this section, as related to the full fuel lifecycle through the point of hydrogen production.

"(2) QUALIFIED CLEAN HYDROGEN.—

"(A) IN GENERAL.—The term 'qualified clean hydrogen' means hydrogen which is produced through a process that, as compared to hydrogen produced by steam-methane reforming, achieves a percentage reduction in lifecycle greenhouse gas emissions which is not less than 40 percent.

"(B) ADDITIONAL REQUIREMENTS.—Such term shall not include any hydrogen unless such hydrogen is produced—

"(i) in the United States (as defined in section 638(1) or a possession of the United States (as defined in section 638(2)),

"(ii) in the ordinary course of a trade or business of the taxpayer, and

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"(iii) for sale or use.

"(3) QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—

"(A) IN GENERAL.—The term 'qualified clean hydrogen production facility' means a facility owned by the taxpayer which produces qualified clean hydrogen and which meets the requirements of subparagraph (B).

"(B) TERMINATION.—The term 'qualified clean hydrogen production facility' shall not include any facility the construction of which begins after December 31, 2028.

"(4) STEAM-METHANE REFORMING.—The term 'steam-methane reforming' means a hydrogen production process in which high-temperature steam is used to produce hydrogen from natural gas (other than natural gas derived from biomass (as defined in section 45K(c)(3) as in effect on the date of the enactment of this section), without carbon capture and sequestration.

"(d) SPECIAL RULES.—

"(1) TREATMENT OF FACILITIES OWNED BY MORE THAN 1 TAXPAYER.—Rules similar to the rules section 45(e)(3) shall apply for purposes of this section.

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"(2) COORDINATION WITH CREDIT FOR CARBON OXIDE SEQUESTRATION.—No credit shall be allowed under this section with respect to any qualified clean hydrogen produced at a facility which includes property for which a credit is allowed under section 45Q.

"(e) BASE CREDIT AMOUNT AND INCREASED CREDIT AMOUNT FOR QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITIES.—

"(1) IN GENERAL.—In the case of any qualified clean hydrogen production facility which does not satisfy the requirements of paragraph (2)(B), the amount of the credit determined under subsection (a) shall be 20 percent of such amount (determined without regard to this sentence).

"(2) INCREASED CREDIT FOR CERTAIN FACILITIES MEETING PROJECT REQUIREMENTS.—

"(A) IN GENERAL.—In the case of any qualified facility which meets the project requirements of this paragraph, paragraph (1) shall not apply.

"(B) PROJECT REQUIREMENTS.—A project meets the requirements of this subparagraph if it is one of the following:

"(i) A project with a maximum net output of less than 1 megawatt.

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"(ii) A project which commences construction prior to the date of the enactment of this paragraph.

"(iii) A project which satisfies the requirements of paragraphs (3) and (4).

"(3) PREVAILING WAGE REQUIREMENTS.—

"(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified clean hydrogen production facility are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in—

"(i) the construction of such facility, and

"(ii) for the 10-year period beginning on the date the facility was originally placed in service, the alteration or repair of such facility,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

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''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(8)(B) shall apply for purposes of this subparagraph.

''(4) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(9) shall apply for purposes of this paragraph.

''(5) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection.

''(f) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall issue regulations or other guidance to carry out the purposes of this section, including regulations or other guidance—

''(1) for determining lifecycle greenhouse gas emissions, and

''(2) which require verification by unrelated third parties of the production and sale or use of qualified clean hydrogen with respect to which credit is otherwise allowed under this section.''.

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(2) ELECTIVE PAYMENT OF CREDIT.—Section 6417(b), as added by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(9) The credit for production of clean hydrogen determined under section 45X.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 38(b) is amended—

(i) in paragraph (38), by striking ''plus'' at the end,

(ii) in paragraph (39), by striking the period at the end and inserting '', plus'', and

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

''(40) the clean hydrogen production credit determined under section 45X(a).''.

(B) The table of sections for subpart D of part IV of subchapter A of chapter 1 amended by adding at the end the following new item:

''Sec. 45X. Credit for production of clean hydrogen.''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to hydrogen placed in service after December 31, 2021.

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(b) CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES ALLOWED IF ELECTRICITY IS USED TO PRODUCE CLEAN HYDROGEN.—

(1) IN GENERAL.—Section 45(e) is amended by adding at the end the following new paragraph:

''(13) SPECIAL RULE FOR ELECTRICITY USED AT A QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—Electricity produced by the taxpayer shall be treated as sold by such taxpayer to an unrelated person during the taxable year if such electricity is used during such taxable year by the taxpayer or a person related to the taxpayer at a qualified clean hydrogen production facility (as defined in section 45X(d)(3)) to produce qualified clean hydrogen (as defined in section 45X(d)(2)) during the 10 year period after such facility is placed in service. The Secretary shall issue such regulations or other guidance as the Secretary determines appropriate to carry out the purposes of this paragraph, including regulations or other guidance to require verification by unrelated third parties of the production and use of electricity to which this paragraph applies.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to electricity produced after December 31, 2021.

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(c) ELECTION TO TREAT CLEAN HYDROGEN PRODUCTION FACILITIES AS ENERGY PROPERTY.—

(1) IN GENERAL.—Section 48(a) is amended by adding at the end the following new paragraph:

''(8) ELECTION TO TREAT CLEAN HYDROGEN PRODUCTION FACILITIES AS ENERGY PROPERTY.—

''(A) IN GENERAL.—In the case of any qualified property (as defined in paragraph (5)(D)) which is part of a specified clean hydrogen production facility—

''(i) such property shall be treated as energy property for purposes of this section, and

''(ii) the energy percentage with respect to such property is—

''(I) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in a subparagraph (A) of section 45X(b)(2), 6 percent,

''(II) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in a sub-

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paragraph (B) of such section, 7.5 percent,

"(III) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in a subparagraph (C) of such section, 10.2 percent, and

"(IV) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in a subparagraph (D) of such section, 30 percent.

"(B) DENIAL OF PRODUCTION CREDIT.—No credit shall be allowed under section 45X for any taxable year with respect to any specified clean hydrogen production facility.

"(C) SPECIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—For purposes of this paragraph, the term 'specified clean hydrogen production facility' means any qualified clean hydrogen production facility (as defined in section 45X(d)(3)) or any portion of such facility—

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"(i) which is placed in service after December 31, 2021, and

"(ii) with respect to which—

"(I) no credit has been allowed under section 45X or 45Q, and

"(II) the taxpayer makes an irrevocable election to have this paragraph apply.

"(D) QUALIFIED CLEAN HYDROGEN.—For purposes of this paragraph, the term 'qualified clean hydrogen' has the meaning given such term by section 45X(d)(2).

"(E) REGULATIONS.—The Secretary, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which—

"(i) requires verification by one or more unrelated third parties that the facility produces hydrogen which is consistent with the hydrogen that such facility was

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designed and expected to produce under subparagraph (A)(ii), and

"(ii) recaptures so much of any credit allowed under this section as exceeds the amount of the credit which would have been allowed if the expected production were consistent with the actual verified production (or all of the credit so allowed in the absence of such verification).".

(2) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2021, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(d) TERMINATION OF EXCISE TAX CREDIT FOR HYDROGEN.—

(1) IN GENERAL.—Section 6426(d)(2) is amended by striking subparagraph (D) and by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively.

(2) CONFORMING AMENDMENT.—Section 6426(e)(2) is amended by striking "(F)" and inserting "(E)".

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(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2021.

PART 3—GREEN ENERGY AND EFFICIENCY INCENTIVES FOR INDIVIDUALS

SEC. 136301. EXTENSION, INCREASE, AND MODIFICATIONS OF NONBUSINESS ENERGY PROPERTY CREDIT.

(a) EXTENSION OF CREDIT.—Section 25C(g)(2) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2031''.

(b) INCREASE IN CREDIT PERCENTAGE FOR QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—Section 25C(a)(1) is amended by striking ''10 percent'' and inserting ''30 percent''.

(c) APPLICATION OF ANNUAL LIMITATION IN LIEU OF LIFETIME LIMITATION.—Section 25C(b) is amended to read as follows:

''(b) LIMITATIONS.—

''(1) IN GENERAL.—The credit allowed under this section with respect to any taxpayer for any taxable year shall not exceed $1,200.

''(2) WINDOWS.—The credit allowed under this section by reason of subsection (a)(1) with respect to any taxpayer for any taxable year shall not exceed—

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"(A) in the aggregate with respect to all exterior windows and skylights which are not described in subparagraph (B), $200,

"(B) in the aggregate with respect to all exterior windows and skylights which meet the standard for the most efficient certification under applicable Energy Star program requirements, the excess (if any) of $600 over the credit so allowed with respect to all windows and skylights taken into account under subparagraph (A).

"(3) DOORS.—The credit allowed under this section by reason of subsection (a)(1) with respect to any taxpayer for any taxable year shall not exceed—

"(A) $250 in the case of any exterior door, and

"(B) $500 in the aggregate with respect to all exterior doors.".

(d) MODIFICATIONS RELATED TO QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) STANDARDS FOR ENERGY EFFICIENT BUILDING ENVELOPE COMPONENTS.—Section 25C(c)(2) is amended by striking "meets—" and all that follows through the period at the end and inserting the following: "meets—

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"(A) in the case of an exterior window, a skylight, or an exterior door, applicable Energy Star program requirements, and

"(B) in the case of any other component, the prescriptive criteria for such component established by the most recent International Energy Conservation Code standard in effect as of the beginning of the calendar year which is 2 years prior to the calendar year in which such component is placed in service.".

(2) ROOFS NOT TREATED AS BUILDING ENVELOPE COMPONENTS.—Section 25C(c)(3) is amended by adding "and" at the end of subparagraph (B), by striking ", and" at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(3) AIR BARRIER INSULATION ADDED TO DEFINITION OF BUILDING ENVELOPE COMPONENT.—Section 25C(c)(3)(A) is amended by striking "material or system" and inserting "material or system, including air sealing material or system,".

(e) MODIFICATION OF RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—Section 25C(d) is amended to read as follows:

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"(d) RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—For purposes of this section—

"(1) IN GENERAL.—The term 'residential energy property expenditures' means expenditures made by the taxpayer for qualified energy property which is—

"(A) installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer, and

"(B) originally placed in service by the taxpayer.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

"(2) QUALIFIED ENERGY PROPERTY.—The term 'qualified energy property' means any of the following which meet or exceed the highest efficiency tier (not including any advanced tier) established by the Consortium for Energy Efficiency which is in effect as of the beginning of the calendar year in which the property is placed in service:

"(A) An electric heat pump water heater.

"(B) An electric heat pump.

"(C) A central air conditioner.

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"(D) A natural gas, propane, or oil water heater.

"(E) A natural gas, propane, or oil furnace or hot water boiler.".

(f) HOME ENERGY AUDITS.—

(1) IN GENERAL.—Section 25C(a) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) 30 percent of the amount paid or incurred by the taxpayer during the taxable year for home energy audits.".

(2) LIMITATION.—Section 25C(b), as amended by subsection (c), is amended adding at the end the following new paragraph:

"(5) HOME ENERGY AUDITS.—

"(A) DOLLAR LIMITATION.—The amount of the credit allowed under this section by reason of subsection (a)(3) shall not exceed $150.

"(B) SUBSTANTIATION REQUIREMENT.—No credit shall be allowed under this section by reason of subsection (a)(3) unless the taxpayer includes with the taxpayer's return of tax such

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information or documentation as the Secretary may require.''.

(3) HOME ENERGY AUDITS.—

(A) IN GENERAL.—Section 25C, as amended by subsections (a), is amended by redesignating subsections (e), (f), and (g), as subsections (f), (g), and (h), respectively, and by inserting after subsection (d) the following new subsection:

''(e) HOME ENERGY AUDITS.—For purposes of this section, the term 'home energy audit' means an inspection and written report with respect to a dwelling unit located in the United States and owned or used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121) which—

''(1) identifies the most significant and cost-effective energy efficiency improvements with respect to such dwelling unit, including an estimate of the energy and cost savings with respect to each such improvement, and

''(2) is conducted and prepared by a home energy auditor that meets the certification or other requirements specified by the Secretary (after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency

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and not later than 180 days after the date of the enactment of this subsection) in regulations or other guidance.''.

(B) CONFORMING AMENDMENT.—Section 1016(a)(33) is amended by striking ''section 25C(f)'' and inserting ''section 25C(g)''.

(4) LACK OF SUBSTANTIATION TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Section 6213(g)(2) is amended—

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

(B) in subparagraph (Q), by striking the period at the end and inserting '', and'', and

(C) by adding at the end the following:

''(R) an omission of correct information or documentation required under section 25C(b)(5)(B) (relating to home energy audits) to be included on a return.''.

(g) IDENTIFICATION NUMBER REQUIREMENT.—

(1) IN GENERAL.—Section 25C, as amended by subsections (a) and (f), is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) PRODUCT IDENTIFICATION NUMBER REQUIREMENT.—

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"(1) IN GENERAL.—No credit shall be allowed under subsection (a) with respect to any item of specified property placed in service after December 31, 2023, unless—

"(A) such item is produced by a qualified manufacturer, and

"(B) the taxpayer includes the qualified product identification number of such item on the return of tax for the taxable year.

"(2) QUALIFIED PRODUCT IDENTIFICATION NUMBER.—For purposes of this section, the term 'qualified product identification number' means, with respect to any item of specified property, the product identification number assigned to such item by the qualified manufacturer pursuant to the methodology referred to in paragraph (3).

"(3) QUALIFIED MANUFACTURER.—

"(A) IN GENERAL.—For purposes of this section, the term 'qualified manufacturer' means any manufacturer of specified property which enters into an agreement with the Secretary which provides that such manufacturer will—

"(i) assign a product identification number to each item of specified property

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produced by such manufacturer utilizing a methodology that will ensure that such number (including any alphanumeric) is unique to each such item (by utilizing numbers or letters which are unique to such manufacturer or by such other method as the Secretary may provide),

''(ii) label such item with such number in such manner as the Secretary may provide, and

''(iii) make periodic written reports to the Secretary (at such times and in such manner as the Secretary may provide) of the product identification numbers so assigned and including such information as the Secretary may require with respect to the item of specified property to which such number was so assigned.

''(B) CONSULTATION WITH DOE AND EPA.—The Secretary, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall establish procedures for manufacturers and consumers to meet the requirements for product identification numbers under subparagraph (A).

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"(4) SPECIFIED PROPERTY.—For purposes of this subsection, the term 'specified property' means any qualified energy property and any property described in subparagraph (B) or (C) of subsection (c)(3).".

(2) OMISSION OF CORRECT PRODUCT IDENTIFICATION NUMBER TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (Q), by striking "and" at the end,

(B) in subparagraph (R), by striking the period at the end and inserting ", and", and

(C) by adding at the end the following:

"(S) an omission of a correct product identification number required under section 25C(h) (relating to credit for nonbusiness energy property) to be included on a return.".

(h) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided by this subsection, the amendments made by this section shall apply to property placed in service after December 31, 2021.

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(2) HOME ENERGY AUDITS.—The amendments made by subsection (f) shall apply to amounts paid or incurred after December 31, 2021.

(3) IDENTIFICATION NUMBER REQUIREMENT.—The amendments made subsection (g) shall apply to property placed in service after December 31, 2023.

SEC. 136302. RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION OF CREDIT.—

(1) IN GENERAL.—Section 25D(h) is amended by striking ''December 31, 2023'' and inserting ''December 31, 2033''.

(2) APPLICATION OF PHASEOUT.—Section 25D(g) is amended—

(A) by striking ''before January 1, 2023'' in paragraph (2) and inserting ''before January 1, 2022'',

(B) by striking ''and'' at the end of paragraph (2),

(C) by redesignating paragraph (3) as paragraph (5) and by inserting after paragraph (2) the following new paragraphs:

''(3) in the case of property placed in service after December 31, 2021, and before January 1, 2032, 30 percent,

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"(4) in the case of property placed in service after December 31, 2031, and before January 1, 2033, 26 percent, and", and

(D) by striking "December 31, 2022, and before January 1, 2024" in paragraph (5) (as so redesignated) and inserting "December 31, 2032, and before January 1, 2034".

(b) RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT FOR BATTERY STORAGE TECHNOLOGY.—

(1) IN GENERAL.—Section 25D(a) is amended by striking "and" at the end of paragraph (5) and by inserting after paragraph (6) the following new paragraph:

"(7) the qualified battery storage technology expenditures,".

(2) QUALIFIED BATTERY STORAGE TECHNOLOGY EXPENDITURE.—Section 25D(d) is amended by adding at the end the following new paragraph:

"(7) QUALIFIED BATTERY STORAGE TECHNOLOGY EXPENDITURE.—The term 'qualified battery storage technology expenditure' means an expenditure for battery storage technology which—

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''(A) is installed in connection with a dwelling unit located in the United States and used as a residence by the taxpayer, and

''(B) has a capacity of not less than 3 kilowatt hours.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made after December 31, 2021.

SEC. 136303. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) PLACED IN SERVICE REQUIREMENT.—Section 179D(c)(2) is amended by striking ''the date that is 2 years before the date that construction of such property begins'' and inserting ''the date that is 2 years before the date such property is placed into service''.

(b) TEMPORARY INCREASE IN DEDUCTION, ETC..—Section 179D is amended by adding at the end the following:

''(i) TEMPORARY RULES.—

''(1) PERIOD OF APPLICATION.—The provisions of this subsection shall apply only to taxable years beginning after December 31, 2021, and before January 1, 2032.

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"(2) MODIFICATION OF EFFICIENCY STANDARD.—Subsection (c)(1)(D) shall be applied by substituting '25' for '50'.

"(3) MAXIMUM AMOUNT OF DEDUCTION.—

"(A) IN GENERAL.—The deduction under subsection (a) with respect to any building for any taxable year shall not exceed the excess (if any) of—

"(i) the product of—

"(I) the applicable dollar value, and

"(II) the square footage of the building, over

"(ii) the aggregate amount of the deductions under subsection (a) and paragraph (6) with respect to the building for the 3 taxable years immediately preceding such taxable year (or, in the case of any such deduction allowable to a person other than the taxpayer, for any taxable year ending during the 4-taxable-year period ending with such taxable year).

"(B) APPLICABLE DOLLAR VALUE.—For purposes of paragraph (3)(A)(i), the applicable dollar value shall be an amount equal to $2.50

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increased (but not above $5.00) by $0.10 for each percentage point by which the total annual energy and power costs for the building are certified to be reduced by a percentage greater than 25 percent.

"(C) APPLICATION OF INFLATION ADJUSTMENT.—Subsection (g) shall be applied—

"(i) by substituting '2022' for '2020',

"(ii) by substituting 'subsection (i)(3)(B)' for 'subsection (b) or subsection (d)(1)(A)', and

"(iii) by substituting '2021' for '2019'.

"(D) LIMITATION TO APPLY IN LIEU OF CURRENT LIMITATION AND PARTIAL ALLOWANCE.—Subsections (b) and (d)(1) shall not apply.

"(4) BASE CREDIT AMOUNT AND INCREASED CREDIT AMOUNT FOR CERTAIN PROPERTY.—

"(A) IN GENERAL.—In the case of any property which does not satisfy the requirements of subparagraph (B), paragraph (3)(B) shall be applied by substituting '$0.50' for '$2.50', '$.02' for '$.10', and '$1.00' for '$5.00'.

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"(B) INCREASED CREDIT FOR CERTAIN PROPERTY MEETING PROJECT REQUIREMENTS.—

"(i) PROJECT REQUIREMENTS.—A project meets the requirements of this subparagraph if it is one of the following:

"(I) A project which commences construction prior to the date of the enactment of this paragraph.

"(II) A project which commences construction after the date of enactment of this paragraph and satisfies the requirements of paragraphs (5) and (6).

"(III) A project with respect to which initial construction is completed and building modifications are made as part of a qualified retrofit plan, and which satisfies paragraphs (5) and (6).

"(5) PREVAILING WAGE REQUIREMENTS.—

"(A) IN GENERAL.—The requirements described in this subparagraph with respect to any project are that the taxpayer shall ensure that any laborers and mechanics employed by

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contractors and subcontractors in the construction of any property or with respect to building modifications made as part of a qualified retrofit plan shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—In the case of any taxpayer which fails to satisfy the requirement under subparagraph (A) with respect to any project or any building modifications made as part of a qualified retrofit plan, rules similar to the rules of section 45(b)(8)(B) shall apply for purposes of this paragraph.

''(6) APPRENTICESHIP REQUIREMENTS.—The requirements described in this subparagraph with respect to any property are as follows:

''(A) LABOR HOURS.—

''(i) PERCENTAGE OF TOTAL LABOR HOURS.—All contractors and subcontrac-

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tors engaged in the performance of construction of a project or building modifications made as part of a qualified retrofit plan shall, subject to subparagraph (B), ensure that not less than the applicable percentage of the total labor hours of such work be performed by qualified apprentices.

''(ii) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be—

''(I) in the case of any applicable project the construction of which begins before January 1, 2023, 5 percent,

''(II) in the case of any applicable project the construction of which begins after December 31, 2022, and before January 1, 2024, 10 percent, and

''(III) in the case of any applicable project the construction of which begins after December 31, 2023, 15 percent.

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"(B) APPRENTICE TO JOURNEYWORKER RATIO.—The requirement under subparagraph (A)(i) shall be subject to any applicable requirements for apprentice-to-journeyworker ratios of the Department of Labor or the applicable State apprenticeship agency.

"(C) PARTICIPATION.—Each contractor and subcontractor who employs 4 or more individuals to perform construction, alteration, or repair work on an applicable project shall employ 1 or more qualified apprentices to perform such work.

"(D) EXCEPTION.—

"(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, this paragraph shall not apply in the case of a taxpayer who—

"(I) demonstrates a lack of availability of qualified apprentices in the geographic area of the construction, alteration, or repair work, and

"(II) makes a good faith effort to comply with the requirements of this paragraph.

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''(ii) GOOD FAITH EFFORT.—For purposes of clause (i), a taxpayer shall be deemed to have satisfied the requirements under such paragraph with respect to an applicable project if such taxpayer has requested qualified apprentices from a registered apprenticeship program, as defined in section 3131(e)(3)(B), and such request has been denied, provided that such denial is not the result of a refusal by the contractors or subcontractors engaged in the performance of construction, alteration, or repair work on such applicable project to comply with the established standards and requirements of such apprenticeship program.

''(E) DEFINITIONS.—For purposes of this paragraph—

''(i) LABOR HOURS.—The term 'labor hours' has the meaning given such term in section 45(b)(9)(E)(i).

''(ii) QUALIFIED APPRENTICE.—The term 'qualified apprentice' has the meaning given such term in section 45(b)(9)(E)(ii).

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"(7) ALLOCATION OF DEDUCTION BY CERTAIN TAX-EXEMPT ENTITIES.—

"(A) IN GENERAL.—A specified tax-exempt entity shall be treated in the same manner as a Federal, State, or local government for purposes of applying subsection (d)(4).

"(B) SPECIFIED TAX-EXEMPT ENTITY.—For purposes of this paragraph, the term 'specified tax-exempt entity' means—

"(i) the United States, any State or political subdivision thereof, any possession of the United States, or any agency or instrumentality of any of the foregoing,

"(ii) any Indian tribal government (within the meaning of section 139E), and

"(iii) any organization exempt from tax imposed by this chapter.

"(8) ALTERNATIVE DEDUCTION FOR ENERGY EFFICIENT RETROFIT BUILDING PROPERTY.—

"(A) IN GENERAL.—In the case of a taxpayer which elects (at such time and in such manner as the Secretary, after consultation with the administrator of the Environmental Protection Agency, may provide) the application of this paragraph with respect to any qualified

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building, there shall be allowed as a deduction for the taxable year which includes the date of the qualifying final certification with respect to the qualified retrofit plan of such building, an amount equal to the lesser of—

''(i) the excess described in paragraph (3) (determined by substituting 'energy usage intensity' for 'total annual energy and power costs' in subparagraph (B) thereof), or

''(ii) the aggregate adjusted basis (determined after taking into account all adjustments with respect to such taxable year other than the reduction under subsection (e)) of energy efficient retrofit building property placed in service by the taxpayer pursuant to such qualified retrofit plan.

''(B) QUALIFIED RETROFIT PLAN.—For purposes of this paragraph, the term 'qualified retrofit plan' means a written plan prepared by a qualified professional which specifies modifications to a building which, in the aggregate, are expected to reduce such building's energy usage intensity by 25 percent or more in comparison to the baseline energy usage intensity of

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such building. Such plan shall provide for a qualified professional to—

''(i) as of any date during the 1-year period ending on the date of the first certification described in clause (ii), certify the energy usage intensity of such building as of such date,

''(ii) certify the status of property installed pursuant to such plan as meeting the requirements of clauses (ii) and (iii) subparagraph (C), and

''(iii) as of any date that is more than 1 year after completion of the plan, certify the energy usage intensity of such building as of such date.

''(C) ENERGY EFFICIENT RETROFIT BUILDING PROPERTY.—For purposes of this paragraph, the term 'energy efficient retrofit building property' means property—

''(i) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,

''(ii) which is installed on or in any qualified building,

''(iii) which is installed as part of—

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"(I) the interior lighting systems,

"(II) the heating, cooling, ventilation, and hot water systems, or

"(III) the building envelope, and

"(iv) which is certified in accordance with subparagraph (B)(ii) as meeting the requirements of clauses (ii) and (iii).

"(D) QUALIFIED BUILDING.—For purposes of this paragraph, the term 'qualified building' means any building which—

"(i) is located in the United States, and

"(ii) was originally placed in service not less than 5 years before the establishment of the qualified retrofit plan with respect to such building.

"(E) QUALIFYING FINAL CERTIFICATION.—For purposes of this paragraph, the term 'qualifying final certification' means, with respect to any qualified retrofit plan, the certification described in subparagraph (B)(iii) if the energy usage intensity certified in such certification is not more than 75 percent of the baseline energy usage intensity of the building.

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"(F) BASELINE ENERGY USAGE INTENSITY.—

"(i) IN GENERAL.—The term 'baseline energy usage intensity' means the energy usage intensity certified under subparagraph (B)(i), as adjusted to take into account weather as compared to the energy usage intensity determined under subparagraph (B)(iii)(I).

"(ii) DETERMINATION OF ADJUSTMENT.—For purposes of clause (i), the adjustments described in such clause shall be determined in such manner as the Secretary, after consultation with the Administrator of the Environmental Protection Agency, may provide.

"(G) OTHER DEFINITIONS.—For purposes of this paragraph—

"(i) ENERGY USAGE INTENSITY.—The term 'energy usage intensity' means the site energy usage intensity determined in accordance with such regulations or other guidance as the Secretary, after consultation with the Administrator of the Envi-

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ronmental Protection Agency, may provide and measured in British thermal units.

"(ii) QUALIFIED PROFESSIONAL.—The term 'qualified professional' means an individual who is a licensed architect or a licenced engineer and meets such other requirements as the Secretary may provide.

"(H) COORDINATION WITH DEDUCTION OTHERWISE ALLOWED UNDER SUBSECTION (a).—

"(i) IN GENERAL.—In the case of any building with respect to which an election is made under subparagraph (A), the term 'energy efficient commercial building property' shall not include any energy efficient retrofit building property with respect to which a deduction is allowable under this paragraph.

"(ii) CERTAIN RULES NOT APPLICABLE.—

"(I) IN GENERAL.—Except as provided in subclause (II), subsection (d) shall not apply for purposes of this paragraph.

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"(II) ALLOCATION OF DEDUCTION BY CERTAIN TAX-EXEMPT ENTITIES.—Rules similar to subsection (d)(4) (determined after application of paragraph (5)) shall apply for purposes of this paragraph.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendment made by this section shall apply to taxable years beginning after December 31, 2021.

(2) ALTERNATIVE DEDUCTION FOR ENERGY EFFICIENT RETROFIT BUILDING PROPERTY.—Paragraph (6) of section 179D(i) of the Internal Revenue Code of 1986 (as added by this section), and any other provision of such section solely for purposes of applying such paragraph, shall apply to property placed in service after December 31, 2021 (in taxable years ending after such date) if such property is placed in service pursuant to qualified retrofit plan (within the meaning of such section) established after such date.

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SEC. 136304. EXTENSION, INCREASE, AND MODIFICATIONS OF NEW ENERGY EFFICIENT HOME CREDIT.

(a) EXTENSION OF CREDIT.—Section 45L(g) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2031''.

(b) INCREASE IN CREDIT AMOUNTS.—Section 45L(a)(2) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is an amount equal to—

''(A) in the case of a dwelling unit which is eligible to participate in the Energy Star Residential New Construction Program or the Energy Star Manufactured New Homes program—

''(i) that is described in subsection (c)(1)(A) (and not described in subsection (c)(1)(B)), $2,500, and

''(ii) that is described in subsection (c)(1)(B), $5000, and

''(B) in the case of a dwelling which are part of a building eligible to participate in the Energy Star Multifamily New Construction Program—

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"(i) that is described in subsection (c)(1)(A) (and not described in subsection (c)(1)(B)), $500, and

"(ii) that is described in subsection (c)(1)(B), $1000.".

(c) MODIFICATION OF ENERGY SAVING REQUIREMENTS.—Section 45L(c) is amended to read as follows:

"(c) ENERGY SAVING REQUIREMENTS.—

"(1) IN GENERAL.—A dwelling unit meets the energy saving requirements of this subsection if—

"(A) such dwelling unit meets the requirements of paragraph (2) or (3) (whichever is applicable), or

"(B) such dwelling unit is certified as a zero energy ready home under the zero energy ready home program of the Department of Energy (or any successor program determined by the Secretary, after consultation with the Secretary of Energy) as in effect on January 1, 2022.

"(2) SINGLE-FAMILY HOME REQUIREMENTS.—A dwelling unit meets the requirements of this paragraph if—

"(A) such dwelling unit meets—

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"(i) in the case of a dwelling unit acquired before January 1, 2025, the Energy Star Single-Family New Homes National Program Requirements 3.1, and

"(ii) in the case of a dwelling unit acquired after December 31, 2024, the Energy Star Single-Family New Homes National Program Requirements 3.2,

"(B) such dwelling unit meets the most recent Energy Star Single-Family New Homes Program Requirements applicable to the location of such dwelling unit (as in effect on the latter of January 1, 2022 or January 1 of two calendar years prior to the date the dwelling was acquired), or

"(C) such dwelling unit meets the most recent Energy Star Manufactured Home National program requirements as in effect on the latter of January 1, 2022 or January 1 of two calendar years prior to the date such dwelling unit is acquired.

"(3) MULTI-FAMILY HOME REQUIREMENTS.—A dwelling unit meets the requirements of this paragraph if—

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"(A) such dwelling unit meets the most recent Energy Star Multifamily New Construction National Program Requirements (as in effect on either January 1, 2022 or January 1 of three calendar years prior to the date the dwelling was acquired, whichever is later), and

"(B) such dwelling unit meets the most recent Energy Star Multifamily New Construction Regional Program Requirements applicable to the location of such dwelling unit (as in effect on either January 1, 2022 or January 1 of three calendar years prior to the date the dwelling was acquired, whichever is later).".

(d) PREVAILING WAGE REQUIREMENT.—Section 45L is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) PREVAILING WAGE REQUIREMENT.—

"(1) IN GENERAL.—In the case of a qualifying residence described in subsection (b)(2)(B) meeting the prevailing wage requirements of paragraph (2), the credit amount allowed with respect to such residence shall be—

"(A) $2,500 in the case of a residence described in subparagraph (A) of subsection

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(c)(1) (and not described in subparagraph (B) of such subsection), and

"(B) $5,000 in the case of a residence described in (c)(1)(B).

"(2) PREVAILING WAGE REQUIREMENTS.—

"(A) IN GENERAL.—The requirements described in this paragraph with respect to any qualified residence are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in the construction of such residence shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

"(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—In the case of any taxpayer which fails to satisfy the requirement under subparagraph (A) with respect to any qualified residence, rules similar to the rules of section 45(b)(8)(B) shall apply for purposes of this paragraph.

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''(3) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection.''.

(e) EFFECTIVE DATES.—The amendments made by this section shall apply to dwelling units acquired after December 31, 2021.

SEC. 136305. MODIFICATIONS TO INCOME EXCLUSION FOR CONSERVATION SUBSIDIES.

(a) IN GENERAL.—Section 136(a) is amended—

(1) by striking ''any subsidy provided'' and inserting ''any subsidy—

''(1) provided'',

(2) by striking the period at the end and inserting a comma, and

(3) by adding at the end the following new paragraphs:

''(2) provided (directly or indirectly) by a public utility to a customer, or by a State or local government to a resident of such State or locality, for the purchase or installation of any water conservation or efficiency measure,

''(3) provided (directly or indirectly) by a storm water management provider to a customer, or by a State or local government to a resident of such State

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or locality, for the purchase or installation of any storm water management measure, or

''(4) provided (directly or indirectly) by a State or local government to a resident of such State or locality for the purchase or installation of any wastewater management measure, but only if such measure is with respect to the taxpayer's principal residence.''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION OF WATER CONSERVATION OR EFFICIENCY MEASURE AND STORM WATER MANAGEMENT MEASURE.—Section 136(c) is amended—

(A) by striking ''ENERGY CONSERVATION MEASURE'' in the heading thereof and inserting ''DEFINITIONS'',

(B) by striking ''IN GENERAL'' in the heading of paragraph (1) and inserting ''ENERGY CONSERVATION MEASURE'', and

(C) by redesignating paragraph (2) as paragraph (5) and by inserting after paragraph (1) the following:

''(2) WATER CONSERVATION OR EFFICIENCY MEASURE.—For purposes of this section, the term 'water conservation or efficiency measure' means any evaluation of water use, or any installation or modi-

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fication of property, the primary purpose of which is to reduce consumption of water or to improve the management of water demand with respect to one or more dwelling units.

''(3) STORM WATER MANAGEMENT MEASURE.—For purposes of this section, the term 'storm water management measure' means any installation or modification of property primarily designed to reduce or manage amounts of storm water with respect to one or more dwelling units.

''(4) WASTEWATER MANAGEMENT MEASURE.—For purposes of this section, the term 'wastewater management measure' means any installation or modification of property primarily designed to manage wastewater (including septic tanks and cesspools) with respect to one or more dwelling units.''.

(2) DEFINITION OF PUBLIC UTILITY.—Section 136(c)(5) (as redesignated by paragraph (1)(C)) is amended by striking subparagraph (B) and inserting the following:

''(B) PUBLIC UTILITY.—The term 'public utility' means a person engaged in the sale of electricity, natural gas, or water to residential, commercial, or industrial customers for use by such customers.

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''(C) STORM WATER MANAGEMENT PROVIDER.—The term 'storm water management provider' means a person engaged in the provision of storm water management measures to the public.

''(D) PERSON.—For purposes of subparagraphs (B) and (C), the term 'person' includes the Federal Government, a State or local government or any political subdivision thereof, or any instrumentality of any of the foregoing.''.

(3) CLERICAL AMENDMENTS.—

(A) The heading for section 136 is amended—

(i) by inserting ''**AND WATER**'' after ''**ENERGY**'', and

(ii) by striking ''**PROVIDED BY PUBLIC UTILITIES**''.

(B) The item relating to section 136 in the table of sections of part III of subchapter B of chapter 1 is amended—

(i) by inserting ''and water'' after ''energy'', and

(ii) by striking ''provided by public utilities''.

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(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2018.

(d) NO INFERENCE.—Nothing in this Act or the amendments made by this Act shall be construed to create any inference with respect to the proper tax treatment of any subsidy received directly or indirectly from a public utility, a storm water management provider, or a State or local government for any water conservation measure or storm water management measure before January 1, 2019.

PART 4—GREENING THE FLEET AND ALTERNATIVE VEHICLES

SEC. 136401. REFUNDABLE NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE CREDIT FOR INDIVIDUALS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 is amended by inserting after section 36B the following new section:

"SEC. 36C. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of the credit amounts determined under

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subsection (b) with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

"(b) PER VEHICLE DOLLAR LIMITATION.—

"(1) IN GENERAL.—The amount determined under this subsection with respect to any new qualified plug-in electric drive motor vehicle is the sum of the amounts determined under paragraphs (2) through (5) with respect to such vehicle (not to exceed 50 percent of the purchase price of such vehicle).

"(2) BASE AMOUNT.—The amount determined under this paragraph is $4,000.

"(3) BATTERY CAPACITY.—In the case of a new qualified plug-in electric drive motor vehicle, the amount determined under this paragraph is $3,500 if—

"(A) in the case of a vehicle placed in service before January 1, 2027, such vehicle draws propulsion energy from a battery with not less than 40 kilowatt hours of capacity, and

"(B) in the case of a vehicle placed in service after December 31, 2026, such vehicle draws propulsion energy from a battery with not less than 50 kilowatt hours of capacity.

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"(4) DOMESTIC ASSEMBLY.—In the case of a new qualified plug-in vehicle which satisfies the domestic assembly qualifications, the amount determined under this paragraph is $4,500.

"(5) DOMESTIC CONTENT.—In the case of a new qualified plug-in vehicle which satisfies domestic content qualifications, the amount determined under this paragraph is $500.

"(c) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

"(1) IN GENERAL.—The amount of the credit allowable under subsection (a) shall be reduced (but not below zero) by $200 for each $1,000 (or fraction thereof) by which the taxpayer's modified adjusted gross income exceeds the threshold amount. For purposes of the preceding sentence, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

"(2) SPECIAL RULE FOR DETERMINATION OF MODIFIED ADJUSTED GROSS INCOME.—The modified adjusted gross income of the taxpayer that is taken into account for purposes of paragraph (1) shall be the lesser of—

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"(A) the modified adjusted gross income for the taxable year in which the credit is claimed, or

"(B) the modified adjusted gross income for the immediately preceding taxable year.

"(3) THRESHOLD AMOUNT.—For purposes of paragraph (1), the term 'threshold amount' means—

"(A) $800,000 in the case of a joint return or surviving spouse (half such amount for married filing separately),

"(B) $600,000 in the case of a head of household, and

"(C) $400,000 in any other case.

"(d) MANUFACTURER'S SUGGESTED RETAIL PRICE LIMITATION.—

"(1) IN GENERAL.—No credit shall be allowed under subsection (a) for a vehicle with a manufacturer's suggested retail price in excess of the applicable limitation.

"(2) APPLICABLE LIMITATION.—For purposes of paragraph (1), the applicable limitation for each vehicle classification is as follows:

"(A) SEDANS.—In the case of a sedan, $55,000.

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"(B) VANS.—In the case of a van, $64,000.

"(C) SPORT UTILITY VEHICLES.—In the case of a sport utility vehicle, $69,000.

"(D) PICKUP TRUCKS.—In the case of a pickup truck, $74,000.

"(3) REGULATIONS.—For purposes of this subsection, the Secretary shall prescribe regulations for determining vehicle classifications using criteria similar to that employed by the Environmental Protection Agency and the Department of Energy to determine size and class of vehicles.

"(e) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section—

"(1) IN GENERAL.—The term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle—

"(A) the original use of which commences with the taxpayer,

"(B) which is acquired for use by the taxpayer and not for resale,

"(C) which is made by a qualified manufacturer,

"(D) which is treated as a motor vehicle for purposes of title II of the Clean Air Act,

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"(E) which has a gross vehicle weight rating of less than 14,000 pounds,

"(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

"(i) has a capacity of—

"(I) in the case of a vehicle placed in service in 2022 or 2023, not less than 7 kilowatt hours, and

"(II) in the case of a vehicle placed in service after 2023, not less than 10 kilowatt hours, and

"(ii) is capable of being recharged from an external source of electricity,

"(G) for which, in the case of a vehicle placed into service after December 31, 2026, final assembly is within the United States, and

"(H) is not of a character subject to an allowance for depreciation.

"(2) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle which is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails) and which has at least 4 wheels.

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"(3) QUALIFIED MANUFACTURER.—The term 'qualified manufacturer' means any manufacturer (within the meaning of the regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.) which enters into a written agreement with the Secretary under which such manufacturer agrees—

"(A) to ensure that each vehicle manufactured by such manufacturer after the later of the date on which such agreement takes effect or December 31, 2021, and that meets the requirements of subparagraphs (D), (E), and (F) of paragraph (1) and paragraph (6) of subsection (e) is labeled with a unique vehicle identification number, and

"(B) to make periodic written reports to the Secretary (at such times and in such manner as the Secretary may provide) providing such vehicle identification numbers and such other information related to such vehicle as the Secretary may require.

"(4) BATTERY CAPACITY.—The term 'capacity' means, with respect to any battery, the quantity of electricity which the battery is capable of storing, ex-

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pressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

''(f) SPECIAL RULES.—

''(1) BASIS REDUCTION.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

''(2) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for a vehicle for which a credit is allowable under subsection (a) shall be reduced by the amount of credit allowed under such subsection for such vehicle.

''(3) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1).

''(4) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

''(5) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any

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vehicle if the taxpayer elects to not have this section apply to such vehicle.

"(6) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—A vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

"(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

"(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

"(g) CREDIT ALLOWED FOR 2 AND 3-WHEELED PLUG-IN ELECTRIC VEHICLES.—

"(1) IN GENERAL.—In the case of a qualified 2- or 3-wheeled plug-in electric vehicle—

"(A) there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of the applicable amount with respect to each such qualified 2- or 3-wheeled plug-in electric vehicle

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placed in service by the taxpayer during the taxable year, and

"(B) the amount of the credit allowed under subparagraph (A) shall be treated as a credit allowed under subsection (a).

"(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is an amount equal to the lesser of—

"(A) 10 percent of the cost of the qualified 2- or 3-wheeled plug-in electric vehicle, or

"(B) $2,500.

"(3) QUALIFIED 2- OR 3-WHEELED PLUG-IN ELECTRIC VEHICLE.—The term 'qualified 2- or 3-wheeled plug-in electric vehicle' means any vehicle which—

"(A) has 2 or 3 wheels,

"(B) meets the requirements of subparagraphs (A), (B), (C), (E), (F), and (G) of subsection (e)(1) (determined by substituting '2.5 kilowatt hours' for '7 kilowatt hours' in subparagraph (F)(i)(I) and by substituting '2.5 kilowatt hours' for '10 kilowatt hours' in subparagraph (F)(i)(II)),

"(C) is manufactured primarily for use on public streets, roads, and highways, and

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''(D) is capable of achieving a speed of 45 miles per hour or greater.

''(h) VIN NUMBER REQUIREMENT.—No credit shall be allowed under this section with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

''(i) TREATMENT OF CERTAIN POSSESSIONS.—

''(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of the provisions of this section (determined without regard to this subsection). Such amounts shall be determined by the Secretary based on information provided by the government of the respective possession.

''(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the provisions of this section if a mirror code

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tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan which has been approved by the Secretary under which such possession will promptly distribute such payments to its residents.

''(3) MIRROR CODE TAX SYSTEM; TREATMENT OF PAYMENTS.—Rules similar to the rules of paragraphs (4) and (5) of section 21(h) shall apply for purposes of this section.

''(j) ASSEMBLY AND CONTENT QUALIFICATIONS.—For purposes of this section—

''(1) DOMESTIC ASSEMBLY QUALIFICATIONS.—The term 'domestic assembly qualifications' means, with respect to any new qualified plug-in electric vehicle, that the final assembly of such vehicle occurs at a plant, factory, or other place which is operating under a collective bargaining agreement negotiated by an employee organization (as defined in section 412(c)(4)), determined in a manner consistent with section 7701(a)(46).

''(2) DOMESTIC CONTENT QUALIFICATIONS.—The term 'domestic content qualifications' means, with respect to any model of a new qualified plug-in electric vehicle, that vehicles of that model—

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"(A) are assembled by a manufacturer which utilizes not less than 50 percent domestic content in the component parts for final assembly of such vehicles, and

"(B) are powered by battery cells which are manufactured in the United States (with suchbattery cells to be included for purposes of the requirement described in subparagraph (A)), as certified by the manufacturer, at such time, and in such form and manner, as the Secretary may prescribe.

"(3) FINAL ASSEMBLY.—The term 'final assembly' means the process by which a manufacturer produces a new qualified plug-in electric vehicle at, or through the use of, a plant, factory, or other place from which the vehicle is delivered to a dealer or importer with all component parts necessary for the mechanical operation of the vehicle included with the vehicle, whether or not the component parts are permanently installed in or on the vehicle.

"(k) TERMINATION.—No credit shall be allowed under this section with respect to any vehicle acquired after December 31, 2031.".

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(b) TRANSFER OF CREDIT.—Subsection (f) of section 36C is amended by adding at the end the following new paragraphs:

"(7) IN GENERAL.—Subject to such regulations or other guidance as the Secretary determines necessary or appropriate, if, with respect to the credit allowed under subsection (a) for any taxable year, the taxpayer elects the application of this subparagraph for such taxable year with respect to such credit, the eligible entity specified in such election, and not the taxpayer who has purchased or leased the vehicle, shall be treated as the taxpayer for purposes of this title with respect to such credit.

"(8) ELIGIBLE ENTITY.—For purposes of this paragraph, the term 'eligible entity' means, with respect to the vehicle for which the credit is allowed under subsection (a), the dealer which sold such vehicle to the taxpayer and has—

"(A) subject to paragraph (10), registered with the Secretary for purposes of this paragraph, at such time, and in such form and manner, as the Secretary may prescribe,

"(B) prior to the election described in paragraph (7), disclosed to the taxpayer purchasing such vehicle—

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"(i) the manufacturer's suggested retail price,

"(ii) the value of the credit allowed or other incentive available for the purchase or lease of such vehicle,

"(iii) all fees associated with the purchase or lease of such vehicle, and

"(iv) the amount provided by the dealer to such taxpayer as a condition of the election described in paragraph (7),

"(C) made payment to such taxpayer (whether in cash or in the form of a partial payment or down payment for the purchase of such vehicle) in an amount equal to the credit otherwise allowable to such taxpayer, and

"(D) with respect to any incentive otherwise available for the purchase of a vehicle for which a credit is allowed under this section, including any incentive in the form of a rebate or discount provided by the dealer or manufacturer, ensured that—

"(i) the availability or use of such incentive shall not limit the ability of a taxpayer to make an election described in paragraph (7), and

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"(ii) such election shall not limit the value or use of such incentive.

"(9) TIMING.—An election described in paragraph (7) shall be made by the taxpayer not later than the date on which the vehicle for which the credit is allowed under subsection (a) is purchased.

"(10) REVOCATION OF REGISTRATION.—Upon determination by the Secretary that a dealer has failed to comply with the requirements described in paragraph (8), the Secretary may revoke the registration (as described in subparagraph (A) of such subparagraph) of such dealer.

"(11) TAX TREATMENT OF PAYMENTS.—With respect to any payment described in paragraph (8)(C), such payment—

"(A) shall not be includible in the gross income of the taxpayer, and

"(B) with respect to the dealer, shall not be deductible under this title.

"(12) ADVANCE PAYMENT TO REGISTERED DEALERS.—

"(A) IN GENERAL.—The Secretary shall establish a program to make advance payments to any eligible entity in an amount equal to the cumulative amount of the credits allowed under

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subsection (a) with respect to any vehicles sold by such entity for which an election described in paragraph (1) has been made.

"(B) EXCESSIVE PAYMENTS.—Rules similar to the rules of section 6417(c)(8) shall apply for purposes of this subparagraph.

"(13) DEALER.—For purposes of this paragraph, the term 'dealer' means a person licensed by a State, the District of Columbia, the Commonwealth of Puerto Rico, any other territory or possession of the United States, or an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) to engage in the sale of vehicles.".

(c) REPEAL OF NONREFUNDABLE NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE CREDIT.—Subpart B of part IV of subchapter A of chapter 1 is amended by striking section 30D (and by striking the item relating to such section in the table of sections of such subpart).

(d) CONFORMING AMENDMENTS.—

(1) Section 1016(a)(37) is amended by striking "section 30D(f)(1)" and inserting "section 36C(f)(1)".

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(2) Section 6211(b)(4)(A) is amended by inserting ''36C,'' after ''36B,''.

(3) Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

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

(B) in subparagraph (S), by striking the period at the end and inserting '', and'', and

(C) by adding at the end the following:

''(T) an omission of a correct vehicle identification number required under section 36C(f) (relating to credit for new qualified plug-in electric drive motor vehicles) to be included on a return.''.

(4) Section 6501(m) is amended by striking ''30D(e)(4)'' and inserting ''36C(f)(5)''.

(5) Section 166(b)(5)(A)(ii) of title 23, United States Code, is amended by striking ''section 30D(d)(1)'' and inserting ''section 36C(e)(1)''.

(6) Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''36C,'' after ''36B,''.

(7) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by in-

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serting after the item relating to section 36B the following new item:

"Sec. 36C. New qualified plug-in electric drive motor vehicles.".

(e) EFFECTIVE DATES.—

(1) The amendments made by subsections (a), (c), and (d) of this section shall apply to vehicles acquired after December 31, 2021.

(2) The amendments made by subsection (b) shall apply to vehicles purchased or leased after December 31, 2022.

SEC. 136402. CREDIT FOR PREVIOUSLY-OWNED QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by inserting after section 36C the following new section:

"SEC. 36D. PREVIOUSLY-OWNED QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

"(a) ALLOWANCE OF CREDIT.—In the case of a qualified buyer who during a taxable year places in service a previously-owned qualified plug-in electric drive motor vehicle, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of—

"(1) $1,250, plus

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"(2) in the case of a vehicle which draws propulsion energy from a battery which exceeds 4 kilowatt hours of capacity (determined at the time of sale), the lesser of—

"(A) $1,250, and

"(B) the product of $208.50 and such excess kilowatt hours.

"(b) LIMITATIONS.—

"(1) SALE PRICE.—The credit allowed under subsection (a) with respect to sale of a vehicle shall not exceed 30 percent of the sale price.

"(2) ADJUSTED GROSS INCOME.—The amount which would (but for this paragraph) be allowed as a credit under subsection (a) shall be reduced (but not below zero) by $200 for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income exceeds—

"(A) $150,000 in the case of a joint return or a surviving spouse (as defined in section 2(a)),

"(B) $112,500 in the case of a head of household (as defined in section 2(b)), and

"(C) $75,000 in the case of a taxpayer not described in paragraph (1) or (2).

"(c) DEFINITIONS.—For purposes of this section—

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"(1) PREVIOUSLY-OWNED QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—The term 'previously-owned qualified plug-in electric drive motor vehicle' means, with respect to a taxpayer, a motor vehicle—

"(A) the model year of which is at least 2 earlier than the calendar year in which the taxpayer acquires such vehicle,

"(B) the original use of which commences with a person other than the taxpayer,

"(C) which is acquired by the taxpayer in a qualified sale,

"(D) registered by the taxpayer for operation in a State or possession of the United States, and

"(E) which meets the requirements of subparagraphs (C), (D), (E), (F), and (G) of section 36C(e)(1).

"(2) QUALIFIED SALE.—The term 'qualified sale' means a sale of a motor vehicle—

"(A) by a seller who holds such vehicle in inventory (within the meaning of section 471) for sale or lease,

"(B) for a sale price not to exceed $25,000, and

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"(C) which is the first transfer since the date of the enactment of this section to a person other than the person with whom the original use of such vehicle commenced.

"(3) QUALIFIED BUYER.—The term 'qualified buyer' means, with respect to a sale of a motor vehicle, a taxpayer—

"(A) who is an individual,

"(B) who purchases such vehicle for use and not for resale,

"(C) with respect to whom no deduction is allowable with respect to another taxpayer under section 151,

"(D) who has not been allowed a credit under this section for any sale during the 3-year period ending on the date of the sale of such vehicle, and

"(E) who possesses a certificate issued by the seller that certifies—

"(i) that the vehicle is a previously-owned qualified plug-in electric drive motor vehicle,

"(ii) the vehicle identification number of such vehicle,

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"(iii) the capacity of the battery at time of sale, and

"(iv) such other information as the Secretary may require.

"(4) MOTOR VEHICLE; CAPACITY.—The terms 'motor vehicle' and 'capacity' have the meaning given such terms in paragraphs (2) and (4) of section 36C(e), respectively.

"(d) VIN NUMBER REQUIREMENT.—No credit shall be allowed under subsection (a) with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

"(e) APPLICATION OF CERTAIN RULES.—For purposes of this section, rules similar to the rules of paragraphs (1), (2), (4), (5), (6) and (7) of section 36C(f) shall apply for purposes of this section.

"(f) CERTIFICATE SUBMISSION REQUIREMENT.—The Secretary may require that the issuer of the certificate described in subsection (c)(3)(E) submit such certificate to the Secretary at the time and in the manner required by the Secretary.

"(g) TREATMENT OF CERTAIN POSSESSIONS.—

"(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary shall pay to

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each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of the provisions of this section. Such amounts shall be determined by the Secretary based on information provided by the government of the respective possession.

''(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the provisions of this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan which has been approved by the Secretary under which such possession will promptly distribute such payments to its residents.

''(3) MIRROR CODE TAX SYSTEM; TREATMENT OF PAYMENTS.—Rules similar to the rules of paragraphs (4) and (5) of section 21(h) shall apply for purposes of this section.

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"(h) TERMINATION.—No credit shall be allowed under this section with respect to any vehicle acquired after December 31, 2031.".

(b) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A), as amended by the preceding provisions of this Act, is amended by inserting "36D," after "36C,".

(2) Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (S), by striking "and" at the end,

(B) in subparagraph (T), by striking the period at the end and inserting ", and", and

(C) by adding at the end the following:

"(U) an omission of a correct vehicle identification number required under section 36D(d) (relating to credit for previously-owned qualified plug-in electric drive motor vehicles) to be included on a return.".

(3) Paragraph (2) of section 1324(b) of title 31, United States Code, as amended by the preceding provisions of this Act, is amended by inserting "36D," after "36C,".

(c) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1,

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as amended by the preceding provisions of this Act, is amended by inserting after the item relating to section 36C the following new item:

"Sec. 36D. Previously-owned qualified plug-in electric drive motor vehicles.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after December 31, 2021.

SEC. 136403. QUALIFIED COMMERCIAL ELECTRIC VEHICLES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 45Y. CREDIT FOR QUALIFIED COMMERCIAL ELECTRIC VEHICLES.

"(a) IN GENERAL.—For purposes of section 38, the qualified commercial electric vehicle credit for any taxable year is an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each qualified commercial electric vehicle placed in service by the taxpayer during the taxable year.

"(b) PER VEHICLE AMOUNT.—The amount determined under this subsection with respect to any qualified commercial electric vehicle shall be equal to 30 percent of the basis of such vehicle.

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"(c) QUALIFIED COMMERCIAL ELECTRIC VEHICLE.—For purposes of this section, the term 'qualified commercial electric vehicle' means any vehicle which—

"(1) meets the requirements of subparagraphs (A) and (C) of section 36C(e)(1) without regard to any gross vehicle weight rating, and is acquired for use or lease by the taxpayer and not for resale,

"(2) either—

"(A) meets the requirements of subparagraph (D) of section 36C(e)(1), or

"(B) is mobile machinery, as defined in section 4053(8),

"(3) is primarily propelled by an electric motor which draws electricity from a battery which—

"(A) has a capacity of not less than 30 kilowatt hours,

"(B) is capable of being recharged from an external source of electricity,

"(C) is not powered or charged by an internal combustion engine, or

"(D) is a new qualified fuel cell motor vehicle described in subparagraphs (A) and (B) of section 30B(b)(3), and

"(4) is of a character subject to the allowance for depreciation.

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"(d) SPECIAL RULES.—

"(1) IN GENERAL.—Rules similar to the rules under subsection (f) of section 36C shall apply for purposes of this section.

"(2) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a vehicle the use of which is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle.

"(e) VIN NUMBER REQUIREMENT.—No credit shall be determined under subsection (a) with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

"(f) TERMINATION.—No credit shall be determined under this section with respect to any vehicle acquired after December 31, 2031.".

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) is amended by striking paragraph (30) and inserting the following:

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"(30) the qualified commercial electric vehicle credit determined under section 45Y,".

(2) Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (T), by striking "and" at the end,

(B) in subparagraph (U), by striking the period at the end and inserting ", and", and

(C) by adding at the end the following:

"(V) an omission of a correct vehicle identification number required under section 45Y(e) (relating to commercial electric vehicle credit) to be included on a return.".

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45Y. Qualified commercial electric vehicle credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after December 31, 2021.

SEC. 136404. QUALIFIED FUEL CELL MOTOR VEHICLES.

(a) IN GENERAL.—Section 30B(k)(1) is amended by striking "December 31, 2021" and inserting "December 31, 2031".

(b) NEW QUALIFIED FUEL CELL MOTOR VEHICLE.—Section 30B(b) is amended by striking "and" at

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the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", and", and by adding at the end the following new subparagraph:

"(F) which is not property of a character subject to an allowance for depreciation.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2021.

SEC. 136405. ALTERNATIVE FUEL REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Section 30C(g) is amended by striking "December 31, 2021" and inserting "December 31, 2031".

(b) ADDITIONAL CREDIT FOR CERTAIN ELECTRIC CHARGING PROPERTY.—

(1) IN GENERAL.—Section 30C(a) is amended—

(A) by striking "equal to 30 percent" and inserting the following: "equal to the sum of—

"(1) 30 percent",

(B) by striking the period at the end and inserting ", plus", and

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

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"(2) 20 percent of so much of such cost as exceeds the limitation under subsection (b)(1) that does not exceed the amount of cost attributable to qualified alternative vehicle refueling property (determined without regard to subsection (c)(1) and as if only electricity, and fuel at least 85 percent of the volume of which consists of hydrogen, were treated as clean-burning fuels for purposes of section 179A(d)) which—

"(A) is intended for general public use with no associated fee or payment arrangement,

"(B) is intended for general public use and accepts payment via a credit card reader, including a credit card reader that uses contactless technology, or

"(C) is intended for use exclusively by fleets of commercial or governmental vehicles.".

(2) CONFORMING AMENDMENT.—Section 30C(b) is amended—

(A) by striking "The credit allowed under subsection (a)" and inserting "The amount of cost taken into account under subsection (a)(1)",

(B) by striking "$30,000" and inserting "$100,000", and

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(C) by striking ''$1,000'' and inserting ''$3,333.33''.

(3) BIDIRECTIONAL CHARGING EQUIPMENT INCLUDED AS QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—Section 30C(c) is amended—

(A) by striking ''For purposes of this section, the term'' and inserting ''For purposes of this section—

''(1) IN GENERAL.—The term'', and

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

''(2) BIDIRECTIONAL CHARGING EQUIPMENT.—Property shall not fail to be treated as qualified alternative vehicle refueling property solely because such property—

''(A) is capable of charging the battery of a motor vehicle propelled by electricity, and

''(B) allows discharging electricity from such battery to an electric load external to such motor vehicle.''.

(c) CERTAIN ELECTRIC CHARGING STATIONS INCLUDED AS QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—Section 30C is amended by redesignating subsections (f) and (g) as subsections (g) and

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(h), respectively, and by inserting after subsection (e) the following:

''(f) SPECIAL RULE FOR ELECTRIC CHARGING STATIONS FOR CERTAIN VEHICLES WITH 2 OR 3 WHEELS.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified alternative fuel vehicle refueling property' includes any property described in subsection (c) for the recharging of a motor vehicle described in paragraph (2) that is propelled by electricity, but only if the property—

''(A) meets the requirements of subsection (a)(2), and

''(B) is of a character subject to depreciation.

''(2) MOTOR VEHICLE.—A motor vehicle is described in this paragraph if the motor vehicle—

''(A) is manufactured primarily for use on public streets, roads, or highways (not including a vehicle operated exclusively on a rail or rails), and

''(B) has at least 2, but not more than 3, wheels.''.

(d) WAGE AND APPRENTICESHIP REQUIREMENTS.—Section 30C, as amended by this section, is further

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amended by redesignating subsections (g) and (h) as subsections (h) and (i) and by inserting after subsection (f) the following new subsection:

"(g) WAGE AND APPRENTICESHIP REQUIREMENTS.—

"(1) BASE CREDIT AMOUNT AND INCREASED CREDIT AMOUNT.—

"(A) IN GENERAL.—In the case of any qualified alternative fuel vehicle refueling property which does not satisfy the requirements of subparagraph (B), the amount of the credit determined under subsection (a) shall be 20 percent of such amount (determined without regard to this sentence).

"(B) INCREASED CREDIT FOR CERTAIN QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY MEETING PROJECT REQUIREMENTS.—

"(i) IN GENERAL.—In the case of any qualified alternative fuel vehicle refueling property which meets the project requirements of this subparagraph, subparagraph (A) shall not apply.

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"(ii) PROJECT REQUIREMENTS.—A project meets the requirements of this subparagraph if it is one of the following:

"(I) A project which commences construction prior to the date of the enactment of this paragraph.

"(II) A project which satisfies the requirements of paragraphs (2) and (3).

"(2) PREVAILING WAGE REQUIREMENTS.—

"(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified alternative fuel vehicle refueling property are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in the construction of such property shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

"(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIRE-

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MENTS.—In the case of any taxpayer which fails to satisfy the requirement under subparagraph (A) with respect to such qualified alternative fuel vehicle refueling property, rules similar to the rules of section 45(b)(8)(B) shall apply for purposes of this paragraph.

''(3) APPRENTICESHIP REQUIREMENTS.—The requirements described in this subparagraph with respect to the construction of any qualified alternative fuel vehicle refueling property are as follows:

''(A) LABOR HOURS.—

''(i) PERCENTAGE OF TOTAL LABOR HOURS.—All contractors and subcontractors engaged in the performance of construction on any project shall, subject to subparagraph (B), ensure that not less than the applicable percentage of the total labor hours of such work be performed by qualified apprentices.

''(ii) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be—

''(I) in the case of any applicable project the construction of which be-

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gins before January 1, 2023, 5 percent,

"(II) in the case of any applicable project the construction of which begins after December 31, 2022, and before January 1, 2024, 10 percent, and

"(III) in the case of any applicable project the construction of which begins after December 31, 2023, 15 percent.

"(B) APPRENTICE TO JOURNEYWORKER RATIO.—The requirement under subparagraph (A)(i) shall be subject to any applicable requirements for apprentice-to-journeyworker ratios of the Department of Labor or the applicable State apprenticeship agency.

"(C) PARTICIPATION.—Each contractor and subcontractor who employs 4 or more individuals to perform construction, alteration, or repair work on an applicable project shall employ 1 or more qualified apprentices to perform such work.

"(D) EXCEPTION.—

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"(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, this paragraph shall not apply in the case of a taxpayer who—

"(I) demonstrates a lack of availability of qualified apprentices in the geographic area of the construction, alteration, or repair work, and

"(II) makes a good faith effort to comply with the requirements of this paragraph.

"(ii) GOOD FAITH EFFORT.—For purposes of clause (i), a taxpayer shall be deemed to have satisfied the requirements under such paragraph with respect to an applicable project if such taxpayer has requested qualified apprentices from a registered apprenticeship program, as defined in section 3131(e)(3)(B), and such request has been denied, provided that such denial is not the result of a refusal by the contractors or subcontractors engaged in the performance of construction, alteration, or repair work on such applicable project to comply with the established standards and

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requirements of such apprenticeship program.

''(E) DEFINITIONS.—For purposes of this paragraph—

''(i) LABOR HOURS.—The term 'labor hours' has the meaning given such term in section 45(b)(9)(E)(i).

''(ii) QUALIFIED APPRENTICE.—The term 'qualified apprentice' has the meaning given such term in section 45(b)(9)(E)(ii).

''(4) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection.''.

(e) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2021.

SEC. 136406. REINSTATEMENT AND EXPANSION OF EMPLOYER-PROVIDED FRINGE BENEFITS FOR BICYCLE COMMUTING.

(a) REPEAL OF SUSPENSION OF EXCLUSION FOR QUALIFIED BICYCLE COMMUTING BENEFITS.—Section 132(f) is amended by striking paragraph (8).

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(b) EXPANSION OF BICYCLE COMMUTING BENEFITS.—Section 132(f)(5)(F) is amended to read as follows:

"(F) DEFINITIONS RELATED TO BICYCLE COMMUTING BENEFITS.—

"(i) QUALIFIED BICYCLE COMMUTING BENEFIT.—The term 'qualified bicycle commuting benefit' means, with respect to any calendar year—

"(I) any employer reimbursement during the 15-month period beginning with the first day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase (including associated finance charges), lease, rental (including a bikeshare), improvement, repair, or storage of qualified commuting property, or

"(II) the provision by the employer to the employee during such calendar year of the use (including a bikeshare), improvement, repair, or storage of qualified commuting property,

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if the employee regularly uses such qualified commuting property for travel between the employee's residence, place of employment, or a mass transit facility that connects the employee to their residence or place of employment.

''(ii) QUALIFIED COMMUTING PROPERTY.—The term 'qualified commuting property' means—

''(I) any bicycle (other than a bicycle equipped with any motor),

''(II) any electric bicycle which meets the requirements of section 36E(c)(5),

''(III) any 2- or 3-wheel scooter (other than a scooter equipped with any motor), and

''(IV) any 2- or 3-wheel scooter propelled by an electric motor if such motor does not provide assistance if the speed of such scooter exceeds 20 miler per hour (or if the speed of such scooter is not capable of exceeding 20 miles per hour) and the weight of

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such scooter does not exceed 100 pounds.

''(iii) BIKESHARE.—The term 'bikeshare' means a rental operation at which qualified commuting property is made available to customers to pick up and drop off for point-to-point use within a defined geographic area.''.

(c) LIMITATION ON EXCLUSION.—Section 132(f)(2)(C) is amended to read as follows:

''(C) 30 percent of the dollar amount in effect under subparagraph (B) per month in the case of any qualified bicycle commuting benefit.''.

(d) NO CONSTRUCTIVE RECEIPT.—Section 132(f)(4) is amended by striking ''(other than a qualified bicycle commuting reimbursement)''.

(e) CONFORMING AMENDMENT.—Section 132(f)(1)(D) is amended by striking ''reimbursement'' and inserting ''benefit''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

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SEC. 136407. CREDIT FOR CERTAIN NEW ELECTRIC BICYCLES.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by inserting after section 36D the following new section:

"SEC. 36E. ELECTRIC BICYCLES.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 15 percent of the cost of each qualified electric bicycle placed in service by the taxpayer during such taxable year.

"(b) LIMITATIONS.—

"(1) LIMITATION ON COST PER ELECTRIC BICYCLE TAKEN INTO ACCOUNT.—The amount taken into account under subsection (a) as the cost of any qualified electric bicycle shall not exceed $5,000.

"(2) BICYCLE LIMITATION WITH RESPECT TO CREDIT.—

"(A) LIMITATION ON NUMBER OF PERSONAL-USE BICYCLES.—In the case of any taxpayer for any taxable year, the number of personal-use bicycles taken into account under subsection (a) shall not exceed the excess (if any) of—

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"(i) 1 (2 in the case of a joint return), reduced by

"(ii) the aggregate number of bicycles taken into account by the taxpayer under subsection (a) for the 2 preceding taxable years.

"(B) PHASEOUT BASED ON MODIFIED ADJUSTED GROSS INCOME.—So much of the credit allowed under subsection (a) to any taxpayer for any taxable year as would (but for this subparagraph) be treated under subsection (c)(2) as a credit allowable under subpart C shall be reduced by $200 for each $1,000 (or fraction thereof) by which the taxpayer's modified adjusted gross income exceeds—

"(i) $150,000 in the case of a joint return or a surviving spouse (as defined in section 2(a)),

"(ii) $112,500 in the case of a head of household (as defined in section 2(b)), and

"(iii) $75,000 in the case of a taxpayer not described in clause (i) or (ii).

"(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of subparagraph (B), the

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term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

"(D) SPECIAL RULE FOR DETERMINATION OF MODIFIED ADJUSTED GROSS INCOME.—The modified adjusted gross income of the taxpayer that is taken into account for purposes of this paragraph shall be the lesser of—

"(i) the modified adjusted gross income for the taxable year in which the credit is claimed, or

"(ii) the modified adjusted gross income for the immediately preceding taxable year.

"(c) QUALIFIED ELECTRIC BICYCLE.—For purposes of this section, the term 'qualified electric bicycle' means a bicycle—

"(1) the original use of which commences with the taxpayer,

"(2) which is acquired for use by the taxpayer and not for resale,

"(3) which is made by a qualified manufacturer and is labeled with the qualified vehicle identification

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number assigned to such bicycle by such manufacturer,

''(4) with respect to which the aggregate amount paid for such acquisition does not exceed $8,000, and

''(5) which is equipped with—

''(A) fully operable pedals,

''(B) a saddle or seat for the rider, and

''(C) an electric motor of less than 750 watts which is designed to provided assistance in propelling the bicycle and—

''(i) does not provide such assistance if the bicycle is moving in excess of 20 miler per hour, or

''(ii) if such motor only provides such assistance when the rider is pedaling, does not provide such assistance if the bicycle is moving in excess of 28 miles per hour.

''(d) VIN NUMBER REQUIREMENT.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) with respect to any qualified electric bicycle unless the taxpayer includes the qualified vehicle identification number of such bicycle on the return of tax for the taxable year.

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"(2) QUALIFIED VEHICLE IDENTIFICATION NUMBER.—For purposes of this section, the term 'qualified vehicle identification number' means, with respect to any bicycle, the vehicle identification number assigned to such bicycle by a qualified manufacturer pursuant to the methodology referred to in paragraph (3).

"(3) QUALIFIED MANUFACTURER.—For purposes of this section, the term 'qualified manufacturer' means any manufacturer of qualified electric bicycles which enters into an agreement with the Secretary which provides that such manufacturer will—

"(A) assign a vehicle identification number to each qualified electric bicycle produced by such manufacturer utilizing a methodology that will ensure that such number (including any alphanumeric) is unique to such bicycle (by utilizing numbers or letters which are unique to such manufacturer or by such other method as the Secretary may provide),

"(B) label such bicycle with such number in such manner as the Secretary may provide, and

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"(C) make periodic written reports to the Secretary (at such times and in such manner as the Secretary may provide) of the vehicle identification numbers so assigned and including such information as the Secretary may require with respect to the qualified electric bicycle to which such number was so assigned.

"(e) SPECIAL RULES.—

"(1) BASIS REDUCTION.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed (determined without regard to subsection (c)).

"(2) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for a qualified electric bicycle for which a credit is allowable under subsection (a) shall be reduced by the amount of credit allowed under such subsection for such vehicle (determined without regard to subsection (c)).

"(3) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1).

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"(4) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

"(5) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any bicycle if the taxpayer elects to not have this section apply to such bicycle.

"(f) TREATMENT OF CERTAIN POSSESSIONS.—

"(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of the provisions of this section (determined without regard to this subsection). Such amounts shall be determined by the Secretary based on information provided by the government of the respective possession.

"(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary as being equal to the aggregate benefits (if any) that would have

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been provided to residents of such possession by reason of the provisions of this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan which has been approved by the Secretary under which such possession will promptly distribute such payments to its residents.

''(3) MIRROR CODE TAX SYSTEM; TREATMENT OF PAYMENTS.—Rules similar to the rules of paragraphs (4) and (5) of section 21(h) shall apply for purposes of this section.

''(g) TERMINATION.—This section shall not apply to bicycles placed in service after December 31, 2031.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) is amended by striking ''plus'' at the end of paragraph (39), by striking the period at the end of paragraph (40) and inserting '', plus'', and by adding at the end the following new paragraph:

''(41) the portion of the electric bicycles credit to which section 36E(c)(1) applies.''.

(2) Section 1016(a) is amended by striking ''and'' at the end of paragraph (37), by striking the period at the end of paragraph (38) and inserting '',

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and'', and by adding at the end the following new paragraph:

''(39) to the extent provided in section 36E(f)(1).''.

(3) Section 6211(b)(4)(A) of such Code is amended by inserting ''36E by reason of subsection (c)(2) thereof,'' before ''32,''.

(4) Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

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

(B) in subparagraph (V), by striking the period at the end and inserting '', and'', and

(C) by adding at the end the following:

''(W) an omission of a correct vehicle identification number required under section 36E(e) (relating to electric bicycles credit) to be included on a return.''.

(5) Section 6501(m) is amended by inserting ''36E(f)(4),'' after ''35(g)(11),''.

(6) Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''36E,'' after ''36B,''.

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(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 36E. Electric bicycles.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

PART 5—INVESTMENT IN THE GREEN WORKFORCE

SEC. 136501. EXTENSION OF THE ADVANCED ENERGY PROJECT CREDIT.

(a) EXTENSION OF CREDIT.—Section 48C is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) ADDITIONAL ALLOCATIONS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary, after consultation with the Secretary of Energy, shall establish a program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors.

"(2) ANNUAL LIMITATION.—

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"(A) IN GENERAL.—The amount of credits that may be allocated under this subsection during any calendar year shall not exceed the annual credit limitation with respect to such year.

"(B) ANNUAL CREDIT LIMITATION.—

"(i) IN GENERAL.—For purposes of this subsection, the term 'annual credit limitation' means $2,500,000,000 for each of calendar years 2022 through 2031, and zero thereafter.

"(ii) AMOUNT SET ASIDE FOR AUTOMOTIVE COMMUNITIES.—

"(I) IN GENERAL.—For purposes of clause (i), $400,000,000 of the annual credit limitation for each of calendar years 2022 through 2031 shall be allocated to qualified investments located within automotive communities.

"(II) AUTOMOTIVE COMMUNITIES.—For purposes of this clause, the term 'automotive communities' means a census tract and any directly adjoining census tract, including a no-

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population census tract, that has experienced major job losses in the automotive manufacturing sector since January 1, 1994, as determined by the Secretary after consultation with the Secretary of Energy and Secretary of Labor.

''(C) CARRYOVER OF UNUSED LIMITATION.—If the annual credit limitation for any calendar year exceeds the aggregate amount designated for such year under this subsection, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after 2036.

''(3) CERTIFICATIONS.—

''(A) APPLICATION REQUIREMENT.—Each applicant for certification under this subsection shall submit an application at such time and containing such information as the Secretary may require.

''(B) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 2 years from the date of acceptance by the Secretary of the application during

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which to provide to the Secretary evidence that the requirements of the certification have been met.

"(C) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 2 years from the date of issuance of the certification in order to place the project in service and to notify the Secretary that such project has been so placed in service, and if such project is not placed in service (and the Secretary so notified) by that time period, then the certification shall no longer be valid. If any certification is revoked under this subparagraph, the amount of the annual credit limitation under paragraph (2) for the calendar year in which such certification is revoked shall be increased by the amount of the credit with respect to such revoked certification.

"(4) SELECTION CRITERIA.—Selection criteria similar to those in subsection (d)(3) shall apply, except that in determining designations under this subsection, the Secretary, after consultation with the Secretary of Energy, shall—

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"(A) in addition to the factors described in subsection (d)(3)(B), take into consideration which projects—

"(i) will provide the greatest net impact in avoiding or reducing anthropogenic emissions of greenhouse gases, as determined by the Secretary after consultation with the Administrator of the Environmental Protection Agency,

"(ii) will provide the greatest domestic job creation (both direct and indirect) during the credit period,

"(iii) will provide the greatest job creation within the vicinity of the project, particularly with respect to—

"(I) low-income communities (as described in section 45D(e)), and

"(II) dislocated workers who were previously employed in manufacturing, coal power plants, or coal mining, and

"(iv) will provide the greatest job creation in areas with a population that is at risk of experiencing higher or more adverse human health or environmental effects and

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a significant portion of such population is comprised of communities of color, low-income communities, Tribal and Indigenous communities, or individuals formerly employed in the fossil fuel industry, and

''(B) give the highest priority to projects which—

''(i) manufacture (other than primarily assembly of components) property described in a subclause of subsection (c)(1)(A)(i) (or components thereof), and

''(ii) have the greatest potential for commercial deployment of new applications.

''(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon allocating a credit under this subsection, publicly disclose the identity of the applicant, the amount of the credit with respect to such applicant, and the project location for which such credit was allocated.

''(6) CREDIT CONDITIONED UPON WAGE AND APPRENTICESHIP REQUIREMENTS.—No credit shall be allocated for a project under this subsection unless the project meets the prevailing wage require-

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ments of paragraph (7) and the apprenticeship requirements of paragraph (8).

"(7) PREVAILING WAGE REQUIREMENTS.—

"(A) IN GENERAL.—The requirements described in this paragraph with respect to a project are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in the re-equipping, expansion, or establishment of an industrial or manufacturing facility shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

"(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—

"(i) IN GENERAL.—In the case of any taxpayer which fails to satisfy the requirement under subparagraph (A) with respect to any project—

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"(I) rules similar to the rules of section 45(b)(8)(B) shall apply for purposes of this paragraph, and

"(II) if the failure to satisfy the requirement under subparagraph (A) is not corrected pursuant to the rules described in subclause (I), the certification with respect to the re-equipping, expansion, or establishment of an industrial or manufacturing facility shall no longer be valid.

"(8) APPRENTICESHIP REQUIREMENTS.—The requirements described in this subparagraph with respect to a project are as follows:

"(A) LABOR HOURS.—

"(i) PERCENTAGE OF TOTAL LABOR HOURS.—All contractors and subcontractors engaged in the performance of construction, alteration, or repair work on any project shall, subject to subparagraph (B), ensure that not less than the applicable percentage of the total labor hours of such work be performed by qualified apprentices.

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"(ii) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be—

"(I) in the case of any applicable project the construction of which begins before January 1, 2023, 5 percent,

"(II) in the case of any applicable project the construction of which begins after December 31, 2022, and before January 1, 2024, 10 percent, and

"(III) in the case of any applicable project the construction of which begins after December 31, 2023, 15 percent.

"(B) APPRENTICE TO JOURNEYWORKER RATIO.—The requirement under subparagraph (A)(i) shall be subject to any applicable requirements for apprentice-to-journeyworker ratios of the Department of Labor or the applicable State apprenticeship agency.

"(C) PARTICIPATION.—Each contractor and subcontractor who employs 4 or more individuals to perform construction, alteration, or

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repair work on an applicable project shall employ 1 or more qualified apprentices to perform such work.

"(D) EXCEPTION.—

"(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, this paragraph shall not apply in the case of a taxpayer who—

"(I) demonstrates a lack of availability of qualified apprentices in the geographic area of the construction, alteration, or repair work, and

"(II) makes a good faith effort to comply with the requirements of this paragraph.

"(ii) GOOD FAITH EFFORT.—For purposes of clause (i), a taxpayer shall be deemed to have satisfied the requirements under such paragraph with respect to an applicable project if such taxpayer has requested qualified apprentices from a registered apprenticeship program, as defined in section 3131(e)(3)(B), and such request has been denied, provided that such denial is not the result of a refusal by the con-

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tractors or subcontractors engaged in the performance of construction, alteration, or repair work on such applicable project to comply with the established standards and requirements of such apprenticeship program.

''(E) DEFINITIONS.—For purposes of this paragraph—

''(i) LABOR HOURS.—The term 'labor hours' has the meaning given such term in section 45(b)(9)(E)(i).

''(ii) QUALIFIED APPRENTICE.—The term 'qualified apprentice' has the meaning given such term in section 45(b)(9)(E)(ii).''.

(b) MODIFICATION OF QUALIFYING ADVANCED ENERGY PROJECTS.—

(1) INCLUSION OF WATER AS A RENEWABLE RESOURCE.—Section 48C(c)(1)(A)(i)(I) is amended by inserting ''water,'' after ''sun,''.

(2) ENERGY STORAGE SYSTEMS.—Section 48C(c)(1)(A)(i)(II) is amended by striking ''an energy storage system for use with electric or hybrid-electric motor vehicles'' and inserting ''energy storage systems and components''.

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(3) MODIFICATION OF QUALIFYING ELECTRIC GRID PROPERTY.—Section 48C(c)(1)(A)(i)(III) is amended to read as follows:

"(III) electric grid modernization equipment or components,".

(4) USE OF CAPTURED CARBON.—Section 48C(c)(1)(A)(i)(IV) is amended by striking "sequester" and insert "use or sequester".

(5) ELECTRIC AND FUEL CELL VEHICLES.—Section 48C(c)(1)(A)(i)(VI) is amended—

(A) by striking "new qualified plug-in electric drive motor vehicles (as defined by section 30D)" and inserting "vehicles described in section 36C, 45Y, and 36E", and

(B) and striking "and power control units" and inserting "power control units, and equipment used for charging or refueling".

(6) PROPERTY FOR PRODUCTION OF HYDROGEN.—Section 48C(c)(1)(A)(i) is amended by striking "or" at the end of subclause (VI), by redesignating subclause (VII) as subclause (VIII), an by inserting after subclause (VI) the following new subclause:

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"(VII) property designed to be used to produce qualified clean hydrogen (as defined in section 45X), or".

(7) RECYCLING OF ADVANCED ENERGY PROPERTY.—Section 48C(c)(1) is amended by adding at the end the following new subparagraph:

"(C) SPECIAL RULE FOR CERTAIN RECYCLING FACILITIES.—A facility which recycles batteries or similar energy storage property described in subparagraph (A)(i) shall be treated as part of a manufacturing facility described in such subparagraph.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 136502. LABOR COSTS OF INSTALLING MECHANICAL INSULATION PROPERTY.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"SEC. 45Z. LABOR COSTS OF INSTALLING MECHANICAL INSULATION PROPERTY.

"(a) IN GENERAL.—For purposes of section 38, the mechanical insulation labor costs credit determined under

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this section for any taxable year is an amount equal to 10 percent of the mechanical insulation labor costs paid or incurred by the taxpayer during such taxable year.

''(b) MECHANICAL INSULATION LABOR COSTS.—For purposes of this section—

''(1) IN GENERAL.—The term 'mechanical insulation labor costs' means the labor cost of installing mechanical insulation property with respect to a mechanical system referred to in paragraph (2)(A) which was originally placed in service not less than 1 year before the date on which such mechanical insulation property is installed.

''(2) MECHANICAL INSULATION PROPERTY.—The term 'mechanical insulation property' means insulation materials, and facings and accessory products installed in connection to such insulation materials—

''(A) placed in service in connection with a mechanical system which—

''(i) is located in the United States,

''(ii) is of a character subject to an allowance for depreciation, and

''(iii) meets the requirements of section 434.403 of title 10, Code of Federal

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Regulations (as in effect on the date of enactment of this section), and

"(B) which result in a reduction in energy loss from the mechanical system which is greater than the expected reduction from the installation of insulation materials which meet the minimum requirements of Reference Standard 90.1 (as defined in section 179D(c)(2)).

"(c) TERMINATION.—This section shall not apply to mechanical insulation labor costs paid or incurred after December 31, 2031.".

(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b), as amended by the preceding provisions of this Act, is further amended by striking "plus" at the end of paragraph (40), by striking the period at the end of paragraph (41) and inserting ", plus", and by adding at the end the following new paragraph:

"(42) the mechanical insulation labor costs credit determined under section 45Z(a).".

(c) CONFORMING AMENDMENTS.—

(1) Section 280C is amended by adding at the end the following new subsection:

"(i) MECHANICAL INSULATION LABOR COSTS CREDIT.—

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"(1) IN GENERAL.—No deduction shall be allowed for that portion of the mechanical insulation labor costs (as defined in section 45Z(b)) otherwise allowable as deduction for the taxable year which is equal to the amount of the credit determined for such taxable year under section 45Z(a).

"(2) SIMILAR RULE WHERE TAXPAYER CAPITALIZES RATHER THAN DEDUCTS EXPENSES.—If—

"(A) the amount of the credit determined for the taxable year under section 45Z(a), exceeds

"(B) the amount of allowable as a deduction for such taxable year for mechanical insulation labor costs (determined without regard to paragraph (1)),

the amount chargeable to capital account for the taxable year for such costs shall be reduced by the amount of such excess.".

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is further amended by adding at the end the following new item:

"Sec. 45Z. Labor costs of installing mechanical insulation property.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after

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December 31, 2021, in taxable years ending after such date.

PART 6—ENVIRONMENTAL JUSTICE

SEC. 136601. QUALIFIED ENVIRONMENTAL JUSTICE PROGRAM CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by inserting after section 36E the following new section:

"SEC. 36F. QUALIFIED ENVIRONMENTAL JUSTICE PROGRAMS.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible educational institution, there shall be allowed as a credit against the tax imposed by this subtitle for any taxable year an amount equal to the applicable percentage of the amounts paid or incurred by such taxpayer during such taxable year which are necessary for a qualified environmental justice program.

"(b) QUALIFIED ENVIRONMENTAL JUSTICE PROGRAM.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified environmental justice program' means a program conducted by one or more eligible educational institutions that is designed to address, or improve data about, qualified environmental stressors for the pri-

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mary purpose of improving, or facilitating the improvement of, health and economic outcomes of individuals residing in low-income areas or areas that experience, or are at risk of experiencing, multiple exposures to qualified environmental stressors.

"(2) QUALIFIED ENVIRONMENTAL STRESSOR.—The term 'qualified environmental stressor' means, with respect to an area, a contamination of the air, water, soil, or food with respect to such area or a change relative to historical norms of the weather conditions of such area, including—

"(A) toxic pollutants (such as lead, pesticides, or fine particulate matter) in air, soil, food, or water,

"(B) high rates of asthma prevalence and incidence, and

"(C) such other adverse human health or environmental effects as are identified by the Secretary.

"(c) ELIGIBLE EDUCATIONAL INSTITUTION.—For purposes of this section, the term 'eligible educational institution' means an institution of higher education (as such term is defined in section 101 or 102(c) of the Higher Education Act of 1965) that is eligible to participate in a program under title IV of such Act.

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

"(1) in the case of a program involving material participation of faculty and students of an institution described in section 371(a) of the Higher Education Act of 1965, 30 percent, and

"(2) in all other cases, 20 percent.

"(e) CREDIT ALLOCATION.—

"(1) ALLOCATION.—

"(A) IN GENERAL.—The Secretary shall allocate credit dollar amounts under this section to eligible educational institutions, for qualified environmental justice programs, that—

"(i) submit applications at such time and in such manner as the Secretary may provide, and

"(ii) are selected by the Secretary under subparagraph (B).

"(B) SELECTION CRITERIA.—The Secretary, after consultation with the Secretary of Energy, the Secretary of Education, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency, shall select applications on the basis of the following criteria:

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''(i) The extent of participation of faculty and students of an institution described in section 371(a) of the Higher Education Act of 1965.

''(ii) The extent of the expected effect on the health or economic outcomes of individuals residing in areas within the United States that are low-income areas or areas that experience, or are at risk of experiencing, multiple exposures to qualified environmental stressors.

''(iii) The creation or significant expansion of qualified environmental justice programs.

''(2) LIMITATIONS.—

''(A) IN GENERAL.—The amount of the credit determined under this section for any taxable year to any eligible educational institution for any qualified environmental justice program shall not exceed the excess of—

''(i) the credit dollar amount allocated to such institution for such program under this subsection, over

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"(ii) the credits previously claimed by such institution for such program under this section.

"(B) FIVE-YEAR LIMITATION.—No amounts paid or incurred after the 5-year period beginning on the date a credit dollar amount is allocated to an eligible educational institution for a qualified environmental justice program shall be taken into account under subsection (a) with respect to such institution for such program.

"(C) ALLOCATION LIMITATION.—The total amount of credits that may be allocated under the program shall not exceed—

"(i) $1,000,000,000 for each of taxable years 2022 through 2031, and

"(ii) $0 for each subsequent year.

"(D) CARRYOVER OF UNUSED LIMITATION.—If the annual credit limitation for any calendar year exceeds the aggregate amount designated for such year under this subsection, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after 2036.

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''(f) REQUIREMENTS.—

''(1) IN GENERAL.—An eligible educational institution that has been allocated credit dollar amounts under this section for a qualified environmental justice project for a taxable year shall—

''(A) make publicly available the application submitted to the Secretary under subsection (e) with respect to such project, and

''(B) submit an annual report to the Secretary that describes the amounts paid or incurred for, and expected impact of, such project.

''(2) FAILURE TO COMPLY.—In the case of an eligible educations institution that has failed to comply with the requirements of this subsection, the credit dollar amount allocated to such institution under this section is deemed to be $0.

''(g) PUBLIC DISCLOSURE.—The Secretary, upon making an allocation of credit dollar amounts under this section, shall publicly disclose—

''(1) the identity of the eligible educational institution receiving the allocation, and

''(2) the amount of such allocation.''.

(b) CONFORMING AMENDMENTS.—

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(1) Section 6211(b)(4)(A), as amended by the preceding provisions of this Act, is amended by inserting ''36F,'' after ''36D,''.

(2) Paragraph (2) of section 1324(b) of title 31, United States Code, as amended by the preceding provisions of this Act, is amended by inserting ''36F,'' after ''36D,''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by inserting after the item relating to section 36E the following new item:

''Sec. 36F. Qualified environmental justice programs.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

PART 7—SUPERFUND

SEC. 136701. REINSTATEMENT OF SUPERFUND.

(a) HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—

(1) EXTENSION.—Section 4611(e) is amended to read as follows:

''(e) APPLICATION OF HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—The Hazardous Substance Superfund financing rate under this section shall apply after December 31, 2021.''.

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(2) ADJUSTMENT FOR INFLATION.—

(A) Section 4611(c)(2)(A) is amended by striking ''9.7 cents'' and inserting ''16.4 cents''.

(B) Section 4611(c) is amended by adding at the end the following:

''(3) ADJUSTMENT FOR INFLATION.—

''(A) IN GENERAL.—In the case of a year beginning after 2022, the amount in paragraph (2)(A) shall be increased by an amount equal to—

''(i) such amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2021' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $0.01, such amount shall be rounded to the next lowest multiple of $0.01.''.

(b) AUTHORITY FOR ADVANCES.—Section 9507(d)(3)(B) is amended by striking ''December 31, 1995'' and inserting ''December 31, 2031''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2022.

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PART 8—APPROPRIATIONS

SEC. 136801. APPROPRIATIONS.

Immediately upon the enactment of this Act, in addition to amounts otherwise available, there are appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,831,000,000 to remain available until September 30, 2031, for necessary expenses for the Internal Revenue Service to carry out this subtitle (and the amendments made by this subtitle), which shall supplement and not supplant any other appropriations that may be available for this purpose.

Subtitle H—Social Safety Net

SEC. 137001. AMENDMENT OF 1986 CODE.

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

PART 1—CHILD TAX CREDIT

SEC. 137101. MODIFICATIONS APPLICABLE BEGINNING IN 2021.

(a) SAFE HARBOR EXCEPTION FOR FRAUD AND INTENTIONAL DISREGARD OF RULES AND REGULATIONS.—Section 24(j)(2)(B) is amended—

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(1) by striking ''qualified'' each place it appears in clause (iv)(II) and inserting ''qualifying'', and

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

''(v) EXCEPTION FOR FRAUD AND INTENTIONAL DISREGARD OF RULES AND REGULATIONS.—

''(I) IN GENERAL.—For purposes of determining the safe harbor amount under clause (iv) with respect to any taxpayer, an individual shall not be treated as taken into account in determining the annual advance amount of such taxpayer if the Secretary determines that such individual was so taken into account due to fraud by the taxpayer or intentional disregard of rules and regulations by the taxpayer.

''(II) ARRANGEMENTS TO TAKE INDIVIDUAL INTO ACCOUNT MORE THAN ONCE.—For purposes of subclause (I), a taxpayer shall not fail to be treated as intentionally disregarding rules and regulations with

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respect to any individual taken into account in determining the annual advance amount of such taxpayer if such taxpayer entered into a plan or other arrangement with, or expected, another taxpayer to take such individual into account in determining the credit allowed under this section for the taxable year.''.

(b) TREATMENT OF JOINT RETURNS.—Section 24(j) is amended by adding at the end the following new paragraph:

''(3) JOINT RETURNS.—Except as otherwise provided by the Secretary, in the case of an advance payment made under section 7527A with respect to a joint return, half of such payment shall be treated as having been made to each individual filing such return.''.

(c) ANNUAL ADVANCE AMOUNT.—Section 7527A(b) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting ''or based on any other information known to the Secretary'' after ''reference taxable year'',

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(B) in subparagraph (C), by inserting ''unless determined by the Secretary based on any information known to the Secretary,'' before ''the only children'', and

(C) in subparagraph (D), by inserting ''unless determined by the Secretary based on any information known to the Secretary,'' before ''the ages of'', and

(2) in paragraph (3)(A)(ii), by striking '' provided by the taxpayer'' and inserting ''provided, or known,''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning, and payments made, after December 31, 2020.

SEC. 137102. EXTENSION AND MODIFICATION OF CHILD TAX CREDIT AND ADVANCE PAYMENT FOR 2022.

(a) EXTENSIONS.—

(1) EXTENSION OF CHILD TAX CREDIT.—Section 24(i) is amended—

(A) by striking ''January 1, 2022'' in the matter preceding paragraph (1) and inserting ''January 1, 2023'', and

(B) by inserting ''AND 2022'' after ''2021'' in the heading thereof.

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(2) EXTENSION OF PROVISIONS RELATED TO POSSESSIONS OF THE UNITED STATES.—

(A) Section 24(k)(2)(B) is amended—

(i) by striking ''December 31, 2021'' in the matter preceding clause (i) and inserting ''December 31, 2022'', and

(ii) by striking ''AFTER 2021'' in the heading thereof and inserting ''AFTER 2022''.

(B) Section 24(k)(3)(C)(ii) is amended—

(i) in subclause (I), by inserting ''or 2022'' after ''2021'', and

(ii) in subclause (II), by striking ''December 31, 2021'' and inserting ''December 31, 2022''.

(C) The heading of section 24(k)(2)(A) is amended by inserting ''AND 2022'' after ''2021''.

(3) EXTENSION OF ADVANCE PAYMENT.—Section 7527A is amended—

(A) in subsection (b)(1), by striking ''50 percent of'',

(B) in clauses (i) and (ii) of subsection (e)(4)(C), by inserting ''or 2022'' after ''in 2021'', and

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(C) in subsection (f), by striking ''December 31, 2021'' and inserting ''December 31, 2022''.

(b) REPEAL OF SOCIAL SECURITY NUMBER REQUIREMENT.—Section 24(h) is amended by striking paragraph (7).

(c) APPLICATION OF INCOME PHASEOUT ON BASIS OF INCOME FOR PRECEDING TAXABLE YEAR.—Section 24(i) is amended by adding at the end the following new paragraph:

''(5) APPLICATION OF INCOME PHASEOUT ON BASIS OF INCOME FOR PRIOR TAXABLE YEAR.—If the taxpayer's modified adjusted gross income (as defined in subsection (b)) for the taxable year for which the credit allowed under this section is determined is greater than such taxpayer's modified adjusted gross income (as so defined) for the preceding taxable year, paragraph (4) and subsection (b)(1) shall both be applied with respect to such taxpayer's modified adjusted gross income (as so defined) for the preceding taxable year.''.

(d) INFLATION ADJUSTMENT.—Section 24(i), as amended by subsection (c), is amended by adding at the end the following new paragraph:

''(6) INFLATION ADJUSTMENTS.—

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"(A) IN GENERAL.—In the case of any taxable year beginning after December 31, 2021, the $500 amount in subsection (h)(4)(A), the $3,000 and $3,600 amounts in paragraph (3) and subsection (j)(2)(B)(iv), and the dollar amounts in paragraph (4)(B), shall each be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the percentage (if any) by which—

"(I) the CPI (as defined in section 1(f)(4)) for the calendar year preceding the calendar year in which such taxable year begins, exceeds

"(II) the CPI (as so defined) for calendar year 2020.

"(B) ROUNDING.—

"(i) $500 AMOUNT.—In the case of the $500 amount in subsection (h)(4)(A), any increase under subparagraph (A) which is not a multiple of $10 shall be rounded to the nearest multiple of $10.

"(ii) $3,000 AND $3,600 AMOUNTS.—In the case of the $3,000 and $3,600 amounts in paragraph (3) and subsection

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(j)(2)(B)(iv), any increase under subparagraph (A) which is not a multiple of $100 shall be rounded to the nearest multiple of $100.

"(iii) APPLICABLE THRESHOLD AMOUNTS.—In the case of the dollar amounts in paragraph (4)(B), any increase under subparagraph (A) which is not a multiple of $5,000 shall be rounded to the nearest multiple of $5,000.".

(e) MODIFICATION OF RECAPTURE SAFE HARBOR FOR 2022.—Section 24(j)(2)(B)(iv), as amended by the preceding provisions of this Act, is amended to read as follows:

"(iv) SAFE HARBOR AMOUNT.—For purposes of this subparagraph, the term 'safe harbor amount' means, with respect to any taxpayer for any taxable year, the aggregate of $3,000 ($3,600 in the case of a qualifying child who has not attained age 6 as of the close of the calendar year in which the taxable year of the taxpayer begins) with respect to each qualifying child who is—

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"(I) taken into account in determining the annual advance amount with respect to such taxpayer under section 7527A with respect to months beginning in such taxable year, and

"(II) not taken into account in determining the credit allowed to such taxpayer under this section for such taxable year.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning, and payments made, after December 31, 2021.

SEC. 137103. ESTABLISHMENT OF MONTHLY CHILD TAX CREDIT WITH ADVANCE PAYMENT THROUGH 2025.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 is amended by inserting after section 24 the following new sections:

"SEC. 24A. MONTHLY CHILD TAX CREDIT.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year the sum of the monthly specified child allowances determined with respect to the taxpayer under subsection (b) for each calendar month during such taxable year.

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"(b) MONTHLY SPECIFIED CHILD ALLOWANCE.—

"(1) IN GENERAL.—For purposes of this section, the term 'monthly specified child allowance' means, with respect to any taxpayer for any calendar month, the sum of—

"(A) $300 with respect to each specified child of such taxpayer who will not, as of the close of the taxable year which includes such month, have attained age 6, plus

"(B) $250 with respect to each specified child of such taxpayer who will, as of the close of the taxable year which includes such month, have attained age 6.

"(2) LIMITATIONS BASED ON MODIFIED ADJUSTED GROSS INCOME.—

"(A) INITIAL REDUCTION.—The monthly specified child allowance otherwise determined under paragraph (1) with respect to any taxpayer for any calendar month shall be reduced (but not below zero) by 1/12 of 5 percent of the excess (if any) of the taxpayer's modified adjusted gross income for the applicable taxable year over the initial threshold amount in effect for such applicable taxable year.

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"(B) LIMITATION ON INITIAL REDUCTION.—The amount of the reduction under subparagraph (A) shall not exceed the lesser of—

"(i) the excess (if any) of—

"(I) the monthly specified child allowance with respect to the taxpayer for the calendar month (determined without regard to this paragraph), over

"(II) the amount which would be determined under subclause (I) if the dollar amounts in effect under subparagraphs (A) and (B) of paragraph (1) were each equal to $166.67, or

"(ii) 1/12 of 5 percent of the excess of the secondary threshold amount over the initial threshold amount.

"(C) SECONDARY REDUCTION.—The monthly specified child allowance otherwise determined under paragraph (1) with respect to any taxpayer for any calendar month (determined after the application of subparagraphs (A) and (B)) shall be reduced (but not below zero) by 1/12 of 5 percent of the excess (if any) of the taxpayer's modified adjusted gross in-

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come for the applicable taxable year over the secondary threshold amount.

"(D) DEFINITIONS RELATED TO LIMITATIONS BASED ON MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph—

"(i) INITIAL THRESHOLD AMOUNT.—The term 'initial threshold amount' means—

"(I) $150,000, in the case of a joint return or surviving spouse (as defined in section 2(a)),

"(II) ½ the dollar amount in effect under subclause (I), in the case of a married individual filing a separate return, and

"(III) $112,500, in any other case.

"(iii) SECONDARY THRESHOLD AMOUNT.—The term 'secondary threshold amount' means—

"(I) $400,000, in the case of a joint return or surviving spouse (as defined in section 2(a)),

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"(II) $300,000, in the case of a head of household (as defined in section 2(b)), and

"(III) $200,000, in any other case.

"(iv) APPLICABLE TAXABLE YEAR.—The term 'applicable taxable year' means, with respect to any taxpayer, the relevant taxable year with respect to which the taxpayer has the lowest modified adjusted gross income. For purposes of the preceding sentence, the term 'relevant taxable year' means the taxable year for which the credit allowed under this section is determined and each of the 2 immediately preceding taxable years.

"(v) MODIFIED ADJUSTED GROSS INCOME.—The term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

"(c) SPECIFIED CHILD.—For purposes of this section—

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"(1) IN GENERAL.—The term 'specified child' means, with respect to any taxpayer for any calendar month, an individual—

"(A) who has the same principal place of abode as the taxpayer for more than one-half of such month,

"(B) who is younger than the taxpayer and will not, as of the close of the calendar year which includes such month, have attained age 18,

"(C) who receives care from the taxpayer during such month that is not compensated,

"(D) who is not the spouse of the taxpayer at any time during such month,

"(E) who is not a taxpayer with respect to whom any individual is a specified child for such month, and

"(F) who either—

"(i) is a citizen, national, or resident of the United States, or

"(ii) if the taxpayer is a citizen or national of the United States, such individual is described in section 152(f)(1)(B) with respect to such taxpayer.

"(2) CARE FROM THE TAXPAYER.—

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"(A) IN GENERAL.—Except as otherwise provided by the Secretary, whether any individual receives care from the taxpayer (within the meaning of paragraph (1)(C)) shall be determined on the basis of facts and circumstances with respect to the following factors:

"(i) The supervision provided by the taxpayer regarding the daily activities and needs of the individual.

"(ii) The maintenance by the taxpayer of a secure environment at which the individual resides.

"(iii) The provision or arrangement by the taxpayer of, and transportation by the taxpayer to, medical care at regular intervals and as required for the individual.

"(iv) The involvement by the taxpayer in, and financial and other support by the taxpayer for, educational or similar activities of the individual.

"(v) Any other factor that the Secretary determines to be appropriate to determine whether the individual receives care from the taxpayer.

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"(B) DETERMINATION OF WHETHER CARE IS COMPENSATED.—For purposes of determining if care is compensated within the meaning of paragraph (1)(C), compensation from the Federal Government, a State or local government, a Tribal government, or any possession of the United States shall not be taken into account.

"(3) APPLICATION OF TIE-BREAKER RULES.—

"(A) IN GENERAL.—Except as provided in subparagraph (D), if any individual would (but for this paragraph) be a specified child of 2 or more taxpayers for any month, such individual shall be treated as the specified child only of the taxpayer who is—

"(i) the parent of the individual (or, if such individual would (but for this paragraph) be a specified child of 2 or more parents of the individual for such month, the parent of the individual determined under subparagraph (B)),

"(ii) if the individual is not a specified child of any parent of the individual (determined without regard to this paragraph), the specified relative of the individual with

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the highest adjusted gross income for the taxable year which includes such month, or

''(iii) if the individual is neither a specified child of any parent of the individual nor a specified child of any specified relative of the individual (in both cases determined without regard to this paragraph), the taxpayer with the highest adjusted gross income for the taxable year which includes such month.

''(B) TIE-BREAKER AMONG PARENTS.—If any individual would (but for this paragraph) be the specified child of 2 or more parents of the individual for any month, such child shall be treated only as the specified child of—

''(i) the parent with whom the child resided for the longest period of time during such month, or

''(ii) if the child resides with both parents for the same amount of time during such month, the parent with the highest adjusted gross income for the taxable year which includes such month.

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"(C) SPECIFIED RELATIVE.—For purposes of this paragraph, the term 'specified relative' means an individual who is—

"(i) an ancestor of a parent of the specified child,

"(ii) a brother or sister of a parent of the specified child, or

"(iii) a brother, sister, stepbrother, or stepsister of the specified child.

"(D) CERTAIN PARENTS OR SPECIFIED RELATIVES NOT TAKEN INTO ACCOUNT.—This paragraph shall be applied without regard to any parent or specified relative of an individual for any month if—

"(i) such parent or specified relative elects to have such individual not be treated as a specified child of such parent or specified relative for such month,

"(ii) in the case of a parent of such individual, the adjusted gross income of the taxpayer (with respect to whom such individual would be treated as a specified child after application of this subparagraph) for the taxable year which includes such month is higher than the highest ad-

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justed gross income of any parent of the individual for any taxable year which includes such month (determined without regard to any parent with respect to whom such individual is not a specified child, determined without regard to subparagraphs (A) and (B) and after application of this subparagraph), and

''(iii) in the case of a specified relative of such individual, the adjusted gross income of the taxpayer (with respect to whom such individual would be treated as a specified child after application of this subparagraph) for the taxable year which includes such month is higher than the highest adjusted gross income of any parent and any specified relative of the individual for any taxable year which includes such month (determined without regard to any parent and any specified relative with respect to whom such individual is not a specified child, determined without regard to subparagraphs (A) and (B) and after application of this subparagraph).

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"(E) TREATMENT OF JOINT RETURNS.—For purposes of this paragraph, with respect to any month, 2 individuals filing a joint return for the taxable year which includes such month shall be treated as 1 individual.

"(F) PARENT.—Except as otherwise provided by the Secretary, the term 'parent' shall have the same meaning as when used in section 152(c)(4).

"(4) SPECIAL RULES WITH RESPECT TO BIRTH AND DEATH.—

"(A) BIRTH.—

"(i) IN GENERAL.—In the case of the birth of an individual during any calendar year, such individual shall be treated as a specified child of the relevant taxpayer for each calendar month in such calendar year which precedes the calendar month referred to in clause (ii).

"(ii) RELEVANT TAXPAYER.—For purposes of clause (i), the term 'relevant taxpayer' means the taxpayer with respect to whom the individual referred to in clause (i) is a specified child for the first month for which such individual is a speci-

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fied child with respect to any taxpayer (determined without regard to this subparagraph).

''(B) DEATH.—

''(i) IN GENERAL.—In the case of the death of an individual during any calendar year, such individual shall be treated as a specified child of the relevant taxpayer for each calendar month in such calendar year which follows the calendar month referred to in clause (ii).

''(ii) RELEVANT TAXPAYER.—For purposes of clause (i), the term 'relevant taxpayer' means the taxpayer with respect to whom the individual referred to in clause (i) is a specified child for the last month for which such individual is alive.

''(5) TREATMENT OF TEMPORARY ABSENCES.—For purposes of this subsection—

''(A) IN GENERAL.—In the case of any individual's temporary absence from such individual's principal place of abode, each day composing the temporary absence shall—

''(i) be treated as a day at such individual's principal place of abode, and

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"(ii) not be treated as a day at any other location.

"(B) TEMPORARY ABSENCE.—For purposes of subparagraph (A), an absence shall be treated as temporary if—

"(i) the individual would have resided at the place of abode but for the absence, and

"(ii) under the facts and circumstances, it is reasonable to assume that the individual will return to reside at the place of abode.

"(6) SPECIAL RULE FOR DIVORCED PARENTS, ETC.—Rules similar to the rules section 152(e) shall apply for purposes of this subsection.

"(7) ELIGIBILTY DETERMINED ON BASIS OF PRESUMPTIVE ELIGIBILITY.—

"(A) IN GENERAL.—If a period of presumptive eligibility is established under section 7527B(c) for any individual with respect to any taxpayer—

"(i) such individual shall be treated as the specified child of such taxpayer for any month in such period of presumptive eligibility, and

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"(ii) such individual shall not be treated as the specified child of any other taxpayer with respect to whom a period of presumptive eligibility has not been established for any such month.

"(B) ABILITY OF CREDIT CLAIMANTS TO ESTABLISH PRESUMPTIVE ELIGIBILITY.—Nothing in section 7527B(c) shall be interpreted to preclude a taxpayer who elects not to receive monthly advance child payments under section 7527B from establishing a period of presumptive eligibility (including any such period described in section 7527B(c)(2)(D)) with respect to any specified child for purposes of this section.

"(d) PORTION OF CREDIT REFUNDABLE.—If the taxpayer (in the case of a joint return, either spouse) has a principal place of abode (determined as provided in section 32) in the United States or Puerto Rico for more than one-half of any calendar month during the taxable year, so much of the credit otherwise allowed under subsection (a) as is attributable to monthly specified child allowances with respect to any such calendar month shall be allowed under subpart C (and not allowed under this subpart).

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"(e) IDENTIFICATION REQUIREMENTS.—Rules similar to the rules of section 24(e) shall apply for purposes of this section.

"(f) RESTRICTIONS ON TAXPAYERS WHO IMPROPERLY CLAIMED CREDIT OR IMPROPERLY RECEIVED MONTHLY ADVANCE CHILD PAYMENT.—

"(1) TAXPAYERS MAKING PRIOR FRAUDULENT OR RECKLESS CLAIMS.—

"(A) IN GENERAL.—No credit shall be allowed under this section for any taxable year (and no payment shall be made under section 7527B for any month) in the disallowance period.

"(B) DISALLOWANCE PERIOD.—For purposes of subparagraph (A), the disallowance period is—

"(i) the period of 10 taxable years after the most recent taxable year for which there was a final determination that the taxpayer's claim of credit under this section or section 24 (or payment under section 7527A or 7527B) was due to fraud,

"(ii) the period of 2 taxable years after the most recent taxable year for

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which there was a final determination that the taxpayer's claim of credit under this section or section 24 (or payment under section 7527A or 7527B) was due to reckless or intentional disregard of rules and regulations (but not due to fraud), and

"(iii) in addition to any period determined under clause (i) or (ii) (as the case may be), the period beginning on the date of the final determination described in such clause and ending with the beginning of the period described in such clause.

"(2) TAXPAYERS MAKING IMPROPER PRIOR CLAIMS.—In the case of a taxpayer who is denied credit under this section or section 24 for any taxable year as a result of the deficiency procedures under subchapter B of chapter 63, no credit shall be allowed under this section for any subsequent taxable year (and no payment shall be made under section 7527B for any subsequent month) unless the taxpayer provides such information as the Secretary may require to demonstrate eligibility for such credit.

"(3) COORDINATION WITH POSSESSIONS OF THE UNITED STATES.—In carrying out this section,

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the Secretary shall coordinate with each possession of the United States to prevent the avoidance of the application of this subsection.

"(g) RECONCILIATION OF CREDIT AND MONTHLY ADVANCE CHILD PAYMENTS.—

"(1) IN GENERAL.—The amount otherwise determined under subsection (a) with respect to any taxpayer for any taxable year shall be reduced (but not below zero) by the aggregate amount of payments made under section 7527B to such taxpayer for one or more calendar months in such taxable year. Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

"(2) RECAPTURE OF EXCESS ADVANCE PAYMENTS IN CERTAIN CIRCUMSTANCES.—In the case of a taxpayer described in paragraph (3) for any taxable year, the tax imposed by this chapter for such taxable year shall be increased by the excess (if any) of—

"(A) the aggregate amount of payments made to the taxpayer under section 7527B for one or more calendar months in such taxable year, over

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"(B) the amount determined under subsection (a) with respect to the taxpayer for such taxable year (without regard to paragraph (1) of this subsection).

"(3) TAXPAYERS SUBJECT TO RECAPTURE.—

"(A) FRAUD OR RECKLESS OR INTENTIONAL DISREGARD OF RULES AND REGULATIONS.—A taxpayer is described in this paragraph with respect to any taxable year if the Secretary determines that the amount described in paragraph (2)(A) with respect to the taxpayer for such taxable year was determined on the basis of fraud or a reckless or intentional disregard of rules and regulations.

"(B) UNDERSTATEMENT OF INCOME; CHANGES IN FILING STATUS.—If the amount described in paragraph (2)(A) with respect to the taxpayer for the taxable year was determined on the basis of an amount of the taxpayer's modified adjusted gross income which was less than the taxpayer's modified adjusted gross income for the applicable taxable year (as defined in subsection (b))—

"(i) such taxpayer shall be treated as described in this paragraph, and

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"(ii) the increase determined under paragraph (2) by reason of this subparagraph shall not exceed the excess of—

"(I) the amount described in paragraph (2)(A), over

"(II) the amount which would be so described if the payments described therein had been determined on the basis of the taxpayer's modified adjusted gross income for the applicable taxable year (as defined in subsection (b)).

A rule similar to the rule of the preceding sentence shall apply if the amount described in paragraph (2)(A) with respect to the taxpayer for the taxable year was determined on the basis of a filing status of the taxpayer which differs from the taxpayer's filing status for the applicable taxable year (as so defined).

"(C) PAYMENTS MADE OUTSIDE OF PERIOD OF PRESUMPTIVE ELIGIBILITY.—If any payment described in paragraph (2)(A) with respect to the taxpayer for the taxable year was made with respect to a child for a month which

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was not part of a period of presumptive eligibility established under section 7527B(c) for such child with respect to such taxpayer—

"(i) such taxpayer shall be treated as described in this paragraph, and

"(ii) the increase determined under paragraph (2) by reason of this subparagraph shall not exceed the portion of such payment so made.

"(D) CERTAIN PAYMENTS MADE AFTER NOTICE FROM SECRETARY.—If the Secretary notifies a taxpayer under section 7527B(j)(2) that such taxpayer is subject to recapture with respect to any payments—

"(i) such taxpayer shall be treated as described in this paragraph, and

"(ii) the increase determined under paragraph (2) by reason of this subparagraph shall not exceed the aggregate amount of such payments.

"(E) TAXPAYERS MOVING TO ANOTHER JURISDICTION.—To minimize the amount of advance payments made under section 7527B to ineligible individuals, the Secretary shall issue regulations or other guidance for purposes of

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this paragraph which apply with respect to taxpayers who are described in section 7527B(b)(4) with respect to the reference month but are not so described with respect to one or more months during the taxable year for which advance payments under section 7527B are made.

"(F) OTHER CIRCUMSTANCES TO PREVENT ABUSE.—A taxpayer is described in this paragraph with respect to any taxable year pursuant to regulations or other guidance of the Secretary describing other recapture circumstances to facilitate the administration and enforcement by the Secretary of section 7527B to minimize the amount of advance payments made under section 7527B to ineligible individuals and to prevent abuse.

"(4) JOINT RETURNS.—Except as otherwise provided by the Secretary, in the case of an advance payment made under section 7527B with respect to a joint return, half of such payment shall be treated as having been made to each individual filing such return.

"(h) INFLATION ADJUSTMENTS.—

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"(1) MONTHLY SPECIFIED CHILD ALLOWANCE.—

"(A) IN GENERAL.—In the case of any month beginning after December 31, 2022, each of the dollar amounts in subsection (b)(1) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the percentage (if any) by which—

"(I) the CPI (as defined in section 1(f)(4)) for the calendar year preceding the calendar year in which such month begins, exceeds

"(II) the CPI (as so defined) for calendar year 2020.

"(B) ROUNDING.—Any increase under subparagraph (A) which is not a multiple of $10 shall be rounded to the nearest multiple of $10.

"(2) INITIAL THRESHOLD AMOUNT.—

"(A) IN GENERAL.—In the case of any taxable year beginning after December 31, 2022, the dollar amounts in subclauses (I) and (III) of subsection (b)(2)(D)(i) shall each be increased by an amount equal to—

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"(i) such dollar amount, multiplied by

"(ii) the percentage (if any) by which—

"(I) the CPI (as defined in section 1(f)(4)) for the calendar year preceding the calendar year in which such taxable year begins, exceeds

"(II) the CPI (as so defined) for calendar year 2020.

"(B) ROUNDING.—Any increase under subparagraph (A) which is not a multiple of $5,000 shall be rounded to the nearest multiple of $5,000.

"(i) APPLICATION OF CREDIT IN POSSESSIONS.—

"(1) MIRROR CODE POSSESSIONS.—

"(A) IN GENERAL.—The Secretary shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of this section (determined without regard to this subsection) with respect to taxable years beginning after 2022 and before 2026. Such amounts shall be determined by the Secretary based on information provided by the government of the respective possession.

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"(B) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed under this section for any taxable year to any individual to whom a credit is allowable against taxes imposed by a possession of the United States with a mirror code tax system by reason of the application of this section in such possession for such taxable year.

"(C) MIRROR CODE TAX SYSTEM.—For purposes of this paragraph, the term 'mirror code tax system' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

"(2) CROSS REFERENCES RELATED TO APPLICATION OF CREDIT TO RESIDENTS OF PUERTO RICO.—

"(A) For application of refundable credit to residents of Puerto Rico, see subsection (d).

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"(B) For application of advance payment to residents of Puerto Rico, see section 7527B(b)(4).

"(3) AMERICAN SAMOA.—

"(A) IN GENERAL.—The Secretary shall pay to American Samoa amounts estimated by the Secretary as being equal to the aggregate benefits that would have been provided to residents of American Samoa by reason of the application of this section for taxable years beginning after 2022 and before 2026 if the provisions of this section had been in effect in American Samoa (applied as if American Samoa were the United States and without regard to the application of this section to residents of Puerto Rico under subsection (d)).

"(B) DISTRIBUTION REQUIREMENT.—Subparagraph (A) shall not apply unless American Samoa has a plan, which has been approved by the Secretary, under which American Samoa will promptly distribute such payments to its residents.

"(C) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—

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"(i) IN GENERAL.—In the case of a taxable year with respect to which a plan is approved under subparagraph (B), this section (other than this subsection) shall not apply to any individual eligible for a distribution under such plan.

"(ii) APPLICATION OF SECTION IN EVENT OF ABSENCE OF APPROVED PLAN.—In the case of a taxable year with respect to which a plan is not approved under subparagraph (B), subsection (d) shall be applied by substituting ', Puerto Rico, or American Samoa' for 'or Puerto Rico'.

"(4) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

"(j) REGULATIONS.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this section, including regulations or other guidance—

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"(1) for determining whether an individual receives care from a taxpayer for purposes of subsection (c)(1), and

"(2) to coordinate or modify the application of this section and section 24, 7527A, and 7527B in the case of any taxpayer—

"(A) whose taxable year is other than a calendar year,

"(B) whose filing status for a taxable year is different from the status used for determining one or more monthly payments under section 7527B during such taxable year, or

"(C) whose principal place of abode for any month is different from the principal place of abode used for determining the monthly payment under section 7527B for such month.

"(k) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2025.

"SEC. 24B. CREDIT FOR CERTAIN OTHER DEPENDENTS.

"(a) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to $500 with respect to each specified dependent of such taxpayer for such taxable year.

"(b) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

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"(1) IN GENERAL.—The amount of the credit allowable under subsection (a) shall be reduced (but not below zero) by $50 for each $1,000 (or fraction thereof) by which the taxpayer's modified adjusted gross income exceeds the threshold amount.

"(2) THRESHOLD AMOUNT.—For purposes of this subsection, the term 'threshold amount' means—

"(A) $400,000, in the case of a joint return or surviving spouse (as defined in section 2(a)),

"(B) $300,000, in the case of a head of household (as defined in section 2(b)), and

"(C) $200,000, in any other case.

"(3) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

"(c) SPECIFIED DEPENDENT.—For purposes of this section, the term 'specified dependent' means, with respect to any taxpayer for any taxable year, any dependent of such taxpayer for such taxable year unless such dependent—

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"(1) is a specified child of the taxpayer, or any other taxpayer, for any month during such taxable year, or

"(2) would not be a dependent if subparagraph (A) of section 152(b)(3) were applied without regard to all that follows 'resident of the United States'.

"(d) IDENTIFICATION REQUIREMENTS.—Rules similar to the rules of section 24(e) shall apply for purposes of this section.

"(e) TAXABLE YEAR MUST BE FULL TAXABLE YEAR.—Except in the case of a taxable year closed by reason of the death of the taxpayer, no credit shall be allowable under this section in the case of a taxable year covering a period of less than 12 months.

"(f) INFLATION ADJUSTMENT.—

"(1) IN GENERAL.—In the case of any taxable year beginning after December 31, 2022, the $500 amount in subsection (a) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the percentage (if any) by which—

"(i) the CPI (as defined in section 1(f)(4)) for the calendar year preceding the calendar year in which such taxable year begins, exceeds

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''(ii) the CPI (as so defined) for calendar year 2020.

''(2) ROUNDING.—If the increase determined under paragraph (1) is not a multiple of $10, such increase shall be rounded to the nearest multiple of $10.

''(g) REGULATIONS.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this section.

''(h) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2025.''.

(b) MONTHLY PAYMENT OF CHILD TAX CREDIT.—Chapter 77 is amended by inserting after section 7527A the following new section:

''SEC. 7527B. MONTHLY PAYMENTS OF CHILD TAX CREDIT.

''(a) IN GENERAL.—The Secretary shall establish a program for making payments to taxpayers with respect to each calendar month equal to the monthly advance child payment determined with respect to such taxpayer for such month.

''(b) MONTHLY ADVANCE CHILD PAYMENT.—For purposes of this section and except as otherwise provided in this section, the term 'monthly advance child payment' means, with respect to any taxpayer for any calendar

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month, the amount (if any) which is estimated by the Secretary as being equal to the monthly specified child allowance which would be determined under section 24A(b) with respect to such taxpayer for such calendar month if—

''(1) unless determined by the Secretary based on any information known to the Secretary, the only specified children of such taxpayer for such calendar month are the specified children of such taxpayer for the reference month,

''(2) unless determined by the Secretary based on any information known to the Secretary, the ages of such children (and the status of such children as specified children) are determined for such calendar month by taking into account the passage of time since such reference month,

''(3) the limitations of section 24A(b)(2) were applied with respect to the reference taxable year rather than with respect to the applicable taxable year, and

''(4) unless determined by the Secretary based on any information known to the Secretary, no monthly specified child allowance were determined with respect to such taxpayer for such calendar month unless the taxpayer (in the case of a joint return, either spouse) has a principal place of abode

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(determined as provided in section 32) in the United States or Puerto Rico for more than one-half of the reference month.

''(c) PRESUMPTIVE ELIGIBILITY.—

''(1) IN GENERAL.—An individual shall be treated as a specified child of a taxpayer for purposes of determining any monthly advance child payment under this section only if such month is part of the period of presumptive eligibility determined by the Secretary under this subsection with respect to such specified child and such taxpayer (determined by treating the month described in subclause (I) of paragraph (2)(A)(ii) as being the first month beginning after the determination described in such subclause).

''(2) PERIOD OF PRESUMPTIVE ELIGIBILITY.—For purposes of this section—

''(A) IN GENERAL.—Except as otherwise provided by the Secretary, the term 'period of presumptive eligibility' means the period—

''(i) beginning with the month for which presumptive eligibility is established, and

''(ii) ending with the earliest of—

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"(I) the beginning of the month described in clause (i) if the Secretary determines that the taxpayer committed fraud or intentionally disregarded rules or regulations in establishing or maintaining presumptive eligibility,

"(II) in the case of any notification from the Secretary that the period of presumptive eligibility has been terminated or suspended by reason of any question regarding eligibility of the taxpayer for monthly advance child payments with respect to such child, the month specified in such notice as the month on which such termination or suspension begins, and

"(III) the month following any failure of the taxpayer to make the required annual renewal of presumptive eligibility by such date as the Secretary may provide.

"(B) ESTABLISHING PRESUMPTIVE ELIGIBILITY.—A taxpayer shall establish presumptive

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eligibility with respect to any specified child for any month at such time and in such manner as the Secretary may provide. Except as otherwise provided by the Secretary, in order to establish a period of presumptive eligibility the taxpayer must express a reasonable expectation and intent that the taxpayer will continue to be eligible with respect to such specified child for at least the two months following the month for which presumptive eligibility is to be established.

''(C) METHOD OF ESTABLISHING PRESUMPTIVE ELIGIBILITY.—The Secretary shall ensure information to establish presumptive eligibility under this paragraph may be provided on the return of tax for the taxable year ending before the calendar year which includes the month for which such eligibility is to be established, through the on-line portal described in subsection (c), or in such other manner as the Secretary may provide.

''(D) INCLUSION OF AUTOMATIC GRACE PERIODS AND PERIODS OF HARDSHIP.—The period of presumptive eligibility shall include any

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period to which paragraph (1) or (2) of subsection (g) applies.

''(E) AUTOMATIC ELIGIBILITY FOR BIRTH OF CHILD.—The Secretary shall issue regulations or other guidance to establish procedures pursuant to which, to the maximum extent administratively practicable—

''(i) a parent of a child born during a calendar month shall be treated as automatically establishing presumptive eligibility with respect to such child,

''(ii) the period of such automatic presumptive eligibility is determined, and

''(iii) the first monthly advance child payment with respect to such child is adjusted to properly take into account each month in the taxable year preceding such birth.

''(F) PRESUMPTIVE ELIGIBILITY BASED ON CERTAIN GOVERNMENT PROGRAMS.—The Secretary shall issue regulations or other guidance to establish procedures under which—

''(i) based on information provided to the Secretary by one or more government entities, a parent or specified relative of a

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child is treated as automatically establishing presumptive eligibility with respect to such child, and

"(ii) the period for which such automatic presumptive eligibility is determined (including any additional circumstances under which such period will terminate).

"(G) COORDINATION WITH PRESUMPTION.—For purposes of determining the status of any individual as a specified child for purposes of determining presumptive eligibility with respect to any period, section 24A(c) shall be applied without regard to paragraph (7) thereof.

"(3) NOTICE OF TERMINATION OF PRESUMPTIVE ELIGIBILITY BY REASON OF FAILURE TO MAKE ANNUAL RENEWAL.—If a taxpayer's period of presumptive eligibility with respect to any specified child terminates by reason of paragraph (2)(A)(ii)(IV), the Secretary shall provide the taxpayer a written notice of such termination.

"(d) DETERMINATION OF REFERENCE MONTH AND REFERENCE TAXABLE YEAR.—For purposes of this section—

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''(1) REFERENCE MONTH.—The term 'reference month' means, with respect to any taxpayer for any calendar month, the most recent of—

''(A) in the case of a taxpayer who filed a return of tax for the last taxable year ending before such calendar month, the last month of such taxable year,

''(B) in the case of a taxpayer who filed a return of tax for the taxable year preceding the taxable year described in subparagraph (A), the last month of such preceding taxable year, and

''(C) in the case of a taxpayer who provides, through a specified alternative mechanism, information which is sufficient to estimate the taxpayer's monthly advance child payment for such month, such month.

''(2) REFERENCE TAXABLE YEAR.—The term 'reference taxable year' means, with respect to any taxpayer for any calendar month, the most recent of—

''(A) the taxable year described in subparagraph (A) or (B) of paragraph (1), or

''(B) in the case of a taxpayer who provides, through a specified alternative mechanism, information which is sufficient to esti-

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mate the taxpayer's modified adjusted gross income for the taxable year which includes such month, such taxable year.

"(3) AVAILABILITY OF INFORMATION.—Any month or year referred to in subparagraphs (A), (B), or (C) of paragraph (1) or subparagraph (A) or (B) of paragraph (2) shall not be taken into account in determining the reference month or reference taxable year with respect to any calendar month unless all relevant information with respect to such month or year is available to the Secretary and the Secretary has adequate time to make estimates under this section on the basis of such information before the beginning of such calendar month.

"(4) TREATMENT OF INSUFFICIENT INFORMATION.—Except as otherwise provided by the Secretary—

"(A) if a taxpayer is not described in subparagraph (A), (B), or (C) of paragraph (1) with respect to any calendar month, the monthly advance child payment with respect to such taxpayer for such calendar month shall be treated as zero unless the Secretary determines that the Secretary can make the estimate described in subsection (b) on the basis of infor-

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mation known to the Secretary which the Secretary determines is reasonably reliable, and

"(B) if the taxpayer is not described in paragraph (1)(C) and the information on the return of tax referred to in subparagraph (A) or (B) of paragraph (1) does not establish the status of the taxpayer (in the case of a joint return, either spouse) as having a principal place of abode (determined as provided in section 32) in the United States or Puerto Rico for more than one-half of the reference month, the Secretary shall determine such status based on information known to the Secretary.

"(5) TRANSITION RULE.—In any case with respect to which section 24A was not in effect for the taxable year described in subparagraph (A), (B), or (C) of paragraph (1) (whichever is applicable), subsection (b)(1) shall be applied by substituting 'the qualifying children of such taxpayer for the taxable year which includes the reference month' for 'the specified children of such taxpayer for the reference month'.

"(e) ON-LINE INFORMATION PORTAL; SPECIFIED ALTERNATIVE MECHANISMS.—

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"(1) ON-LINE INFORMATION PORTAL.—The Secretary shall establish an on-line portal which allows taxpayers to—

"(A) subject to such restrictions as the Secretary may provide, elect to begin or cease receiving payments under this section, and

"(B) provide information to the Secretary which is relevant in determining the monthly advance child payment and the taxpayer's eligibility for such payment, including information regarding—

"(i) the number of the taxpayer's specified children, including by reason of the birth of a child,

"(ii) the taxpayer's marital status,

"(iii) the taxpayer's modified adjusted gross income,

"(iv) the taxpayer's principal place of abode, and

"(v) any other factor which the Secretary may provide.

"(2) SPECIFIED ALTERNATIVE MECHANISM.—For purposes of this section, the term 'specified alternative mechanism' means the on-line portal established under paragraph (1), the on-line portal estab-

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lished under section 7527A, and any other mechanism or method established by the Secretary to allow taxpayer's to provide the information described in paragraph (1) (including in connection with the filing of any return of tax).

''(f) SPECIFIED CHILD OF MORE THAN 1 TAXPAYER.—

''(1) IN GENERAL.—In the event that (without regard to this paragraph and determined without regard to any election under subsection (e)(1)) any specified child would be taken into account in determining the monthly advance child payment of more than one taxpayer for the same calendar month—

''(A) except as provided in subparagraph (B), such child shall be so taken into account only with respect to the taxpayer with the most recent reference month, and

''(B) if any such taxpayer is described in subsection (d)(1)(C) (or more than 1 taxpayer is described in subparagraph (A) of this paragraph), the Secretary shall establish procedures under which the Secretary expeditiously adjudicates the taxpayer's competing claims of presumptive eligibility with respect to the same child.

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"(2) PROVISIONS RELATED TO ADJUDICATION.—

"(A) EXPEDITED PROCESS; APPEALS.—The procedures established under paragraph (1)(B) shall include—

"(i) an expedited process for taxpayers who meet such requirements as the Secretary may establish for such expedited process, and

"(ii) procedures for adjudicating an appeal of an adverse decision.

"(B) INFORMATION RECEIPT AND COORDINATION.—The Secretary may enter into agreements to receive information from, and otherwise coordinate with—

"(i) Federal agencies (including the Social Security Administration and the Department of Agriculture),

"(ii) any State, local government, Tribal government, or possession of the United States, and

"(iii) any other individual or entity that the Secretary determines to be appropriate for purposes of adjudicating a competing claim described in paragraph (1).

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''(C) ADJUDICATION NOT TREATED AS ASSESSMENT.—An adjudication under the procedures established under paragraph (1)(B) (including the adjudication of any appeal) shall not be treated as an assessment described in section 6201.

''(D) ADJUDICATION NOT TREATED AS INSPECTION OF TAXPAYER'S BOOKS OF ACCOUNT.—The inspection of a taxpayer's books of account in connection with any adjudication under the procedures established under paragraph (1)(B) (including the adjudication of any appeal) shall not be treated as an examination or inspection of a taxpayer's books of account for purposes of section 7605(b).

''(3) RETROACTIVE PAYMENTS.—If, pursuant to the procedures established under paragraph (1)(B), the Secretary determines that a child is a specified child of a taxpayer and the Secretary did not make payments to such taxpayer with respect to such child for any portion of the period during which the determination was made, the Secretary may make a one-time payment to the taxpayer with respect to which such child is the specified child in an amount equal to the aggregate amount by which the monthly ad-

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vance child payments to such taxpayer would have increased during such period if such determination had been made immediately.

"(4) RECAPTURE OF PAYMENTS.—If, pursuant to the procedures established under paragraph (1)(B), the Secretary makes payments with respect to the child during the period during which the determination is made—

"(A) the Secretary shall provide each taxpayer which receives such payments notice that such payments may be subject to recapture, and

"(B) upon making such determination, the Secretary shall determine on the basis of the facts and circumstances of each such taxpayer whether any such payments should be subject to recapture and shall so notify each such taxpayer.

"(g) RULES RELATED TO GRACE PERIODS AND HARDSHIPS.—

"(1) AUTOMATIC GRACE PERIOD.—

"(A) IN GENERAL.—Notwithstanding subsection (f), in the case of any failure or delay in establishing a period of presumptive eligibility with respect to which the taxpayer elects

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the application of this subparagraph, credit under section 24A or retroactive payment under this section (similar to the payment described in subsection (f)(3)) shall be allowed or made with respect to so much of the period of such failure or delay as does not exceed 3 months. The preceding sentence shall not apply if the Secretary determines that such failure or delay was due to fraud or reckless or intentional disregard of rules and regulations.

''(B) LIMITATION.—Subparagraph (A) shall not apply with respect to any taxpayer more than once during any 36-month period.

''(2) HARDSHIP.—Notwithstanding subsection (f), if the Secretary determines that a failure or delay in establishing a period of presumptive eligibility with respect to any specified child was due to domestic violence, serious illness, natural disaster, or any other hardship, credit under section 24A or retroactive payment under this section (similar to the payment described in subsection (f)(3)) shall be allowed or made with respect to so much of the period of such failure or delay as does not exceed 6 months.

''(h) PROVISIONS RELATED TO FORM, MANNER, AND TREATMENT OF PAYMENTS.—

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"(1) APPLICATION OF ELECTRONIC FUNDS PAYMENT REQUIREMENT.—The payments made by the Secretary under subsection (a) shall be made by electronic funds transfer to the same extent and in the same manner as if such payments were Federal payments not made under this title.

"(2) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of subparagraphs (B) and (C) of section 6428A(f)(3) shall apply for purposes of this section, applied by substituting 'January 1, 2022' for 'January 1, 2019' in clauses (i) and (ii) of such subparagraph (B).

"(3) EXCEPTION FROM REDUCTION OR OFFSET.—Any payment made to any individual under this section shall not be—

"(A) subject to reduction or offset pursuant to subsection (c), (d), (e), or (f) of section 6402 or any similar authority permitting offset, or

"(B) reduced or offset by other assessed Federal taxes that would otherwise be subject to levy or collection.

"(4) APPLICATION OF ADVANCE PAYMENTS IN THE POSSESSIONS OF THE UNITED STATES.—

"(A) PUERTO RICO.—

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"(i) For application of child tax credit to residents of Puerto Rico, see section 24A(d).

"(ii) For application of monthly advance child payments to residents of Puerto Rico, see subsection (b)(4).

"(B) MIRROR CODE POSSESSIONS.—In the case of any possession of the United States with a mirror code tax system (as defined in section 24A(i)(1)(C)), this section shall not be treated as part of the income tax laws of the United States for purposes of determining the income tax law of such possession unless such possession elects to have this section be so treated.

"(C) ADMINISTRATIVE EXPENSES OF ADVANCE PAYMENTS.—

"(i) MIRROR CODE POSSESSIONS.—In the case of any possession described in subparagraph (B) which makes the election described in such subparagraph, the amount otherwise paid by the Secretary to such possession under section 24A(i)(1)(A) with respect to taxable years beginning in 2023, 2024, and 2025 shall each be increased by $300,000 if such possession has

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a plan, which has been approved by the Secretary, for making monthly advance child payments consistent with such election.

"(ii) AMERICAN SAMOA.— The amount otherwise paid by the Secretary to American Samoa under subparagraph (A) of section 24A(i)(3) with respect to taxable years beginning in 2023, 2024, and 2025 shall each be increased by $300,000 if the plan described in subparagraph (B) of such section includes a program, which has been approved by the Secretary, for making monthly advance child payments under rules similar to the rules of this section.

"(iii) TIMING OF PAYMENT.—The Secretary may pay, upon the request of the possession of the United States to which the payment is to be made, the amount of the increase determined under clause (i) or (ii), respectively, immediately upon approval of the plan with respect to which such payment relates.

"(i) APPLICATION OF CERTAIN DEFINITIONS AND RULES APPLICABLE TO CHILD TAX CREDIT.—

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"(1) DEFINITIONS.—Except as otherwise provided in this section, terms used in this section which are also used in section 24A shall have the same respective meanings as when used in section 24A.

"(2) TREATMENT OF CERTAIN DEATHS.—A child shall not be taken into account in determining the monthly advance child payment for any calendar month if the death of such child before the beginning of the calendar year which includes such month is known to the Secretary as of date on which the Secretary estimates such payment.

"(3) IDENTIFICATION REQUIREMENTS.—Rules similar to the rules which apply under section 24A(e) shall apply for purposes of this section except that such rules shall apply with respect to the return of tax for the reference taxable year or, in the case of information provided through a specified alternative mechanism, with respect to the information provided through such mechanism.

"(4) RESTRICTIONS ON TAXPAYERS WHO IMPROPERLY CLAIMED CREDIT OR MONTHLY ADVANCE CHILD PAYMENTS.—For restrictions on taxpayers who improperly claimed credit or monthly advance child payments, see section 24A(f).

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"(j) NOTICE OF PAYMENTS.—

"(1) IN GENERAL.—Not later than January 31 of the calendar year following any calendar year during which the Secretary makes one or more payments to any taxpayer under this section, the Secretary shall provide such taxpayer with a written notice which includes—

"(A) the taxpayer's taxpayer identity (as defined in section 6103(b)(6)),

"(B) the aggregate amount of such payments made to such taxpayer during such calendar year, and

"(C) such other information as the Secretary determines appropriate.

"(2) CERTAIN PAYMENTS SUBJECT TO RECAPTURE.—In the case of any payments made to a taxpayer which the Secretary has determined are subject to recapture, the notice provided under paragraph (1) to such taxpayer shall include the amount of such payments.

"(k) REGULATIONS.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this section.

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''(l) TERMINATION.—No payments shall be made under the program established under subsection (a) with respect to any month beginning after December 31, 2025.''.

(c) SUSPENSION OF CHILD TAX CREDIT DURING PERIOD THAT MONTHLY CHILD TAX CREDIT IS IN EFFECT.—Section 24 is amended by adding at the end the following new subsection:

''(l) COORDINATION WITH MONTHLY CHILD TAX CREDIT.—This section shall not apply to (and no payment shall be made under subsection (k) with respect to) any taxable year beginning after December 31, 2022, and before January 1, 2026.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 26(b)(2) is amended by striking ''and'' at the end of subparagraph (Y), by striking the period at the end of subparagraph (Z) and inserting '', and'', and by adding at the end the following new subparagraph:

''(AA) section 24A(g)(2) (relating to recapture of certain monthly advance child payments).''.

(2) Section 152(f)(6)(B)(ii) is amended to read as follows:

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"(ii) the credits under sections 24, 24A, and 24B and the payments under sections 7527A and 7527B,".

(3) Section 3402(f)(1)(C) is amended by inserting "or section 24A (determined after application of subsection (g) thereof)" after "section 24 (determined after application of subsection (j) thereof)".

(4) Section 6103(l)(13)(A)(v) is amended by insert "or section 24A, as the case may be" after "section 24".

(5) Section 6211(b)(4)(A) is amended by inserting "24A by reason of subsection (d) thereof," after "24 by reason of subsections (d) and (i)(1) thereof,".

(6) Section 6213(g)(2)(I) is amended by inserting "or section 24A(e) (relating to monthly child tax credit)" after "section 24(e) (relating to child tax credit)".

(7) Section 6213(g)(2)(L) is amended by inserting "24A," after "24,".

(8) Section 6213(g)(2)(P) is amended—

(A) by inserting "or 24A(f)(2)" after "section 24(g)(2)",

(B) by inserting "or 24A" after "under section 24", and

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(C) by striking ''subsection (g)(1) thereof'' and inserting ''section 24(g)(1) or section 24A(f)(1), respectively''.

(9) Section 6695(g)(2) is amended by inserting ''24A,'' after ''24,''.

(10) Paragraph (2) of section 1324(b) of title 31, United States Code, as amended by the preceding provisions of this Act, is amended—

(A) by inserting ''24A,'' after ''24,'', and

(B) by inserting ''7527B,'' after ''7527A,''.

(11) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 24 the following new items:

''Sec. 24A. Monthly child tax credit.
''Sec. 24B. Credit for certain other dependents.''.

(12) The table of sections for chapter 77 is amended by inserting after the item relating to section 7527A the following new item:

''Sec. 7527B. Monthly payments of child tax credit.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2022.

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(2) MONTHLY ADVANCE CHILD PAYMENTS.—The amendments made by subsection (b) shall apply to payments made for calendar months beginning after December 31, 2022.

SEC. 137104. REFUNDABLE CHILD TAX CREDIT AFTER 2025.

(a) IN GENERAL.—Section 24, as amended by the preceding provisions of this Act, is amended by adding at the end the following new subsection:

"(m) REFUNDABLE CREDIT AFTER 2025.—In the case of any taxable year beginning after December 31, 2025, if the taxpayer (in the case of a joint return, either spouse) has a principal place of abode in the United States (determined as provided in section 32) for more than one-half of the taxable year or is a bona fide resident of Puerto Rico (within the meaning of section 937(a)) for such taxable year—

"(1) subsection (d) shall not apply, and

"(2) the credit determined under subsection (a) (after application of paragraph (1)) shall be allowed under subpart C (and not allowed under this subpart).".

(b) CONFORMING AMENDMENTS RELATED TO POSSESSIONS OF THE UNITED STATES.—

(1) PUERTO RICO.—Section 24(k)(2) is amended—

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(A) in subparagraph (B) (as amended by the preceding provisions of this Act)—

(i) by inserting ''and before January 1, 2026,'' after ''December 31, 2022,'', and

(ii) by inserting ''AND BEFORE 2026'' after ''AFTER 2022'', and

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

''(C) APPLICATION TO TAXABLE YEARS AFTER 2025.—For application of refundable credit to residents of Puerto Rico for taxable years after 2025, see subsection (m).''.

(2) AMERICAN SAMOA.—Section 24(k)(3)(C)(ii), as amended by the preceding provisions of this Act, is amended—

(A) in subclause (I), by striking ''and'' at the end,

(B) in subclause (II)—

(i) by inserting ''and before January 1, 2026,'' after ''after December 31, 2022,'', and

(ii) by striking the period at the end and inserting '', and'', and

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

"(III) if such taxable year begins after December 31, 2025, subsection (m) shall be applied by substituting 'Puerto Rico or American Samoa' for 'Puerto Rico'.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2025.

SEC. 137105. APPROPRIATIONS.

Immediately upon the enactment of this Act, in addition to amounts otherwise available, there are appropriated out of any money in the Treasury not otherwise appropriated:

(1) $9,000,000,000 to remain available until September 30, 2026, for necessary expenses for the Internal Revenue Service to administer the Child Tax Credit, and advance payments of the Child Tax Credit, including the costs of disbursing such payments, which shall supplement and not supplant any other appropriations that may be available for this purpose, and

(2) $1,000,000,000 is appropriated to the Department of the Treasury, to remain available until

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September 30, 2026, to support efforts to increase enrollment of eligible families in the Child Tax Credit, for advance payments of the Child Tax Credit, and for other tax benefits, including but not limited to program outreach, costs of data sharing arrangements, systems changes, forms changes, and related efforts, and efforts by federal agencies to facilitate the cross-enrollment of beneficiaries of other programs in the Child Tax Credit, and for advance payments of the Child Tax Credit, including by establishing intergovernmental cooperative agreements with states and local governments, tribal governments, and possessions of the United States: Provided, that such amount shall be available in addition to any amounts otherwise available: Provided further, that these funds may be awarded by federal agencies to state and local governments, tribal governments, and possessions of the United States, and private entities, including organizations dedicated to free tax return preparation.

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PART 2—CHILD AND DEPENDENT CARE TAX CREDIT

SEC. 137201. CERTAIN IMPROVEMENTS TO THE CHILD AND DEPENDENT CARE CREDIT MADE PERMANENT.

(a) CREDIT REFUNDABLE FOR TAXPAYERS WITH PRINCIPAL PLACE OF ABODE IN THE UNITED STATES.—Section 21(g) is amended to read as follows;

"(g) CREDIT REFUNDABLE FOR TAXPAYERS WITH PRINCIPAL PLACE OF ABODE IN THE UNITED STATES.—If the taxpayer (in the case of a joint return, either spouse) has a principal place of abode in the United States (determined as provided in section 32) for more than one-half of the taxable year, the credit allowed under subsection (a) shall be treated as a credit allowed under subpart C (and not allowed under this subpart).".

(b) INCREASE IN DOLLAR LIMIT ON AMOUNT CREDITABLE.—Section 21(c) is amended—

(1) by striking "$3,000" in paragraph (1) and inserting "$8,000", and

(2) by striking "$6,000" in paragraph (2) and inserting "$16,000".

(c) INCREASE IN APPLICABLE PERCENTAGE.—Section 21(a)(2) is amended—

(1) by striking "35 percent" and inserting "50 percent", and

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(2) by striking ''$15,000'' and inserting ''$125,000''.

(d) APPLICATION OF INCREASED DOLLAR LIMITATION TO SPOUSES WHO ARE STUDENTS OR INCAPABLE OF CARING FOR THEMSELVES.—Section 21(d)(2) is amended by striking ''of not less than—'' and all that follows through ''In the case of'' and inserting ''of not less than 1/12 of the dollar amount in effect under paragraph (1) or (2) of subsection (c) (whichever is applicable to the taxpayer for the taxable year). In the case of''.

(e) INFLATION ADJUSTMENT.—Section 21(e) is amended by adding at the end the following new paragraph:

''(11) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning after December 31, 2021, the $125,000 amount in subsection (a)(2), the $8,000 amount in subsection (c)(1), and the $16,000 amount in subsection (c)(2) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year be-

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gins, determined by substituting 'calendar year 2020' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

"(B) ROUNDING.—

"(i) LIMITATION BASED ON ADJUSTED GROSS INCOME.—If any increase determined under subparagraph (A) of the $125,000 dollar amount in subsection (a)(2) is not a multiple of $5,000, such amount shall be rounded to the nearest multiple of $5,000.

"(i) DOLLAR LIMITATIONS.—If any increase determined under subparagraph (A) of any dollar amount in subsection (c) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.".

(f) APPLICATION OF PHASEOUT TO HIGH INCOME INDIVIDUALS.—

(1) IN GENERAL.—Section 21(a)(2) is amended by striking "20 percent" and inserting "the phaseout percentage".

(2) PHASEOUT PERCENTAGE.—Section 21(a) is amended by adding at the end the following new paragraph:

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"(3) PHASEOUT PERCENTAGE.—For purposes of paragraph (2), the term 'phaseout percentage' means 20 percent reduced (but not below zero) by 1 percentage point for each $2,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $400,000.".

(g) APPLICATION OF CREDIT IN POSSESSIONS.—Section 21(h) is amended—

(1) in paragraph (1)—

(A) by striking "The Secretary" and inserting "With respect to taxable years beginning in or with calendar years after 2020, the Secretary", and

(B) by striking "with respect to taxable years beginning in or with 2021",

(2) in paragraph (2)—

(A) by striking "The Secretary" and inserting "With respect to taxable years beginning in or with calendar years after 2020, the Secretary", and

(B) by striking "with respect to taxable years beginning in or with 2021", and

(3) in paragraph (3), by striking "in or with 2021" and inserting "after December 31, 2020".

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(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 137202. INCREASE IN EXCLUSION FOR EMPLOYER-PROVIDED DEPENDENT CARE ASSISTANCE MADE PERMANENT.

(a) IN GENERAL.—Section 129(a)(2)(A) is amended by striking ''$5,000 ($2,500'' and inserting ''$10,500 (half such dollar amount''.

(b) INFLATION ADJUSTMENT.—Section 129(e) is amended by adding at the end the following new paragraph:

''(10) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning after December 31, 2021, the $10,500 amount in subsection (a)(2)(A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2020' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

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"(B) ROUNDING.—If any increase determined under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.".

(c) CONFORMING AMENDMENT.—Section 129(a)(2) is amended by striking subparagraph (D).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

(e) RETROACTIVE PLAN AMENDMENTS.—A plan that otherwise satisfies all applicable requirements of sections 125 and 129 of the Internal Revenue Code of 1986 (including any rules or regulations thereunder) shall not fail to be treated as a cafeteria plan or dependent care assistance program merely because such plan is amended pursuant to a provision under this subsection and such amendment is retroactive, if—

(1) such amendment is adopted no later than the last day of the plan year in which the amendment is effective, and

(2) the plan is operated consistent with the terms of such amendment during the period beginning on the effective date of the amendment and ending on the date the amendment is adopted.

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PART 3—SUPPORTING CAREGIVERS

SEC. 137301. PAYROLL TAX CREDIT FOR CHILD CARE WORKERS.

(a) IN GENERAL.—Subchapter D of chapter 21 is amended by adding at the end the following:

"SEC. 3135. PAYROLL CREDIT FOR CERTAIN WAGES PAID TO CHILD CARE WORKERS.

''(a) IN GENERAL.—In the case of an eligible child care employer, there shall be allowed as a credit against applicable employment taxes for each calendar quarter an amount equal to 50 percent of the qualified child care wages paid with respect to each eligible employee of such employer for such calendar quarter.

''(b) LIMITATIONS AND REFUNDABILITY.—

''(1) LIMITATION ON WAGES TAKEN INTO ACCOUNT.—The amount of qualified child care wages with respect to any eligible employee which may be taken into account under subsection (a) by the eligible child care employer for any calendar quarter shall not exceed $2,500.

''(2) CREDIT LIMITED TO CERTAIN EMPLOYMENT TAXES.—The credit allowed by subsection (a) with respect to any calendar quarter shall not exceed the applicable employment taxes (reduced by any credits allowed under sections 3131, 3132, 3134, and 6432) on the wages paid with respect to the em-

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ployment of all the employees of the eligible child care employer for such calendar quarter.

"(3) REFUNDABILITY OF EXCESS CREDIT.—

"(A) CREDIT IS REFUNDABLE.—If the amount of the credit under subsection (a) exceeds the limitation of paragraph (2) for any calendar quarter, such excess shall be treated as an overpayment that shall be refunded under sections 6402(a) and 6413(b).

"(B) ADVANCING CREDIT.—In anticipation of the credit, including the refundable portion under subparagraph (A), the credit shall be advanced, according to forms and instructions provided by the Secretary, up to an amount calculated under subsection (a), subject to the limits under paragraph (1), all calculated through the end of the most recent payroll period in the quarter.

"(c) ELIGIBLE CHILD CARE EMPLOYER.—For purposes of this section, the term 'eligible child care employer' means any employer which operates one or more qualified child care facilities.

"(d) QUALIFIED CHILD CARE FACILITY.—For purposes of this section, the term 'qualified child care facility' means any facility which is certified as an HHS Partici-

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pating Child Care Provider by the Secretary of Health and Human Services under section 418A(c) of the Social Security Act.

''(e) ELIGIBLE EMPLOYEE.—For purposes of this section, the term 'eligible employee' means, with respect to any eligible child care employer for any calendar quarter, any employee of such employer if—

''(1) the aggregate wages paid to such employee for such quarter do not exceed 25 percent of the dollar amount in effect for such quarter under section 414(q)(1)(B)(i) (relating to highly compensated employees), and

''(2) the aggregate wages paid to such employee for the 1-year period ending with the close of such quarter do not exceed 100 percent of such dollar amount.

''(f) QUALIFIED CHILD CARE WAGES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified child care wages' means, with respect to any eligible employee for any calendar quarter, so much of the child care wages paid by the eligible child care employer to such employee during such quarter as are paid at a rate in excess of the applicable minimum rate. Such term shall not include any wages paid by an

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eligible child care employer during any period during which the certification described in subsection (d) is not in effect.

''(2) APPLICABLE MINIMUM RATE.—The term 'applicable minimum rate' means, with respect to wages paid to any eligible employee, the rate of basic pay which is payable for GS-3, step 1 of the General Schedule under subchapter III of chapter 53 of title 5, United States Code (including any applicable locality-based comparability payment under section 5304 of such title, or similar authority) at the time such wages are paid and determined with respect to the locality in which the services are provided.

''(3) CHILD CARE WAGES.—The term 'child care wages' means wages paid for the services of the employee to provide child care at a qualified child care facility or to provide support services for such a facility.

''(4) EXCEPTION.—The term 'child care wages' shall not include any wages taken into account under section 41, 45A, 45P, 45R, 51, 1396, 3131, 3132, 3134, or 6432.

''(g) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

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"(1) APPLICABLE EMPLOYMENT TAXES.—The term 'applicable employment taxes' means the following:

"(A) The taxes imposed under section 3111(b).

"(B) So much of the taxes imposed under section 3221(a) as are attributable to the rate in effect under section 3111(b).

"(2) WAGES.—

"(A) IN GENERAL.—The term 'wages' means wages (as defined in section 3121(a)), determined without regard to paragraphs (1) through (22) of section 3121(b)) and compensation (as defined in section 3231(e), determined without regard to the sentence in paragraph (1) thereof which begins 'Such term does not include remuneration').

"(B) ALLOWANCE FOR CERTAIN HEALTH PLAN EXPENSES.—

"(i) IN GENERAL.—Such term shall include amounts paid by the eligible child care employer to provide and maintain a group health plan (as defined in section 5000(b)(1)), but only to the extent that such amounts are excluded from the gross

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income of employees by reason of section 106(a).

"(ii) ALLOCATION RULES.—For purposes of this section, amounts treated as wages under clause (i) shall be treated as paid with respect to any eligible employee (and with respect to any period) to the extent that such amounts are properly allocable to such employee (and to such period) in such manner as the Secretary may prescribe. Except as otherwise provided by the Secretary, such allocation shall be treated as properly made if made on the basis of being pro rata among periods of coverage.

"(3) OTHER TERMS.—Any term used in this section which is also used in this chapter or chapter 22 shall have the same meaning as when used in such chapter.

"(4) DENIAL OF DOUBLE BENEFIT.—For purposes of chapter 1, the gross income of the employer, for the taxable year which includes the last day of any calendar quarter with respect to which a credit is allowed under this section, shall be increased by the amount of such credit.

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"(5) ELECTION TO NOT TAKE CERTAIN WAGES INTO ACCOUNT.—This section shall not apply to so much of the qualified child care wages paid by an eligible child care employer as such employer elects (at such time and in such manner as the Secretary may prescribe) to not take into account for purposes of this section.

"(6) CERTAIN GOVERNMENTAL EMPLOYERS.—No credit shall be allowed under this section to the Government of the United States or to any agency or instrumentality thereof. The preceding sentence shall not apply to any organization described in section 501(c)(1) and exempt from tax under section 501(a).

"(7) COORDINATION WITH CERTAIN PROGRAMS.—

"(A) IN GENERAL.—This section shall not apply to so much of the qualified child care wages paid by an eligible child care employer as are taken into account as payroll costs in connection with—

"(i) a covered loan under section 7(a)(37) or 7A of the Small Business Act,

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"(ii) a grant under section 324 of the Economic Aid to Hard-Hit Small Businesses, Non-Profits, and Venues Act, or

"(iii) a restaurant revitalization grant under section 5003 of the American Rescue Plan Act of 2021.

"(B) APPLICATION WHERE PPP LOANS NOT FORGIVEN.—The Secretary shall issue guidance providing that payroll costs paid during the covered period shall not fail to be treated as qualified child care wages under this section by reason of subparagraph (A)(i) to the extent that—

"(i) a covered loan of the taxpayer under section 7(a)(37) of the Small Business Act is not forgiven by reason of a decision under section 7(a)(37)(J) of such Act, or

"(ii) a covered loan of the taxpayer under section 7A of the Small Business Act is not forgiven by reason of a decision under section 7A(g) of such Act.

Terms used in the preceding sentence which are also used in section 7A(g) or 7(a)(37)(J) of the Small Business Act shall, when applied in con-

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nection with either such section, have the same meaning as when used in such section, respectively.

''(8) AGGREGATION RULE.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (m) or (o) of section 414, shall be treated as one employer for purposes of this section.

''(9) THIRD PARTY PAYORS.—Any credit allowed under this section shall be treated as a credit described in section 3511(d)(2).

''(10) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after December 31, 2022, the $2,500 amount in subsection (b)(1) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2021' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.

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''(h) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this section, including—

''(1) regulations or other guidance to prevent the avoidance of the purposes of the limitations under this section,

''(2) regulations or other guidance to minimize compliance and record-keeping burdens under this section,

''(3) regulations or other guidance providing for waiver of penalties for failure to deposit amounts in anticipation of the allowance of the credit allowed under this section,

''(4) regulations or other guidance for recapturing the benefit of credits determined under this section in cases where there is a subsequent adjustment to the credit determined under subsection (a),

''(5) regulations or other guidance to permit the advancement of the credit determined under subsection (a), and

''(6) regulations or other guidance for applying subsection (f) with respect to eligible employees not paid at a single rate of pay.''.

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(b) REFUNDS.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''3135,'' after ''3134,''.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter D of chapter 21 is amended by adding at the end the following:

''Sec. 3135. Payroll credit for certain wages paid to child care workers.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar quarters beginning after December 31, 2021.

SEC. 137302. CREDIT FOR CAREGIVER EXPENSES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 is amended by inserting after section 25D the following new section:

''SEC. 25E. CREDIT FOR CAREGIVER EXPENSES.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual for whom there are 1 or more qualified care recipients, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the qualified expenses paid or incurred by such individual during the taxable year (and not compensated for by insurance or otherwise).

''(b) QUALIFIED CARE RECIPIENT.—For purposes of this section—

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"(1) IN GENERAL.—The term 'qualified care recipient' means, with respect to any taxable year, any individual who—

"(A) is the spouse of the taxpayer, or any other person who bears a relationship to the taxpayer described in any of subparagraphs (A) through (H) of section 152(d)(2),

"(B) has been certified, before the due date for filing the return of tax for the taxable year, by a licensed health care practitioner (as defined in section 7702B(c)(4)) as being an individual with long-term care needs (as defined in paragraph (3)) for a period—

"(i) which is expected to be at least 180 consecutive days, and

"(ii) a portion of which occurs within the taxable year, and

"(C) resides in a personal residence and not an institutional care facility.

"(2) PERIOD FOR MAKING CERTIFICATION.—Notwithstanding paragraph (1)(B), a certification shall not be treated as valid unless it is made within the 18-month period ending on such due date (or such other period as the Secretary prescribes).

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"(3) INDIVIDUALS WITH LONG-TERM CARE NEEDS.—For purposes of this subsection, the term 'individual with long-term care needs' means any individual who meets the requirements of any of the following subparagraphs:

"(A) The individual is at least 6 years of age and—

"(i) is unable to perform (without substantial assistance from another individual) at least 2 activities of daily living (as defined in section 7702B(c)(2)(B)) due to a loss of functional capacity, or

"(ii) requires substantial supervision to protect such individual from threats to health and safety due to severe cognitive impairment and is unable to perform, without reminding or cuing assistance, at least 1 activity of daily living (as so defined) or, to the extent provided in regulations prescribed by the Secretary (in consultation with the Secretary of Health and Human Services), is unable to engage in age appropriate activities.

"(B) The individual is at least 2 but not 6 years of age and is unable, due to a loss of

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functional capacity, to perform (without substantial assistance from another individual) at least 2 of the following activities:

"(i) Eating.

"(ii) Transferring.

"(iii) Mobility.

"(C) The individual is under 2 years of age and requires specific durable medical equipment by reason of a severe health condition or requires a skilled practitioner trained to address the individual's condition to be available if the individual's parents or guardians are absent.

"(4) INSTITUTIONAL CARE FACILITY.—For purposes of paragraph (1)(C), an institutional care facility (including two or more places, establishments, or institutions owned by the same legal entity) includes any congregate, protected living residential arrangement that provides or coordinates personal or health care services, including assistance with the activities of daily living and social care, for two or more adults who are aged, infirm, or disabled

"(c) QUALIFIED EXPENSES.—For purposes of this section—

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"(1) IN GENERAL.—The term 'qualified expenses' means expenses for goods, services, and supports described in paragraph (2) which—

"(A) assist a qualified care recipient with accomplishing activities of daily living (as defined in section 7702B(c)(2)(B)) and instrumental activities of daily living (as defined in section 1915(k)(6)(F) of the Social Security Act), and

"(B) are provided solely for use by such qualified care recipient.

"(2) ITEMS DESCRIBED.—The goods, services, and supports described in this paragraph are—

"(A) human assistance, supervision, cuing, and standby assistance,

"(B) health maintenance tasks (such as medication management),

"(C) respite care,

"(D) assistive technologies and devices (including remote health monitoring),

"(E) accessibility modifications of the qualified care recipient's residence,

"(F) counseling, support groups, or training relating to caring for a qualified care recipient, and

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"(G) any other items which directly relate to the health and safety of a qualified care recipient, as determined by the Secretary after consultation with the Secretary of Health and Human Services.

"(3) DOLLAR LIMITATION.—The amount taken into account as qualified expenses for any taxable year shall not exceed $4,000.

"(4) DENIAL OF DOUBLE BENEFIT.—Amounts taken into account for purposes of section 21, 129, 213, or 223(f), or such other circumstances as may be provided by the Secretary, shall not be taken into account as qualified expenses.

"(5) DOCUMENTATION REQUIREMENT.—An expense shall not be treated as a qualified expense unless the taxpayer substantiates such expense under such regulations or guidance as the Secretary shall provide.

"(d) CREDIT PHASEOUT.—The 50 percent rate under subsection (a) shall be reduced by 1 percentage point for every $2,500 or fraction thereof by which the taxpayer's adjusted gross income exceeds $75,000.

"(e) SPECIAL RULES.—For purposes of this section—

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"(1) PAYMENTS TO RELATED INDIVIDUALS.—Rules similar to the rules of section 21(e)(6) shall apply.

"(2) LICENSED HEALTH CARE PRACTITIONER.—

"(A) IN GENERAL.—The licensed health care practitioner making the certification for purposes of subsection (b)(1)(B)—

"(i) shall not be related (within the meaning of section 51(i)(1)) to the taxpayer or the qualified care recipient, or have a conflict of interest (as determined under regulations provided by the Secretary) with respect to the taxpayer or the qualified care recipient,

"(ii) shall be licensed and eligible under applicable State law to certify limitations in performing activities of daily living, and

"(iii) shall be a participant in the Medicaid program, pursuant to sections 1902(a)(77) and 1932(d)(6) of the Social Security Act, or the State Children's Health Insurance Program under section 2107(e)(1)(G) of such Act.

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"(B) IDENTIFICATION REQUIREMENT.—

"(i) IN GENERAL.—No credit shall be allowed with respect to any qualified care recipient unless the taxpayer includes the name and specified provider identification number of such licensed health care practitioner on the return of tax for the taxable year.

"(ii) SPECIFIED PROVIDER IDENTIFICATION NUMBER.—The term 'specified provider identification number' means a valid National Provider Identifier as authorized in section 1173 of the Social Security Act.

"(3) INDIVIDUAL MAY NOT BE CLAIMED BY MORE THAN 1 TAXPAYER.—An individual shall be treated as a qualified care recipient with respect to only 1 taxpayer, as determined by the Secretary, for any taxable year.

"(4) IDENTIFICATION REQUIREMENT.—No credit shall be allowed with respect to any qualified care recipient unless the taxpayer includes the name and taxpayer identification number of the qualified care recipient on the return of tax for the taxable year.

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''(f) TERMINATION.—No credit shall be allowed under this section for any taxable year beginning after December 31, 2025.''.

(b) MATH ERROR AUTHORITY.—Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended by striking ''and'' at the end of subparagraph (T), by striking the period at the end of subparagraph (U) and inserting '', and'', and by inserting after subparagraph (U) the following new subparagraph:

''(V) an omission of a correct TIN required under section 25E(e)(4) or a correct specified provider identification number required under section 25E(e)(2)(B).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Credit for caregiver expenses.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

PART 4—EARNED INCOME TAX CREDIT

SEC. 137401. CERTAIN IMPROVEMENTS TO THE EARNED INCOME TAX CREDIT MADE PERMANENT.

(a) DECREASE IN MINIMUM AGE REQUIREMENT.—

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(1) IN GENERAL.—Section 32(c)(1)(A)(ii)(II) is amended by striking ''age 25'' and inserting ''the applicable minimum age''.

(2) APPLICABLE MINIMUM AGE.—Section 32(c) is amended by adding at the end the following new paragraph:

''(5) APPLICABLE MINIMUM AGE.—

''(A) IN GENERAL.—The term 'applicable minimum age' means—

''(i) except as otherwise provided in this subparagraph, age 19,

''(ii) in the case of a specified student (other than a qualified former foster youth or a qualified homeless youth), age 24, and

''(iii) in the case of a qualified former foster youth or a qualified homeless youth, age 18.

''(B) SPECIFIED STUDENT.—For purposes of this paragraph, the term 'specified student' means, with respect to any taxable year, an individual who is an eligible student (as defined in section 25A(b)(3)) during at least 5 calendar months during the taxable year.

''(C) QUALIFIED FORMER FOSTER YOUTH.—For purposes of this paragraph, the

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term 'qualified former foster youth' means an individual who—

''(i) on or after the date that such individual attained age 14, was in foster care provided under the supervision or administration of an entity administering (or eligible to administer) a plan under part B or part E of title IV of the Social Security Act (without regard to whether Federal assistance was provided with respect to such child under such part E), and

''(ii) provides (in such manner as the Secretary may provide) consent for entities which administer a plan under part B or part E of title IV of the Social Security Act to disclose to the Secretary information related to the status of such individual as a qualified former foster youth.

''(D) QUALIFIED HOMELESS YOUTH.—For purposes of this paragraph, the term 'qualified homeless youth' means, with respect to any taxable year, an individual who certifies, in a manner as provided by the Secretary, that such individual is either an unaccompanied youth who is a homeless child or youth, or is unaccom-

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panied, at risk of homelessness, and self-supporting.''.

(b) ELIMINATION OF MAXIMUM AGE FOR CREDIT.—Section 32(c)(1)(A)(ii)(II) is amended by striking ''but not attained age 65''.

(c) INCREASE IN CREDIT AND PHASEOUT PERCENTAGES.—The table contained in section 32(b)(1) is amended by striking ''7.65'' each place it appears therein and inserting ''15.3''.

(d) INCREASE IN EARNED INCOME AND PHASEOUT AMOUNTS.—

(1) IN GENERAL.—The table contained in section 32(b)(2)(A) is amended—

(A) by striking ''$4,220'' and inserting ''$9,820'', and

(B) by striking ''$5,280'' and inserting ''$11,610''.

(2) APPLICATION OF INFLATION ADJUSTMENT.—Section 32(j)(1) is amended—

(A) by striking ''(2021 in the case of the dollar amount in subsection (i)(1))'' and inserting ''(2021 in the case of the $9,820 and $11,610 amounts in subsection (b)(2)(A) and the $10,000 amount in subsection (i)(1))'',

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(B) in subparagraph (B)(i), by inserting ''(other than the $9,820 and $11,610 amounts)'' after ''subsection (b)(2)(A)'', and

(C) in subparagraph (B)(iii), by inserting ''the $9,820 and $11,610 amounts in subsection (b)(2)(A) and'' before ''the $10,000 amount in subsection (i)(1)''.

(e) Section 32, as amended by subsection (f), is amended by adding at the end the following new subsection:

''(n) ELECTION TO DETERMINE EARNED INCOME BASED ON PRIOR TAXABLE YEAR.—

''(1) IN GENERAL.—In the case of a taxpayer whose earned income for any taxable year is less than the earned income of such taxpayer for the preceding taxable year, if such taxpayer elects (at such time and in such manner as the Secretary may provide) the application of this subsection for such taxable year, the earned income of such taxpayer for such taxable year shall be treated for purposes of this section as being equal to the earned income of such taxpayer for such preceding taxable year.

''(2) JOINT RETURNS.—For purposes of this subsection, in the case of a joint return, the earned income of the taxpayer for the preceding taxable

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year shall be the sum of the earned income of each spouse for the preceding taxable year.

''(3) TREATMENT AS MATHEMATICAL OR CLERICAL ERROR.—In the case of a taxpayer described in paragraph (1) who makes the election described in such paragraph, the use on the return for purposes of this section of an amount of earned income for the preceding taxable year which differs from the amount of such earned income as shown in the electronic files of the Internal Revenue Service shall be treated as a mathematical or clerical error for purposes of section 6213.

''(4) TREATMENT OF REFERENCES.—Any provision of this title which defines or determines earned income by reference to this section shall be applied without regard to this subsection unless such provision specifically provides otherwise.''.

(f) REPEAL OF TEMPORARY PROVISIONS.—Section 32 is amended by striking subsection (n).

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

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SEC. 137402. FUNDS FOR ADMINISTRATION OF EARNED INCOME TAX CREDITS IN THE TERRITORIES.

(a) PUERTO RICO.—Section 7530(a)(1) is amended by striking ''plus'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', plus'', and by adding at the end the following new subparagraph:

''(C) reasonable administrative costs associated with the provision of the earned income tax credit not in excess of $4,000,000.''.

(b) POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—Section 7530(b)(1) is amended by striking ''plus'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', plus'', and by adding at the end the following new subparagraph:

''(C) reasonable administrative costs associated with the provision of the earned income tax credit not in excess of $200,000.''.

(c) AMERICAN SAMOA.—Section 7530(c)(1) is amended by striking ''plus'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', plus'', and by adding at the end the following new subparagraph:

''(C) reasonable administrative costs associated with the provision of the earned income tax credit not in excess of $200,000.''.

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(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made for calendar years beginning after December 31, 2021.

PART 5—EXPANDING ACCESS TO HEALTH COVERAGE AND LOWERING COSTS

SEC. 137501. IMPROVE AFFORDABILITY AND REDUCE PREMIUM COSTS OF HEALTH INSURANCE FOR CONSUMERS.

(a) INCREASE IN APPLICABLE PERCENTAGE MADE PERMANENT.—Section 36B(b)(3)(A) is amended to read as follows:

"(A) APPLICABLE PERCENTAGE.—The applicable percentage for any taxable year shall be the percentage such that the applicable percentage for any taxpayer whose household income is within an income tier specified in the following table shall increase, on a sliding scale in a linear manner, from the initial premium percentage to the final premium percentage specified in such table for such income tier:

"In the case of household income (expressed as a percent of poverty line) within the following income tier:	The initial premium percentage is—	The final premium percentage is—
Up to 150.0 percent	0	0
150.0 percent up to 200.0 percent	0	2
200.0 percent up to 250.0 percent	2	4
250.0 percent up to 300.0 percent	4	6
300.0 percent up to 400.0 percent	6	8.5
400.0 percent and higher	8.5	8.5".

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(b) CREDIT ALLOWED TO TAXPAYERS WHOSE HOUSEHOLD INCOME EXCEEDS 400 PERCENT OF THE POVERTY LINE.—

(1) IN GENERAL.—Section 36B(c)(1)(A) is amended by striking ''but does not exceed 400 percent''.

(2) CONFORMING AMENDMENT.—Section 36B(c)(1) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 137502. MODIFICATION OF EMPLOYER-SPONSORED COVERAGE AFFORDABILITY TEST IN HEALTH INSURANCE PREMIUM TAX CREDIT.

(a) IN GENERAL.—Section 36B(c)(2)(C) is amended—

(1) in clause (i)(II), by striking ''9.5 percent'' and inserting ''8.5 percent'', and

(2) by striking clause (iv).

(b) QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENTS.—Section 36B(c)(4) is amended—

(1) in subparagraph (C)(ii), by striking ''9.5 percent'' and inserting ''8.5 percent'', and

(2) by striking subparagraph (F).

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(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 137503. TREATMENT OF LUMP-SUM SOCIAL SECURITY BENEFITS IN DETERMINING HOUSEHOLD INCOME.

(a) IN GENERAL.—Section 36B(d)(2) is amended by adding at the end the following new subparagraph:

"(C) EXCLUSION OF PORTION OF LUMP-SUM SOCIAL SECURITY BENEFITS.—

"(i) IN GENERAL.—The term 'modified adjusted gross income' shall not include so much of any lump-sum social security benefit payment as is attributable to months ending before the beginning of the taxable year.

"(ii) LUMP-SUM SOCIAL SECURITY BENEFIT PAYMENT.—For purposes of this subparagraph, the term 'lump-sum social security benefit payment' means any payment of social security benefits (as defined in section 86(d)(1)) which constitutes more than 1 month of such benefits.

"(iii) ELECTION TO INCLUDE EXCLUDABLE AMOUNT.—With respect to any

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taxable year beginning on or after the termination date (as defined in subsection (h)(2)), a taxpayer may elect (at such time and in such manner as the Secretary may provide) to have this subparagraph not apply for such taxable year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 137504. 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 BEGINNING IN 2022.—

''(1) IN GENERAL.—With respect to any taxable year beginning after December 31, 2021, and before the termination date—

''(A) 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.

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"(B) 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. 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.

"(C) 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.

"(D) LIMITATIONS ON RECAPTURE.—

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"(i) 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).

"(ii) 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 pro-

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jected 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.

''(iii) 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 subclauses (I) and (II) of clause (ii) with respect to such taxpayer.

''(2) TERMINATION DATE.—For purposes of this subsection, the term 'termination date' means the later of—

''(A) January 1, 2025, or

''(B) the date on which the Secretary of Health and Human Services makes a written certification to the Secretary that the Secretary of Health and Human Services has fully implemented the program described in section 1948

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of the Social Security Act (relating to Federal Medicaid program to close coverage gap in non-expansion States).''.

(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

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credit, reduction, or payment is allowed or paid for a taxable year of an employee (beginning after December 31, 2021, and before the termination date, as defined in section 36B(h)(2)) 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. 137505. 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)—

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(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 of less than 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'';

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(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 bene-

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fits 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.—There are appropriated, out of any monies in the Treasury not otherwise appropriated, such sums as may be necessary to the Secretary for purposes of making 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 of less than 138 percent of

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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:

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"(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 of less than 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)—

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(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 of less than 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 and services de-

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scribed 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.—There is appropriated, out of any monies in the Treasury not otherwise appropriated, such sums as may be necessary to the Secretary for

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purposes of making 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 pro-

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vided 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.

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"(D) FUNDING.—There are appropriated, out of any monies in the Treasury not otherwise appropriated, $15,000,000 for fiscal year 2022, and $30,000,000 for each of fiscal years 2023 and 2024, to carry out this paragraph. Funds appropriated under this subparagraph shall remain available until expended.".

(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

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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. 137506. 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.

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"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).

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"(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

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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.

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"(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

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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

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paragraph (3) with respect to a year that is less than the percentage otherwise specified 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.—For the purpose of providing allocations for States under subsection (b) and payments under section 1353(b) there is appropriated, out of any money in the Treasury not otherwise appropriated, $10,000,000,000 for 2023 and each subsequent year.

''(b) ALLOCATIONS.—

''(1) PAYMENT.—

''(A) IN GENERAL.—From amounts appropriated under subsection (a) for a year, the

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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

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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 individuals 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

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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.

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"(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,

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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.''.

SEC. 137507. SPECIAL RULE FOR INDIVIDUALS RECEIVING UNEMPLOYMENT COMPENSATION.

(a) EXTENSION.—Section 36B(g)(1) is amended by striking ''during 2021,'' and inserting ''after December 31, 2020, and before January 1, 2026,''.

(b) MODIFICATION OF INCOME NOT TAKEN INTO ACCOUNT.—Section 36B(g)(1)(B) is amended by striking ''133 percent'' and inserting ''150 percent''.

(c) CONFORMING AMENDMENT.—Section 36B(g) by inserting ''THROUGH 2025'' after ''2021'' in the heading thereof.

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(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 137508. PERMANENT CREDIT FOR HEALTH INSURANCE COSTS.

(a) IN GENERAL.—Subparagraph (B) of section 35(b)(1) of the Internal Revenue Code of 1986 is amended by striking ", and before January 1, 2022" and inserting a period.

(b) INCREASE IN CREDIT PERCENTAGE.—Subsection (a) of section 35 of the Internal Revenue Code of 1986 is amended by striking "72.5 percent" and inserting "80 percent".

(c) CONFORMING AMENDMENTS.—Subsections (b) and (e)(1) of section 7527 of the Internal Revenue Code of 1986 are each amended by striking "72.5 percent" and inserting "80 percent".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to coverage months beginning after December 31, 2021.

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PART 6—PATHWAY TO PRACTICE TRAINING PROGRAMS

SEC. 137601. ESTABLISHING RURAL AND UNDERSERVED PATHWAY TO PRACTICE TRAINING PROGRAMS FOR POST-BACCALAUREATE STUDENTS AND MEDICAL STUDENTS.

(a) PROGRAM.—

(1) IN GENERAL.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

"SEC. 1899C. RURAL AND UNDERSERVED PATHWAY TO PRACTICE TRAINING PROGRAM FOR POST-BACCALAUREATE AND MEDICAL STUDENTS.

''(a) IN GENERAL.—Not later than October 1, 2023, the Secretary shall, subject to the succeeding provisions of this section, carry out the 'Rural and Underserved Pathway to Practice Training Program for Post-Baccalaureate and Medical Students' (in this section, referred to as the 'Program') under which the Secretary awards Pathway to Practice medical scholarship vouchers to qualifying students described in subsection (b) for the purpose of increasing the number of physicians practicing in rural and underserved communities.

''(b) QUALIFYING STUDENT DESCRIBED.—For purposes of this section, a qualifying student described in this subsection is an individual who—

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"(1) attests he or she—

"(A) is or will be a first-generation student of a 4-year college, graduate school, or professional school;

"(B) was a Pell Grant recipient; or

"(C) lived in a medically underserved area, rural area, or health professional shortage area for a period of 4 or more years prior to attending an undergraduate program;

"(2) has accepted enrollment in—

"(A) a post-baccalaureate program that is not more than 2 years and intends to enroll in a qualifying medical school within 2 years after completion of such program; or

"(B) a qualifying medical school;

"(3) will practice medicine in a health professional shortage area, medically underserved area, public hospital, rural area, or as required under subsection (d)(5); and

"(4) submits an application and a signed copy of the agreement described under subsection (c).

"(c) APPLICATIONS.—

"(1) IN GENERAL.—To be eligible to receive a Pathway to Practice medical scholarship voucher under this section, a qualifying student described in

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subsection (b) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(2) INFORMATION TO BE INCLUDED.—As a part of the application described in paragraph (1), the Secretary shall include a notice of the items which are required to be agreed to under subsection (d)(4) for the purpose of notifying the qualifying student of the terms of the Rural and Underserved Pathway to Practice Training Program.

"(d) PATHWAY TO PRACTICE MEDICAL SCHOLARSHIP VOUCHER DETAILS.—

"(1) NUMBER.—On an annual basis, the Secretary may award a Pathway to Practice medical scholarship voucher under the Program to not more than 1,000 qualifying students described in subsection (b).

"(2) PRIORITIZATION CRITERIA.—In determining whether to award a Pathway to Practice medical scholarship voucher under the Program to qualifying students described in subsection (b), the Secretary shall prioritize applications from any such student who attests that he or she—

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"(A) was a participant in the Health Resources and Services Administration Health Careers Opportunity Program or an Area Health Education Center scholar;

"(B) is a disadvantaged student (as defined by the National Health Service Corps of the Health Resources & Services Administration of the Department of Health and Human Services); or

"(C) attended a historically black college or other minority serving institution (as defined in section 1067q of title 20, United States Code).

"(3) DURATION.—Each Pathway to Practice medical scholarship voucher awarded to a qualifying student pursuant to paragraph (1) shall be so awarded to such a student on an annual basis for each year of enrollment in a post-baccalaureate program and a qualifying medical school (as appropriate).

"(4) AMOUNT.—Subject to paragraph (5), each Pathway to Practice medical scholarship voucher awarded under the Program shall include amounts for—

"(A) tuition;

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"(B) academic fees (as determined by the qualifying medical school);

"(C) required textbooks and equipment;

"(D) a monthly stipend equal to the amount provided for individuals under the health professions scholarship and financial assistance program described in section 2121(c) of title 10, United States Code; and

"(E) any other educational expenses normally incurred by students at the post-baccalaureate program or qualifying medical school (as appropriate).

"(5) REQUIRED AGREEMENT.—No amounts under paragraph (4) may be provided a qualifying student awarded a Pathway to Practice medical scholarship voucher under the Program, unless the qualifying student submits to the Secretary an agreement to—

"(A) complete a post-baccalaureate program that is not more than 2 years (if applicable pursuant to the option under subsection (b)(2)(A));

"(B) graduate from a qualifying medical school;

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"(C) complete a residency program in an approved residency training program (as defined in section 1886(h)(5)(A));

"(D) complete an initial residency period or the period of board eligibility;

"(E) practice medicine for at least the number of years of the Pathway to Practice medical scholarship voucher awarded under paragraph (2) after a residency program in a health professional shortage area, a medically underserved area, a public hospital, or a rural area, and during such period annually submit documentation with respect to whether the qualifying student practices medicine in such an area and where;

"(F) for the purpose of determining compliance with subparagraph (E), not later than 180 days after the date on which qualifying student completes a residency program, provide to the Secretary information with respect to where the qualifying student is practicing medicine following the period described in such subparagraph;

"(G) except in the case of a waiver for hardship pursuant to section 1892(f)(3), be lia-

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ble to the United States pursuant to section 1892 for any amounts received under this Program that is determined a past-due obligation under subsection (b)(3) of such section in the case qualifying student fails to complete all of the requirements of this agreement under this subsection; and

"(H) for the purpose of determining the amount of Pathway to Practice medical scholarship vouchers paid or incurred by a qualifying medical school or any provider of a post-baccalaureate program referred to in subsection (b)(2)(A) for the costs of tuition under paragraph (4)(A), consent to any personally identifying information being shared with the Secretary of the Treasury.

"(6) RESPONSIBILITIES OF PARTICIPATING EDUCATIONAL INSTITUTIONS.—Each annual award of an amount of Pathway to Practice medical scholarship voucher under paragraph (2) shall be made with respect to a specific qualifying medical school or post-baccalaureate program that is not more than 2 years and such school or program shall (as a condition of, and prior to, such award being made with respect to such school or program)—

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''(A) submit to the Secretary such information as the Secretary may require to determine the amount of such award on the basis of the costs of the costs of the items specified under paragraph (4) (except for subparagraph (D)) with respect to such school or program, and

''(B) enter into an agreement with the Secretary under which such school or provider will verify (in such manner as the Secretary may provide) that amounts paid by such school or provider to the qualifying student are used for such costs.

''(e) DEFINITIONS.—In this section:

''(1) HEALTH PROFESSIONAL SHORTAGE AREA.—The team 'health professional shortage area' has the meaning given such term in subparagraphs (A) or (B) of section 332(a)(1) of the Public Health Service Act.

''(2) INITIAL RESIDENCY PERIOD.—The term 'initial residency period' has the meaning given such term in section 1886(h)(5)(F).

''(3) MEDICALLY UNDERSERVED AREA.—The term 'medically underserved area' means an area

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designated pursuant to section 330(b)(3)(A) of the Public Health Service Act.

''(4) PELL GRANT RECIPIENT.—The term 'Pell Grant recipient' has the meaning given such term in section 322(3) of the Higher Education Act of 1965.

''(5) PERIOD OF BOARD ELIGIBILITY.—The term 'period of board eligibility' has the meaning given such term in section 1886(h)(5)(G).

''(6) QUALIFYING MEDICAL SCHOOL.—The term 'qualifying medical school' means a school of medicine accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges (or approved by such Committee as meeting the standards necessary for such accreditation) or a school of osteopathy accredited by the American Osteopathic Association, or approved by such Association as meeting the standards necessary for such accreditation which—

''(A) for each academic year, enrolls at least 10 qualifying students who are in enrolled in such a school;

''(B) requires qualifying students to enroll in didactic coursework and clinical experience applicable to practicing medicine in health pro-

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fessional shortage areas, medically underserved areas, or rural areas, including—

"(i) clinical rotations in such areas in applicable specialties (as applicable and as available);

"(ii) coursework or training experiences focused on medical issues prevalent in such areas and cultural and structural competency; and

"(C) is located in a State (as defined in section 210(h)).

"(7) RURAL AREA.—The term 'rural area' has the meaning given such term in section 1886(d)(2)(D).

"(f) PENALTY FOR FALSE INFORMATION.—Any person who knowingly and willfully obtains by fraud, false statement, or forgery, or fails to refund any funds, assets, or property provided under this section or attempts to so obtain by fraud, false statement or forgery, or fail to refund any funds, assets, or property, received pursuant to this section shall be fined not more than $20,000 or imprisoned for not more than 5 years, or both.".

(2) AGREEMENTS.—Section 1892 of the Social Security Act (42 U.S.C. 1395ccc) is amended—

(A) in subsection (a)(1)(A)—

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(i) by striking ", or the" and inserting ", the"; and

(ii) by inserting "or the Rural and Underserved Pathway to Practice Training Program for Post- Baccalaureate and Medical Students under section 1899C" before ", owes a past-due obligation";

(B) in subsection (b)—

(i) in paragraph (1), by striking at the end "or";

(ii) in paragraph (2), by striking the period at the end and inserting "; or"; and

(iii) by adding the end the following new paragraph:

"(3) subject to subsection (f), owed by an individual to the United States by breach of an agreement under section 1899C(c) and which payment has not been paid by the individual for any amounts received under the Rural and Underserved Pathway to Practice Training Program for Post-Baccalaureate and Medical Students (and accrued interest determined in accordance with subsection (f)(4)) in the case such individual fails to complete the requirements of such agreement."; and

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

"(f) AUTHORITIES WITH RESPECT TO THE COLLECTION UNDER THE PATHWAY TO PRACTICE TRAINING PROGRAM.—The Secretary—

"(1) shall require payment to the United States for any amount of damages that the United States is entitled to recover under subsection (b)(3), within the 5-year period beginning on the date an eligible individual fails to complete the requirements of such agreement under section 1899C(d)(5) (or such longer period beginning on such date as specified by the Secretary), and any such amounts not paid within such period shall be subject to collection through deductions in Medicare payments pursuant to subsection (e);

"(2) may allow payments described in paragraph (1) to be paid in installments over such 5-year period, which shall accrue interest in an amount determined pursuant to paragraph (5);

"(3) may waive the requirement for an individual to pay a past-due obligation under subsection (b)(3) in the case of hardship (as determined by the Secretary);

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"(4) may not disclose any past-due obligation under subsection (b)(3) that is owed to the United States to any credit reporting agency that the United States entitled to be recovered the United States under this section; and

"(5) shall make a final determination of whether the amount of payment under section 1899C made to a qualifying student (as described in subsection (b) of such section) was in excess of or less than the amount of payment that is due, and payment of such excess or deficit is not made (or effected by offset) within 90 days of the date of the determination, and interest shall accrue on the balance of such excess or deficit not paid or offset (to the extent that the balance is owed by or owing to the provider) at a rate determined in accordance with the regulations of the Secretary of the Treasury applicable to charges for late payments.".

SEC. 137602. FUNDING FOR THE RURAL AND UNDERSERVED PATHWAY TO PRACTICE TRAINING PROGRAMS FOR POST-BACCALAUREATE STUDENTS AND MEDICAL STUDENTS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this Act,

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is amended by inserting after section 36F the following new section:

"SEC. 36G. PATHWAY TO PRACTICE MEDICAL SCHOLARSHIP VOUCHER CREDIT.

"(a) IN GENERAL.—In the case of a qualified educational institution, there shall be allowed as a credit against the tax imposed by this subtitle for any taxable year an amount equal to the aggregate amount paid or incurred by such institution during such taxable year pursuant to any Pathway to Practice medical scholarship voucher awarded to a qualifying student with respect to such institution.

"(b) DETERMINATION OF AMOUNTS PAID PURSUANT TO QUALIFIED SCHOLARSHIP VOUCHERS, ETC.—For purposes of this section—

"(1) an amount shall be treated as paid or incurred pursuant to an annual award of a Pathway to Practice medical scholarship voucher only if such amount is paid or incurred in reimbursement, or anticipation of, an expense described in subparagraphs (A) through (E) of paragraph (4) of section 1899C(d) of the Social Security Act and is subject to verification in such manner as the Secretary of Health and Human Services may provide under paragraph (6) of such section, and

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"(2) in the case of any amount credited by a qualified educational institution against a liability owed by the qualifying student to such institution, such amount shall be treated as paid by such institution to such student as of the date that such liability would otherwise be due.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED EDUCATIONAL INSTITUTION.—The term 'qualified educational institution' means, with respect to any annual award of a Pathway to Practice medical scholarship voucher—

"(A) any qualifying medical school (as defined in subsection (e)(6) of section 1899C of the Social Security Act), and

"(B) any provider of a post-baccalaureate program referred to in subsection (b)(2)(A) of such section,

which meets the requirements of subsection (d)(6) of such section.

"(2) QUALIFYING STUDENT.—The term 'qualifying student' means any student to whom the Secretary of Health and Human Services has made an annual award of a Pathway to Practice medical scholarship voucher under section 1899C of the Social Security Act.

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"(3) ANNUAL AWARD OF A PATHWAY TO PRACTICE MEDICAL SCHOLARSHIP VOUCHER.—The term 'annual award of a Pathway to Practice medical scholarship voucher' means the annual award of a Pathway to Practice medical scholarship voucher referred to in section 1899C(d)(3) of the Social Security Act.

"(d) COORDINATION OF ACADEMIC AND TAXABLE YEARS.—The credit allowed under subsection (a) with respect to any Pathway to Practice medical scholarship voucher shall not exceed the amount of such voucher which is for expenses described in subparagraphs (A) through (E) of section 1899C(d)(4) of the Social Security Act, reduced by any amount of such voucher with respect to which credit was allowed under this section for any prior taxable year.

"(e) REGULATIONS.—The Secretary shall issue such regulations or other guidance as are necessary or appropriate to carry out the purposes of this section.".

(b) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A), as amended by the preceding provisions of this Act, is amended by inserting "36G," after "36F,".

(2) Paragraph (2) of section 1324(b) of title 31, United States Code, as amended by the pre-

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ceding provisions of this Act, is amended by inserting ''36G,'' after ''36F,''.

(3) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, and amended by the preceding provisions of this Act, is amended by inserting after the item relating to section 36F the following new item:

''Sec. 36G. Pathway to Practice medical scholarship voucher credit.''.

(c) INFORMATION SHARING.—The Secretary of Health and Human Services shall annually provide the Secretary of the Treasury such information regarding the program under section 1899C of the Social Security Act as the Secretary of the Treasury may require to administer the tax credits determined under section 36G of the Internal Revenue Code of 1986, including information to identify qualifying students and the qualified educational institutions at which such students are enrolled and the amount of the annual award of the Pathway to Practice medical scholarship voucher awarded to each such student with respect to such institution. Terms used in this subparagraph shall have the same meaning as when used is such section 36G.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

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SEC. 137603. ESTABLISHING RURAL AND UNDERSERVED PATHWAY TO PRACTICE TRAINING PROGRAMS FOR MEDICAL RESIDENTS.

Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(1) in subsection (d)(5)(B)(v), by inserting ''(h)(4)(H)(vii),'' after ''The provisions of subsections (h)(4)(H)(vi),''; and

(2) in subsection (h)(4)(H), by adding at the end the following new clause:

''(vii) INCREASE IN FULL-TIME EQUIVALENT LIMITATION FOR HOSPITALS IMPLEMENTING PATHWAY TRAINING PROGRAMS.—

''(I) IN GENERAL.—For cost reporting periods beginning on or after October 1, 2026, during which a resident trains in an applicable hospital or hospitals (as defined in subclause (II) in an approved medical residency training program), the Secretary shall, after any adjustment made under any preceding provision of this paragraph or under any of paragraphs (7) through (9), subject to subclause (III), increase the limitation under

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subparagraph (F) for such cost reporting period by the number of full-time equivalent residents so trained under such program during such period (in this clause, referred to as the 'Rural and Underserved Pathway to Practice Training Programs for Medical Residents' or 'Program').

''(II) APPLICABLE HOSPITAL OR HOSPITALS DEFINED.—For purposes of this clause, the term 'applicable hospital or hospitals' means any hospital that has been recognized by the Accreditation Council for Graduate Medical Education as meeting at least the following requirements for their approved medical residency training programs:

''(aa) The programs provide mentorships for residents.

''(bb) The programs include cultural and structural competency as part of the training of residents under the programs.

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"(cc) The programs have a demonstrated record of training medical residents in medically underserved areas, rural areas, or health professional shortage areas.

"(dd) The hospital agrees to promote community-based training of residents under their programs, as appropriate.

"(III) ANNUAL LIMITATION FOR NUMBER OF RESIDENTS IN PROGRAM.—The Secretary shall ensure that, during any 1-year period and across all approved medical residency training programs described in subclause (I), not more than 1,000 full-time equivalent residents are trained each year.

"(IV) OTHER DEFINITIONS.—

"(aa) HEALTH PROFESSIONAL SHORTAGE AREA.—The team 'health professional shortage area' has the meaning given such term in subparagraphs (A)

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or (B) of section 332(a)(1) of the Public Health Service Act.

''(bb) MEDICAL UNDERSERVED AREA.—The term 'medically underserved area' means an area designated pursuant to section 330(b)(3)(A) of the Public Health Service Act.

''(cc) QUALIFYING MEDICAL SCHOOL.—The term 'qualifying medical school' has the meaning given such term in section 1899C(e)(6).

''(dd) QUALIFYING MEDICAL STUDENT.—The term 'qualifying medical student' has the meaning given such term in section 1899C(b).

''(ee) RURAL AREA.—The term 'rural area' has the meaning given such term in section 1886(d)(2)(D).''.

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SEC. 137604. ADMINISTRATIVE FUNDING OF THE RURAL AND UNDERSERVED PATHWAY TO PRACTICE TRAINING PROGRAMS FOR POST-BACCALAUREATE STUDENTS, MEDICAL STUDENTS, AND MEDICAL RESIDENTS.

The Secretary shall provide for the transfer of $6,000,000 from the Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in addition to amounts otherwise available to remain available until expended, to carry out the administration of the Rural and Underserved Pathway to Practice Training Program for Post-Baccalaureate and Medical Students under section 1899C of such Act (42 U.S.C. 1395mmm) and the Rural and Underserved Pathway to Practice Training Programs for Medical Residents under section 1886(h)(4)(H)(vii) of such Act (42 U.S.C. 1395ww(h)(4)(H)(vii)).

PART 7—HIGHER EDUCATION

SEC. 137701. CREDIT FOR PUBLIC UNIVERSITY RESEARCH INFRASTRUCTURE.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

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"SEC. 45AA. PUBLIC UNIVERSITY RESEARCH INFRASTRUCTURE CREDIT.

"(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the public university research infrastructure credit determined under this section for a taxable year is an amount equal to 40 percent of the qualified cash contributions made by a taxpayer during such taxable year.

"(b) QUALIFIED CASH CONTRIBUTION.—

"(1) IN GENERAL.—

"(A) DEFINED.—For purposes of subsection (a), the qualified cash contribution for any taxable year is the aggregate amount contributed in cash by a taxpayer during such taxable year to a certified educational institution in connection with a qualifying project that, but for this section, would be treated as a charitable contribution for purposes of section 170(c).

"(B) QUALIFIED CASH CONTRIBUTIONS TAKEN INTO ACCOUNT FOR PURPOSES OF CHARITABLE CONTRIBUTION LIMITATIONS.—Any qualified cash contributions made by a taxpayer under this section shall be taken into account for purposes of determining the percentage limitations under section 170(b).

"(2) DESIGNATION REQUIRED.—A contribution shall only be treated as a qualified cash contribution

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to the extent that it is designated as such by a certified educational institution under subsection (d).

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFYING PROJECT.—The term 'qualifying project' means a project to purchase, construct, or improve research infrastructure property.

''(2) RESEARCH INFRASTRUCTURE PROPERTY.—The term 'research infrastructure property' means any portion of a property, building, or structure of an eligible educational institution, or any land associated with such property, building, or structure, that is used for research.

''(3) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' means—

''(A) an institution of higher education (as such term is defined in section 101 or 102(c) of the Higher Education Act of 1965) that is a college or university described in section 511(a)(2)(B), or

''(B) an organization described in section 170(b)(1)(A)(iv) or section 509(a)(3) to which authority has been delegated by an institution described in subparagraph (A) for purposes of applying for or administering credit amounts on behalf of such institution.

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"(4) CERTIFIED EDUCATIONAL INSTITUTION.—The term 'certified educational institution' means an eligible educational institution which has been allocated a credit amount for a qualifying project and—

"(A) has received a certification for such project under subsection (d)(2), and

"(B) designates credit amounts to taxpayers for qualifying cash contributions toward such project under subsection (d)(4).

"(d) QUALIFYING UNIVERSITY RESEARCH INFRASTRUCTURE PROGRAM.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary, after consultation with the Secretary of Education, shall establish a program to—

"(i) certify and allocate credit amounts for qualifying projects to eligible educational institutions, and

"(ii) allow certified educational institutions to designate cash contributions for qualifying projects of such certified educational institutions as qualified cash contributions.

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"(B) LIMITATIONS.—

"(i) ALLOCATION LIMITATION PER INSTITUTION.—The credit amounts allocated to a certified educational institution under subparagraph (A)(i) for all projects shall not exceed $50,000,000 per calendar year.

"(ii) OVERALL ALLOCATION LIMITATION.—

"(I) IN GENERAL.—The total amount of qualifying project credit amounts that may be allocated under subparagraph (A)(i) shall not exceed—

"(aa) $500,000,000 for each of calendar years 2022, 2023, 2024, 2025, and 2026, and

"(bb) $0 for each subsequent year.

"(II) ROLLOVER OF UNALLOCATED CREDIT AMOUNTS.—Any credit amounts described in subclause (I) that are unallocated during a calendar year shall be carried to the succeeding calendar year and added to the limitation allowable under such

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subclause for such succeeding calendar year.

"(iii) DESIGNATION LIMITATION.—The aggregate amount of cash contributions which are designated by a certified educational institution as qualifying cash contributions with respect to any qualifying project shall not exceed 250 percent of the credit amount allocated to such certified educational institution for a qualifying project under subparagraph (A)(i).

"(2) CERTIFICATION APPLICATION.—Each eligible educational institution which applies for certification of a project under this paragraph shall submit an application in such time, form, and manner as the Secretary may require.

"(3) SELECTION CRITERIA FOR ALLOCATIONS TO ELIGIBLE EDUCATIONAL INSTITUTIONS.—The Secretary, after consultation with the Secretary of Education, shall select applications from eligible educational institutions—

"(A) based on the extent of the expected expansion of an eligible educational institution's targeted research within disciplines in science, mathematics, engineering, and technology, and

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"(B) in a manner that ensures consideration is given to eligible educational institutions with full-time student populations of less than 12,000.

"(4) DESIGNATION OF QUALIFIED CASH CONTRIBUTIONS TO TAXPAYERS.—The Secretary, after consultation with the Secretary of Education, shall establish a process by which certified educational institutions shall designate cash contributions to such institutions as qualified cash contributions.

"(5) DISCLOSURE OF ALLOCATIONS AND DESIGNATIONS.—

"(A) ALLOCATIONS.—The Secretary shall, upon allocating credit amounts to an applicant under this subsection, publicly disclose the identity of the applicant and the credit amount allocated to such applicant.

"(B) DESIGNATIONS.—Each certified educational institution shall, upon designating contributions of a taxpayer as qualified cash contributions under this subsection, publicly disclose the identity of the taxpayer and the amount of contributions designated in such time, form, and manner as the Secretary may require.

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''(e) REGULATIONS AND GUIDANCE.—The Secretary, after consultation with the Secretary of Education when applicable, shall prescribe such regulations and guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations for—

''(1) prevention of abuse,

''(2) establishment of reporting requirements,

''(3) establishment of selection criteria for applications, and

''(4) disclosure of allocations.

''(f) PENALTY FOR NONCOMPLIANCE.—

''(1) IN GENERAL.—If at any time during the 5-year period beginning on the date of the allocation of credit amounts to a certified educational institution under subsection (d)(1)(A)(i) there is a noncompliance event with respect to such credit amounts, then the following rules shall apply:

''(A) GENERAL RULE.—Any cash contribution designated as a qualifying cash contribution with respect to a qualifying project for which such credit amounts were allocated under subsection (d)(1)(A)(ii) shall be treated as unrelated business taxable income (as defined in section 512) of such certified educational institution.

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"(B) RULE FOR UNUSED CREDIT AMOUNTS.—In the case of unused credit amounts described under paragraph (2)(A) and identified pursuant to subsection (g), the Secretary shall reallocate any portion of such unused credit amounts to certified educational institutions in lieu of imposing the general rule under subparagraph (A).

"(2) NONCOMPLIANCE EVENT.—For purposes of this subsection, the term 'noncompliance event' means, with respect to a credit amount allocated to a certified educational institution—

"(A) cash contributions equaling the amount of such credit amount are not designated as qualifying cash contributions within 2 years after December 31 of the year such credit amount is allocated,

"(B) a qualifying project with respect to which such credit amount was allocated is not placed in service within either—

"(i) 4 years after December 31 of the year such credit amount is allocated, or

"(ii) a period of time that the Secretary determines is appropriate, or

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"(C) the research infrastructure property placed in service as part of a qualifying project with respect to which such credit amount was allocated ceases to be used for research within five years after such property is placed in service.

"(g) REVIEW AND REALLOCATION OF CREDIT AMOUNTS.—

"(1) REVIEW.—Not later than 5 years after the date of enactment of this section, the Secretary shall review the credit amounts allocated under this section as of such date.

"(2) REALLOCATION.—

"(A) IN GENERAL.—The Secretary may reallocate credit amounts allocated under this section if the Secretary determines, as of the date of the review in paragraph (1), that such credit amounts are subject to a noncompliance event.

"(B) ADDITIONAL PROGRAM.—If the Secretary determines that credits under this section are available for reallocation pursuant to the requirements set forth in subparagraph (A), the Secretary is authorized to conduct an additional program for applications for certification.

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"(C) DEADLINE FOR REALLOCATION.—The Secretary shall not certify any project, or reallocate any credit amount, pursuant to this paragraph after December 31, 2031.

"(h) DENIAL OF DOUBLE BENEFIT.—No credit or deduction shall be allowed under any other provision of this chapter for any qualified cash contribution for which a credit is allowed under this section.

"(i) RULE FOR TRUSTS AND ESTATES.—For purposes of this section, rules similar to the rules of subsection (d) of section 52 shall apply.

"(j) TERMINATION.—This section shall not apply to qualified cash contributions made after December 31, 2033.".

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38, as amended by the preceding provisions of this Act, is amended by striking "plus" at the end of paragraph (38), by striking the period at the end of paragraph (39) and inserting ", plus", and by adding at the end the following new paragraph:

"(43) the public university research infrastructure credit determined under section 45AA.".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1,

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as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

"Sec. 45AA. Public university research infrastructure credit.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified cash contributions made after December 31, 2021.

SEC. 137702. MODIFICATION OF EXCISE TAX ON INVESTMENT INCOME OF PRIVATE COLLEGES AND UNIVERSITIES.

(a) PHASEOUT OF INVESTMENT INCOME EXCISE TAX FOR PRIVATE COLLEGES AND UNIVERSITIES PROVIDING SUFFICIENT GRANTS AND SCHOLARSHIPS.—Section 4968 is amended by adding at the end the following new subsection:

"(e) PHASEOUT FOR INSTITUTIONS PROVIDING QUALIFIED AID.—

"(1) IN GENERAL.—The amount of tax imposed by subsection (a) (determined without regard to this subsection) shall be reduced (but not below zero) by the amount which bears the same ratio to such amount of tax (as so determined) as—

"(A) the excess (if any) of—

"(i) the aggregate amount of qualified aid awards provided by the institution to its first-time, full-time undergraduate stu-

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dents for academic periods beginning during the taxable year, over

''(ii) an amount equal to 20 percent of the aggregate undergraduate tuition and fees received by the institution from first-time, full-time undergraduate students for such academic periods, bears to

''(B) an amount equal to 13 percent of such aggregate undergraduate tuition and fees so received.

''(2) INSTITUTION MUST MEET REPORTING REQUIREMENT.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to an applicable educational institution for a taxable year unless such institution furnishes to the Secretary, and makes widely available, a statement detailing the average aggregate amount of Federal student loans received by a student for attendance at the institution, averaged among each of the following groups of first-time, full-time undergraduate students who during the taxable year completed a course of study for which the institution awarded a baccalaureate degree:

''(i) All such students.

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"(ii) The students who have been awarded a Federal Pell Grant under subpart 1 of part A of title IV of the Higher Education Act of 1965 for attendance at the institution.

"(iii) The students who received work-study assistance under part C of title IV of such Act for attendance at such institution.

"(iv) The students who were provided such Federal student loans.

"(B) FORM AND MANNER FOR REPORT.—Such statement shall be furnished at such time and in such form and manner, and made widely available, under such regulations or guidance as the Secretary may prescribe.

"(C) FEDERAL STUDENT LOANS.—For purposes of this paragraph, the term 'Federal student loans' means a loan made under part D of title IV of the Higher Education Act of 1965, except such term does not include a Federal Direct PLUS Loan made on behalf of a dependent student.

"(3) OTHER DEFINITIONS.—For purposes of this subsection—

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"(A) FIRST-TIME, FULL-TIME UNDERGRADUATE STUDENT.—The term 'first-time, full-time undergraduate student' shall have the same meaning as when used in section 132 of the Higher Education Act of 1965.

"(B) QUALIFIED AID AWARDS.—The term 'qualified aid awards' means, with respect to any applicable educational institution, grants and scholarships to the extent used for undergraduate tuition and fees.

"(C) UNDERGRADUATE TUITION AND FEES.—The term 'undergraduate tuition and fees' means, with respect to any institution, the tuition and fees required for the enrollment or attendance of a student as an undergraduate student at the institution.".

(b) INFLATION ADJUSTMENT TO PER STUDENT ASSET THRESHOLD.—Section 4968(b) is amended by adding at the end the following new paragraph:

"(3) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2022, the dollar amount in paragraph (1)(D) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

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''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2021' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

If any increase determined under this paragraph is not a multiple of $1,000, such increase shall be rounded to the nearest multiple of $1,000.''.

(c) CLARIFICATION OF 500 STUDENT THRESHOLD.—Section 4968(b)(1)(A) is amended by inserting ''below the graduate level'' after ''500 tuition-paying students''.

(d) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 137703. TREATMENT OF FEDERAL PELL GRANTS FOR INCOME TAX PURPOSES.

(a) EXCLUSION FROM GROSS INCOME.—Section 117(b)(1) is amended by striking ''received by an individual'' and all that follows and inserting ''received by an individual—

''(A) as a scholarship or fellowship grant to the extent the individual establishes that, in accordance with the conditions of the grant,

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such amount was used for qualified tuition and related expenses, or

"(B) as a Federal Pell Grant under section 401 of the Higher Education Act of 1965.".

(b) TREATMENT FOR PURPOSES OF AMERICAN OPPORTUNITY TAX CREDIT AND LIFETIME LEARNING CREDIT.—Section 25A(g)(2) is amended—

(1) in subparagraph (A), by inserting "described in section 117(b)(1)(A)" after "a qualified scholarship", and

(2) in subparagraph (C), by inserting "or Federal Pell Grant under section 401 of the Higher Education Act of 1965" after "within the meaning of section 102(a)".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 137704. REPEAL OF DENIAL OF AMERICAN OPPORTUNITY TAX CREDIT ON BASIS OF FELONY DRUG CONVICTION.

(a) IN GENERAL.—Section 25A(b)(2) is amended by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2021.

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Subtitle I—Responsibly Funding Our Priorities

SEC. 138001. AMENDMENT OF 1986 CODE.

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

PART 1—CORPORATE AND INTERNATIONAL TAX REFORMS

Subpart A—Corporate Tax Rate

SEC. 138101. INCREASE IN CORPORATE TAX RATE.

(a) IN GENERAL.—Section 11(b) is amended to read as follows:

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The amount of the tax imposed by subsection (a) shall be the sum of—

"(A) 18 percent of so much of the taxable income as does not exceed $400,000,

"(B) 21 percent of so much of the taxable income as exceeds $400,000 but does not exceed $5,000,000, and

"(C) 26.5 percent of so much of the taxable income as exceeds $5,000,000.

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In the case of a corporation which has taxable income in excess of $10,000,000 for any taxable year, the amount of tax determined under the preceding sentence for such taxable year shall be increased by the lesser of (i) 3 percent of such excess, or (ii) $287,000.

''(2) CERTAIN PERSONAL SERVICE CORPORATION NOT ELIGIBLE FOR GRADUATED RATES.—Notwithstanding paragraph (1), the amount of the tax imposed by subsection (a) on the taxable income of a qualified personal service corporation (as defined in section 448(d)(2)) shall be equal to 26.5 percent of the taxable income.''.

(b) PROPORTIONAL ADJUSTMENT OF DEDUCTION FOR DIVIDENDS RECEIVED.—

(1) IN GENERAL.—Section 243(a)(1) is amended by striking ''50 percent'' and inserting ''60 percent''.

(2) DIVIDENDS FROM 20-PERCENT OWNED CORPORATIONS.—Section 243(c)(1) is amended—

(A) prior to amendment by subparagraph (B), by striking ''65 percent'' and inserting ''72.5 percent'', and

(B) by striking ''50 percent'' and inserting ''60 percent''.

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(c) CONFORMING AMENDMENT.—Section 1561 is amended—

(1) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—The component members of a controlled group of corporations on a December 31 shall, for their taxable years which include such December 31, be limited for purposes of this subtitle to—

"(1) amounts in each taxable income bracket in the subparagraphs of section 11(b)(1) which do not aggregate more than the maximum amount in each such bracket to which a corporation which is not a component member of a controlled group is entitled, and

"(2) one $250,000 ($150,000 if any component member is a corporation described in section 535(c)(2)(B)) amount for purposes of computing the accumulated earnings credit under section 535(c)(2) and (3).

The amounts specified in paragraph (1) shall be divided equally among the component members of such group on such December 31 unless all of such component members consent (at such time and in such manner as the Secretary shall by regulations prescribe) to an apportionment plan providing for an unequal allocation of such amounts. The

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amounts specified in paragraph (2) shall be divided equally among the component members of such group on such December 31 unless the Secretary prescribes regulations permitting an unequal allocation of such amounts. Notwithstanding paragraph (1), in applying the last sentence of section 11(b)(1) to such component members, the taxable income of all such component members shall be taken into account and any increase in tax under such last sentence shall be divided among such component members in the same manner as amounts under paragraph (1).'', and

(2) by striking ''**ACCUMULATED EARNINGS CREDIT**'' in the heading and inserting ''**CERTAIN MULTIPLE TAX BENEFITS**''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

(e) NORMALIZATION REQUIREMENTS.—

(1) IN GENERAL.—A normalization method of accounting shall not be treated as being used with respect to any public utility property for purposes of section 167 or 168 of the Internal Revenue Code of 1986 if the taxpayer, in computing its cost of service for ratemaking purposes and reflecting operating results in its regulated books of account, reduces the tax reserve deficit less rapidly or to a lesser extent

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than such reserve would be reduced under the average rate assumption method.

(2) ALTERNATIVE METHOD FOR CERTAIN TAXPAYERS.—If, as of the first day of the taxable year that includes the date of enactment of this Act—

(A) the taxpayer was required by a regulatory agency to compute depreciation for public utility property on the basis of an average life or composite rate method, and

(B) the taxpayer's books and underlying records did not contain the vintage account data necessary to apply the average rate assumption method,

the taxpayer will be treated as using a normalization method of accounting if, with respect to such jurisdiction, the taxpayer uses the alternative method for public utility property that is subject to the regulatory authority of that jurisdiction.

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

(A) TAX RESERVE DEFICIT.—The term ''tax reserve deficit'' means the excess of—

(i) the amount which would be the balance in the reserve for deferred taxes (as described in section 168(i)(9)(A)(ii) of

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the Internal Revenue Code of 1986, or section 167(l)(3)(G)(ii) of such Code as in effect on the day before the date of the enactment of the Tax Reform Act of 1986) if the amount of such reserve were determined by assuming that the corporate rate increases provided in the amendments made by this section were in effect for all prior periods, over

(ii) the balance in such reserve as of the day before such corporate rate increases take effect.

(B) AVERAGE RATE ASSUMPTION METHOD.—The average rate assumption method is the method under which the excess in the reserve for deferred taxes is reduced over the remaining lives of the property as used in its regulated books of account which gave rise to the reserve for deferred taxes. Under such method, if timing differences for the property reverse, the amount of the adjustment to the reserve for the deferred taxes is calculated by multiplying—

(i) the ratio of the aggregate deferred taxes for the property to the aggregate

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timing differences for the property as of the beginning of the period in question, by

(ii) the amount of the timing differences which reverse during such period.

(C) ALTERNATIVE METHOD.—The ''alternative method'' is the method in which the taxpayer—

(i) computes the tax reserve deficit on all public utility property included in the plant account on the basis of the weighted average life or composite rate used to compute depreciation for regulatory purposes, and

(ii) reduces the tax reserve deficit ratably over the remaining regulatory life of the property.

(4) TREATMENT OF NORMALIZATION VIOLATION.—If, for any taxable year ending after the date of the enactment of this Act, the taxpayer does not use a normalization method of accounting, such taxpayer shall not be treated as using a normalization method of accounting for purposes of subsections (f)(2) and (i)(9)(C) of section 168 of the Internal Revenue Code of 1986.

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(5) REGULATIONS.—The Secretary of the Treasury, or the Secretary's designee, shall issue such regulations or other guidance as may be necessary or appropriate to carry out this subsection, including regulations or other guidance to provide appropriate coordination between this subsection, section 13001(d) of Public Law 115-97, and section 203(e) of the Tax Reform Act of 1986.

Subpart B—Limitations on Deduction for Interest Expense

SEC. 138111. LIMITATIONS ON DEDUCTION FOR INTEREST EXPENSE.

(a) INTEREST EXPENSE OF CERTAIN MEMBERS OF INTERNATIONAL FINANCIAL REPORTING GROUPS.—Section 163 is amended by redesignating subsection (n) as subsection (p) and by inserting after subsection (m) the following new subsection:

"(n) LIMITATION ON DEDUCTION OF INTEREST BY CERTAIN MEMBERS OF INTERNATIONAL FINANCIAL REPORTING GROUPS.—

"(1) IN GENERAL.—In the case of any specified domestic corporation which is a member of any international financial reporting group, the deduction under this chapter for interest paid or accrued during the taxable year in excess of the amount of

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interest includible in the gross income of such corporation shall not exceed the allowable percentage of 110 percent of such excess.

''(2) SPECIFIED DOMESTIC CORPORATION.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'specified domestic corporation' means any domestic corporation other than—

''(i) any corporation if the excess of—

''(I) the average amount of interest paid or accrued by such corporation during the 3-taxable-year period ending with the taxable year to which paragraph (1) applies, over

''(II) the average amount of interest includible in the gross income of such corporation for such 3-taxable-year period,

does not exceed $12,000,000,

''(ii) any corporation to which paragraph (1) of section 163(j) does not apply by reason of paragraph (3) thereof (relating to exemption for certain small businesses), and

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"(iii) any S corporation, real estate investment trust, or regulated investment company.

"(B) AGGREGATION RULE.—For purposes of subparagraph (A)(i), all domestic corporations which are members of the same international financial reporting group shall be treated as a single corporation.

"(3) INTERNATIONAL FINANCIAL REPORTING GROUP.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'international financial reporting group' means, with respect to any reporting year, two or more entities if—

"(i) either—

"(I) at least one entity is a foreign corporation engaged in a trade or business within the United States, or

"(II) at least one entity is a domestic corporation and another entity is a foreign corporation, and

"(ii) such entities are included in the same applicable financial statement with respect to such year.

"(B) ADDITIONAL MEMBERS.—

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"(i) IN GENERAL.—To the extent provided by the Secretary in regulations or other guidance, the specified domestic corporation referred to in paragraph (1) may elect (at such time and in such manner as the Secretary may provide) for purposes of this subsection to treat any eligible corporation as a member of the international financial reporting group of which such specified domestic corporation is a member if such eligible corporation maintains (and such specified domestic corporation has access to) such books and records as the Secretary determines are satisfactory to allow for the application of this subsection with respect to such eligible corporation. Any election under this clause shall apply only with respect to the specified domestic corporation which makes such election.

"(ii) ELIGIBLE CORPORATION.—The term 'eligible corporation' means, with respect to any international financial reporting group, any corporation if at least 20 percent of the stock of such corporation (determined by vote and value) is held (di-

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rectly or indirectly) by members of such international financial reporting group (determined without regard to this clause).

"(4) ALLOWABLE PERCENTAGE.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'allowable percentage' means, with respect to any specified domestic corporation for any taxable year, the ratio (expressed as a percentage and not greater than 100 percent) of—

"(i) such corporation's allocable share of the international financial reporting group's reported net interest expense for the reporting year of such group which ends in or with such taxable year of such corporation, over

"(ii) such corporation's reported net interest expense for such reporting year of such group.

"(B) REPORTED NET INTEREST EXPENSE.—The term 'reported net interest expense' means—

"(i) with respect to any international financial reporting group for any reporting year, the excess of—

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"(I) the aggregate amount of interest expense reported in such group's applicable financial statements for such taxable year, over

"(II) the aggregate amount of interest income reported in such group's applicable financial statements for such taxable year, and

"(ii) with respect to any specified domestic corporation for any reporting year, the excess of—

"(I) the amount of interest expense of such corporation reported in the books and records of the international financial reporting group which are used in preparing such group's applicable financial statements for such taxable year, over

"(II) the amount of interest income of such corporation reported in such books and records.

"(C) ALLOCABLE SHARE OF REPORTED NET INTEREST EXPENSE.—With respect to any specified domestic corporation which is a member of any international financial reporting

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group, such corporation's allocable share of such group's reported net interest expense for any reporting year is the portion of such expense which bears the same ratio to such expense as—

"(i) the EBITDA of such corporation for such reporting year, bears to

"(ii) the EBITDA of such group for such reporting year.

"(D) EBITDA.—

"(i) IN GENERAL.—The term 'EBITDA' means, with respect to any reporting year, earnings before interest income and interest expense, taxes, depreciation, depletion, and amortization—

"(I) as determined in the international financial reporting group's applicable financial statements for such year, or

"(II) for purposes of subparagraph (A)(i), as determined in the books and records of the international financial reporting group which are used in preparing such statements if not determined in such statements.

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''(ii) TREATMENT OF INTRA-GROUP DISTRIBUTIONS.—The EBITDA of any specified domestic corporation shall be determined without regard to any distribution received by such corporation from any other member of the international financial reporting group.

''(E) SPECIAL RULES FOR NON-POSITIVE EBITDA.—

''(i) NON-POSITIVE GROUP EBITDA.—In the case of any international financial reporting group the EBITDA of which is zero or less, paragraph (1) shall not apply to any specified domestic corporation which is a member of such group.

''(ii) NON-POSITIVE ENTITY EBITDA.—In the case of any specified domestic corporation the EBITDA of which is zero or less, the allowable percentage shall be 0 percent.

''(5) APPLICABLE FINANCIAL STATEMENT.—For purposes of this subsection, the term 'applicable financial statement' has the meaning given such term in section 451(b)(3).

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"(6) REPORTING YEAR.—For purposes of this subsection, the term 'reporting year' means any year for which an applicable financial statement is prepared or required to be prepared.

"(7) FOREIGN CORPORATIONS ENGAGED IN TRADE OR BUSINESS WITHIN THE UNITED STATES.—For purposes of this subsection, any foreign corporation engaged in a trade or business within the United States shall be treated as a domestic corporation with respect to any earnings, interest income and interest expense, or other amount, which is effectively connected with the conduct of a trade or business in the United States.

"(8) REGULATIONS.—The Secretary may issue such regulations or other guidance as are necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which—

"(A) allows or requires the adjustment of amounts reported on applicable financial statements,

"(B) allows or requires any corporation to be included or excluded as a member of any international financial reporting group for pur-

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poses of any determination or calculation under this subsection,

"(C) provides rules for the application of this subsection with respect to—

"(i) a domestic corporation that is a partner (directly or indirectly) in a partnership, and

"(ii) foreign corporation to which this subsection applies by reason of paragraph (7).".

(b) MODIFICATION OF APPLICATION OF LIMITATION ON BUSINESS INTEREST TO PARTNERSHIPS AND S CORPORATIONS.—Section 163(j)(4) is amended to read as follows:

"(4) APPLICATION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of any partnership or S corporation, this subsection shall be applied at the partner or shareholder level, respectively.".

(c) CARRYFORWARD OF DISALLOWED INTEREST.—

(1) IN GENERAL.—Section 163 is amended by inserting after subsection (n), as added by subsection (a), the following new subsection:

"(o) CARRYFORWARD OF CERTAIN DISALLOWED INTEREST.—

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''(1) IN GENERAL.—The amount of any interest not allowed as a deduction for any taxable year by reason of subsection (j)(1) or (n)(1) (whichever imposes the lower limitation with respect to such taxable year) shall be treated as interest (and as business interest for purposes of subsection (j)(1)) paid or accrued in the succeeding taxable year.

''(2) LIMITATION ON CARRYFORWARD.—Interest paid or accrued in a taxable year beginning after December 31, 2021 (determined without regard to paragraph (1)), shall not be carried forward under paragraph (1) past the fifth taxable year following the taxable year in which such interest was so paid or accrued. For purposes of the preceding sentence, interest shall be treated as allowed as a deduction on a first-in, first-out basis.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 163(j)(2) is amended to read as follows:

''(2) CARRYFORWARD CROSS-REFERENCE.—For carryforward treatment, see subsection (o).''.

(B) Section 381(c)(20) is amended to read as follows:

''(20) CARRYFORWARD OF DISALLOWED INTEREST.—The carryover of disallowed interest described

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in section 163(o) to taxable years ending after the date of distribution or transfer.''.

(C) Section 382(d)(3) is amended to read as follows:

''(3) APPLICATION TO CARRYFORWARD OF DISALLOWED INTEREST.—The term 'pre-change loss' shall include any carryover of disallowed interest described in section 163(o) under rules similar to the rules of paragraph (1).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

(e) TRANSITION RULE.—In the case of a partner's first succeeding taxable year described in subclause (II) of section 163(j)(4)(B)(ii) of the Internal Revenue Code of 1986 (as in effect before the amendment made by subsection (b)) which begins after December 31, 2021, the amount of excess business interest which would (but for such amendment) be carried to such taxable year under such subclause shall be treated as interest (and as business interest for purposes of section 163(j) of such Code, as amended by this section) paid or accrued in such taxable year. For carryover of any such interest disallowed for such taxable year, see section 163(o) of such Code, as amended by this section.

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Subpart C—Outbound International Provisions

SEC. 138121. MODIFICATIONS TO DEDUCTION FOR FOREIGN-DERIVED INTANGIBLE INCOME AND GLOBAL INTANGIBLE LOW-TAXED INCOME.

(a) IN GENERAL.—Section 250(a) is amended to read as follows:

''(a) IN GENERAL.—In the case of a domestic corporation for any taxable year, there shall be allowed as a deduction an amount equal to the sum of—

''(1) 21.875 percent of the foreign-derived intangible income of such domestic corporation for such taxable year, plus

''(2) 37.5 percent of—

''(A) the global intangible low-taxed income (if any) which is included in the gross income of such domestic corporation under section 951A for such taxable year, and

''(B) the amount treated as a dividend received by such corporation under section 78 which is attributable to the amount described in subparagraph (A).''.

(b) DEDUCTION TAKEN INTO ACCOUNT IN DETERMINING NET OPERATING LOSS DEDUCTION.—Section 172(d) is amended by striking paragraph (9).

(c) CERTAIN OTHER MODIFICATIONS.—

(1) Section 250(b)(3) is amended—

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(A) in subparagraph (A)(i)—

(i) by striking ''and'' at the end of subclause (V),

(ii) by striking ''over'' at the end of subclause (VI), and

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

''(VII) any income received or accrued which is of a kind which would be foreign personal holding company income (as defined in section 954(c)),

''(VIII) any amount included in the gross income of such corporation under section 1293, and

''(IX) any disqualified extraterritorial income, over'', and

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

''(C) DISQUALIFIED EXTRATERRITORIAL INCOME.—

''(i) IN GENERAL.—For purposes of subparagraph (A)(i)(IX), the term 'disqualified extraterritorial income' means any amount included in the gross income of the corporation with respect to any

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transaction for any taxable year if any amount could (determined after application of clause (ii) but without regard to any election under section 942(a)(3) as in effect before its repeal) be excluded from the gross income of the corporation with respect to such transaction for such taxable year by reason of section 114 pursuant to the application of subsection (d) or (f) of section 101 of the American Jobs Creation Act of 2004.

''(ii) ELECTION OUT OF EXTRATERRITORIAL INCOME BENEFITS.—

''(I) IN GENERAL.—Except as provided in subclause (II), the corporation referred to in clause (i) may make an irrevocable election (at such time and in such form and manner as the Secretary may provide) to have subsections (d) and (f) of section 101 of the American Jobs Creation Act of 2004 not apply with respect to such corporation for the taxable year for which such election is made and all succeeding taxable years (applicable

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with respect to all transactions, including transactions occurring before such taxable year).

''(II) EXPANDED AFFILIATED GROUPS.—In the case of any corporation which is a member of an expanded affiliated group, the election described in subclause (I) may be made only by the common parent of such group and shall apply with respect to all members of such group. For purposes of the preceding sentence, the term 'expanded affiliated group' means an affiliated group as defined in section 1504(a), determined without regard to section 1504(b)(3) and by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears.''.

(2) Section 613A(d)(1) is amended by striking ''and'' at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting '', and'', and by inserting after subparagraph (E) the following new subparagraph:

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"(F) any deduction allowable under section 250.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2021.

(2) CERTAIN OTHER MODIFICATIONS.—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 2017.

(e) TRANSITIONAL RULE FOR ACCELERATED PERCENTAGE REDUCTION.—

(1) IN GENERAL.—In the case of any taxable year which includes December 31, 2021 (other than a taxable year with respect to which such date is the last day of such taxable year)—

(A) the percentage in effect under section 250(a)(1)(A) of the Internal Revenue Code of 1986 shall be treated as being equal to the sum of—

(i) the pre-effective date percentage of 37.5 percent, plus

(ii) the post-effective date percentage of 21.875 percent, and

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(B) the percentage in effect under section 250(a)(1)(B) of such Code shall be treated as being equal to the sum of—

(i) the pre-effective date percentage of 50 percent, plus

(ii) the post-effective date percentage of 37.5 percent.

(2) PRE- AND POST-EFFECTIVE DATE PERCENTAGES.—For purposes of this subsection, with respect to any taxable year—

(A) the term ''pre-effective date percentage'' means the ratio that the portion of such taxable year which precedes January 1, 2022, bears to the entire taxable year, and

(B) the term ''post-effective date percentage'' means the ratio that the remainder of such taxable year bears to the entire taxable year.

SEC. 138122. REPEAL OF ELECTION FOR 1-MONTH DEFERRAL IN DETERMINATION OF TAXABLE YEAR OF SPECIFIED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Section 898(c) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

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(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of specified foreign corporations beginning after November 30, 2021.

(c) TRANSITION RULE.—A taxpayer's first taxable year beginning after November 30, 2021, shall end at the same time as the first required year (within the meaning of section 898(c)(1) of the Internal Revenue Code of 1986) ending after such date.

SEC. 138123. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO CERTAIN TAXPAYERS RECEIVING SPECIFIC ECONOMIC BENEFITS.

(a) IN GENERAL.—Section 901 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) SPECIAL RULES RELATING TO DUAL CAPACITY TAXPAYERS.—

"(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer to a foreign country or possession of the United States for any period shall not be considered a tax—

"(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

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"(B) to the extent such amount exceeds the amount which would be paid or accrued by such dual capacity taxpayer under the generally applicable income tax imposed by such country or possession if such taxpayer were not a dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

"(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

"(A) is subject to a levy of such country or possession, and

"(B) receives (or will receive) directly or indirectly a specific economic benefit from such country or possession.

"(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection, the term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession of the United States on residents of such foreign coun-

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try or possession that are not dual capacity taxpayers.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2021, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

SEC. 138124. MODIFICATIONS TO FOREIGN TAX CREDIT LIMITATIONS.

(a) COUNTRY-BY-COUNTRY APPLICATION OF LIMITATION ON FOREIGN TAX CREDIT BASED ON TAXABLE UNITS.—

(1) IN GENERAL.—Section 904 is amended by inserting after subsection (d) the following new subsection:

''(e) COUNTRY-BY-COUNTRY APPLICATION BASED ON TAXABLE UNITS.—

''(1) IN GENERAL.—The provisions of subsections (a), (b), (c), and (d) and sections 907 and 960 shall be applied separately with respect to each country by taking into account the aggregate income properly attributable or otherwise allocable to a taxable unit of the taxpayer which is a tax resident of such country.

''(2) TAXABLE UNITS.—

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''(A) IN GENERAL.—Except as otherwise provided by the Secretary, each item shall be attributable or otherwise allocable to exactly one taxable unit of the taxpayer.

''(B) DETERMINATION OF TAXABLE UNITS.—Except as otherwise provided by the Secretary, the taxable units of a taxpayer are as follows:

''(i) GENERAL TAXABLE UNIT.—The person that is the taxpayer and that is not otherwise described in a separate clause of this subparagraph.

''(ii) CONTROLLED FOREIGN CORPORATIONS.—Each controlled foreign corporation with respect to which the taxpayer is a United States shareholder.

''(iii) INTERESTS IN PASS-THROUGH ENTITIES.—Each interest held (directly or indirectly) by the taxpayer or any controlled foreign corporation referred to in clause (ii) in a pass-through entity if such pass-through entity is a tax resident of a country other than the country with respect to which such taxpayer or controlled

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foreign corporation (as the case may be) is a tax resident.

"(iv) BRANCHES.—Each branch (or portion thereof) the activities of which are directly or indirectly carried on by the taxpayer or any controlled foreign corporation referred to in clause (ii) and which give rise to a taxable presence in a country other than the country in which the taxpayer or any such controlled foreign corporation (as the case may be) is a tax resident.

"(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) TAX RESIDENT.—Except as otherwise provided by the Secretary, the term 'tax resident' means a person or arrangement subject to tax under the tax law of a country as a resident, or a person or arrangement that gives rise to a taxable presence by reason of its activities in such country. If an entity is organized under the law of a country, or resident in a country, that does not impose an income tax with respect to such entity, such entity shall, except as provided by the Secretary, be treated as subject

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to tax under the tax law of such country for the purposes of the preceding sentence.

''(B) PASS-THROUGH ENTITY.—Except as otherwise provided by the Secretary, the term 'pass-through entity' includes any partnership or other entity or arrangement to the extent that income, gain, deduction, or loss of the entity is taken into account in determining the income or loss of a person that owns (directly or indirectly) an interest in such entity.

''(C) BRANCH.—Except as otherwise provided by the Secretary, the term 'branch' means a taxable presence of a tax resident in a country other than its country of residence as determined under such other country's tax law. The Secretary shall provide regulations or other guidance applying such term to activities in a country that does not subject income to tax on the basis of residence or taxable presence.

''(D) TREATMENT OF FISCALLY AUTONOMOUS JURISDICTIONS.—Any fiscally autonomous jurisdiction shall be treated as a separate country. Any possession of the United States shall also be treated as separate country. For purposes of the preceding sentence, the term

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'possession of the United States' means each of American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

"(4) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out, or prevent avoidance of, the purposes of this subsection, including regulations or other guidance—

"(A) providing for the application of this subsection to entities, arrangements, and branches that are otherwise considered a resident of more than one country or no country,

"(B) providing for the application of this subsection to hybrid entities or hybrid transactions (as such terms are used for purposes of section 267A), pass-through entities, passive foreign investment companies, trusts, and other entities or arrangements not otherwise described in this subsection, and

"(C) providing for the assignment of any item (including foreign taxes and deductions) to taxable units, including in the case of amounts not otherwise taken into account in determining taxable income under this chapter.".

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(2) APPLICATION OF RECAPTURE OF OVERALL FOREIGN LOSS.—Section 904(f)(5)(E)(i) is amended by inserting ''applied separately with respect to each country (within the meaning of subsection (e)) as provided in subsection (e)'' before the period at the end.

(3) APPLICATION OF SEPARATE LIMITATION LOSSES WITH RESPECT TO GLOBAL INTANGIBLE LOW-TAXED INCOME.—Section 904(f)(5) is amended by adding at the end the following new subparagraph:

''(G) SPECIAL RULE WITH RESPECT TO GLOBAL INTANGIBLE LOW-TAXED INCOME.—The amount of the separate limitation losses for any taxable year shall reduce income described in subparagraph (d)(1)(A) for such taxable year only to the extent the aggregate amount of such losses exceeds the aggregate amount of the separate limitation incomes for such taxable year. For purposes of this subparagraph, separate limitation income shall exclude income described in subparagraph (d)(1)(A) for the taxable year.''.

(b) REPEAL OF SEPARATE APPLICATION TO FOREIGN BRANCH INCOME.—

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(1) IN GENERAL.—Section 904(d)(1) is amended by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraph (B) and (C).

(2) COORDINATION WITH DEDUCTION FOR FOREIGN-DERIVED INTANGIBLE INCOME.—Section 205(b)(3)(A) is amended—

(A) by striking subclause (VI) of clause (i) and inserting the following new subclause:

"(VI) the income of a United States person which is attributable to 1 or more branches (which would be referred to in clause (iv) of section 904(e)(2)(B) if such clause were applied without regard to any reference to a controlled foreign corporation) or pass-through entities (which would be referred to in clause (iii) of section 904(e)(2)(B) if such clause were applied without regard to any reference to a controlled foreign corporation) in 1 or more foreign countries, over", and

(B) by adding at the end the following flush sentence:

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"For purposes of clause (i)(VI), the amount of income attributable to a branch or pass-through entity shall be determined under rules established by the Secretary.".

(3) CONFORMING AMENDMENTS.—

(A) Section 904(d)(2)(A)(ii) is amended by striking ", foreign branch income,".

(B) Section 904(d)(2) is amended by striking subparagraph (J).

(c) MODIFICATION OF FOREIGN TAX CREDIT CARRYBACK AND CARRYFORWARD.—

(1) CARRYOVER LIMITED TO 5 TAXABLE YEARS.—

(A) IN GENERAL.—Section 904(c) is amended by striking "10 succeeding taxable years" and inserting "5 succeeding taxable years".

(B) CONFORMING AMENDMENT.—Section 6511(d)(3)(A) is amended by striking "10 years" and inserting "5 years".

(2) REPEAL OF CARRYBACK.—Section 904(c) is amended—

(A) by striking "in the first preceding taxable year, and",

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(B) by striking ''preceding or'' each place it appears, and

(C) by striking ''CARRYBACK AND'' in the heading thereof.

(3) CARRYOVER APPLICABLE TO TAX ON GLOBAL INTANGIBLE LOW-TAXED INCOME.—Section 904(c) is amended by striking the last sentence.

(4) APPLICATION TO LIMITATION ON FOREIGN OIL AND GAS TAXES.—Section 907(f)(1) is amended—

(A) by striking ''in the first preceding taxable year and'', and

(B) by striking ''first 10'' and inserting ''first 5''.

(d) TREATMENT OF CERTAIN TAX-EXEMPT DIVIDENDS.—

(1) CERTAIN TAX-EXEMPT DIVIDENDS TAKEN INTO ACCOUNT IN APPLYING LIMITATIONS ON FOREIGN TAX CREDITS.—Section 904(b) is amended by striking paragraph (4).

(2) CERTAIN TAX-EXEMPT DIVIDENDS NOT TAKEN INTO ACCOUNT IN ALLOCATING INTEREST EXPENSE.—Section 864(e)(3) is amended by striking ''or 245(a)'' and inserting '', 245(a), or 245A''.

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(e) RULES FOR ALLOCATION OF CERTAIN DEDUCTIONS TO FOREIGN SOURCE GLOBAL INTANGIBLE LOW-TAXED INCOME FOR PURPOSES OF FOREIGN TAX CREDIT LIMITATION.—Section 904(b), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(4) DEDUCTIONS TREATED AS ALLOCABLE TO FOREIGN SOURCE GLOBAL INTANGIBLE LOW-TAXED INCOME.—In the case of a domestic corporation and solely for purposes of the application of subsection (a) with respect to amounts described in subsection (d)(1)(A), the taxpayer's taxable income from sources without the United States shall be determined by—

''(A) allocating any deduction allowed under section 250 to such income, and

''(B) by treating any expense of such domestic corporation as not allocable to such income.''.

(f) TREATMENT OF CERTAIN ASSET DISPOSITIONS.—Section 904(b), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(5) TREATMENT OF CERTAIN ASSET DISPOSITIONS.—

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"(A) IN GENERAL.—Except as otherwise provided by the Secretary, in the case of any covered asset disposition, the principles of section 338(h)(16) shall apply in determining the source and character of any item for purposes of this part.

"(B) COVERED ASSET DISPOSITION.—For purposes of this paragraph, the term 'covered asset disposition' means any transaction which—

"(i) is treated as a disposition of assets for purposes of subchapter N of this chapter, and

"(ii) is treated as a disposition of stock of a corporation (or is disregarded) for purposes of the tax laws of the relevant foreign country or possession of the United States.

"(C) REGULATIONS.—The Secretary shall issue such regulations or other guidance as is necessary or appropriate to carry out, or to the prevent the avoidance of, the purposes of this paragraph.".

(g) REDETERMINATION OF FOREIGN TAXES AND RELATED CLAIMS.—

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(1) IN GENERAL.—Section 905(c)(1) is amended by striking ''or'' at the end of subparagraph (B) and by inserting after subparagraph (C) the following new subparagraphs:

''(D) the taxpayer makes a timely change in its choice to claim a credit or deduction for taxes paid or accrued, or

''(E) there is any other change in the amount, or treatment, of taxes, which affects the taxpayer's tax liability under this chapter.''.

(2) MODIFICATION TO TIME FOR CLAIMING CREDIT OR DEDUCTION.—Section 901(a) is amended by striking the second sentence and inserting the following: ''The choice to claim a credit for such amounts may be made at any time before the expiration of the period prescribed by section 6511(d)(3)(A), and the choice to claim a deduction in lieu of a credit may be made at any time before the expiration of the period prescribed by section 6511(a), for making a claim for refund or credit of the tax imposed by this chapter for such taxable year, or such later period prescribed by section 6511(c) if the period is extended by agreement.''.

(3) MODIFICATION TO SPECIAL PERIOD OF LIMITATION.—Section 6511(d)(3)(A) is amended—

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(A) by inserting ''change in the liability for'' before ''any taxes paid or accrued'',

(B) by striking ''actually paid'' and inserting ''paid (or deemed paid under section 960)'', and

(C) by inserting ''CHANGE IN THE LIABILITY FOR'' before ''FOREIGN TAXES'' in the heading thereof.

(h) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2021.

(2) MODIFICATION OF FOREIGN TAX CREDIT CARRYBACK AND CARRYFORWARD.—Except as otherwise provided in paragraph (3), the amendments made by subsection (c) shall apply to taxes paid or accrued in taxable years beginning after December 31, 2021.

(3) CERTAIN MODIFICATIONS.—The amendment made by subsection (c)(4)(B) shall apply to taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

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(4) REDETERMINATION OF FOREIGN TAXES AND RELATED CLAIMS.—The amendments made by subsection (g) shall take effect on the date which is 60 days after the date of the enactment of this Act.

(i) REGULATIONS.—The Secretary shall prescribe rules providing for the application of subsection (e) of section 904 of the Internal Revenue Code of 1986, as added by this section, to any amounts carried over under subsection (c) of such section from a taxable year with respect to which such subsection (e) did not apply to a taxable year with respect to which such subsection (e) does apply.

SEC. 138125. FOREIGN OIL AND GAS EXTRACTION INCOME AND FOREIGN OIL RELATED INCOME TO INCLUDE OIL SHALE AND TAR SANDS.

(a) IN GENERAL.—Paragraphs (1)(A) and (2)(A) of section 907(c) are each amended by inserting ''(or oil shale or tar sands)'' after ''oil or gas wells''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2021, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

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SEC. 138126. MODIFICATIONS TO INCLUSION OF GLOBAL INTANGIBLE LOW-TAXED INCOME.

(a) COUNTRY-BY-COUNTRY APPLICATION OF SECTION BASED ON CFC TAXABLE UNITS.—Section 951A is amended by adding at the end the following new subsection:

"(g) COUNTRY-BY-COUNTRY APPLICATION OF SECTION BASED ON CFC TAXABLE UNITS.—

"(1) IN GENERAL.—If any CFC taxable unit of a United States shareholder is a tax resident of a country which is different from the country with respect to which any other CFC taxable unit of such United States shareholder is a tax resident—

"(A) such shareholder's global intangible low-taxed income for purposes of subsection (a) shall be the sum of the amounts of global intangible low-taxed income determined separately with respect to each country with respect to which any CFC taxable unit of such shareholder is a tax resident, and

"(B) for purposes of determining such separate amounts of global intangible low-taxed income—

"(i) any reference in subsection (b), (c), or (d) to a controlled foreign corporation of such shareholder shall be treated as

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reference to a CFC taxable unit of such shareholder, and

"(ii) net CFC tested income, net deemed tangible income return, qualified business asset investment, interest expense described in subsection (b)(2)(B), and such other items and amounts as the Secretary may provide, shall be determined separately with respect to each such country by determining such amounts with respect to each CFC taxable unit of such shareholder which is a tax resident of such country.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) CFC TAXABLE UNIT.—The term 'CFC taxable unit' means any taxable unit described clause (ii), (iii), or (iv) of section 904(e)(2)(B) (determined without regard to the references to the taxpayer in clauses (iii) and (iv) of such section).

"(B) APPLICATION OF OTHER DEFINITIONS.—Terms used in this subsection which are also used in section 904(e) shall have the same meaning as when used in such section.

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"(3) SPECIAL RULES.—For purposes of this subsection—

"(A) APPLICATION OF CERTAIN RULES.—Except as otherwise provided by the Secretary, rules similar to the rules of section 904(e) shall apply.

"(B) ALLOCATION OF GLOBAL INTANGIBLE LOW-TAXED INCOME TO CONTROLLED FOREIGN CORPORATIONS.—Except as otherwise provided by the Secretary, subsection (f)(2) shall be applied separately with respect to each CFC taxable unit.".

(b) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 951A, as amended by subsection (a), is amended by adding at the end the following new subsection:

"(h) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out, or prevent the avoidance of, the purposes of this section, including regulations or guidance which provide for—

"(1) the treatment of property if such property is transferred, or held, temporarily,

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''(2) the treatment of property if the avoidance of the purposes of this section is a factor in the transfer or holding of such property, and

''(3) appropriate adjustments to the basis of stock and other ownership interests, and to earnings and profits, to reflect tested losses.''.

(2) CONFORMING AMENDMENT.—Section 951A(d) is amended by striking paragraph (4).

(3) ADDITIONAL REGULATORY AUTHORITY.—Section 951A(h), as added by paragraph (1), is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting a comma, and by adding at the end the following new paragraphs:

''(4) rules similar to the rules provided under the regulations or guidance issued under section 904(e)(5),

''(5) appropriate basis adjustments, and

''(6) appropriate adjustment to made, and appropriate tax attributes and records to be maintained, separately with respect to CFC taxable units.''.

(c) CARRYOVER OF NET CFC TESTED LOSS.—

(1) IN GENERAL.—Section 951A(c) is amended by adding at the end the following new paragraph:

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"(3) CARRYOVER OF NET CFC TESTED LOSS.—

"(A) IN GENERAL.—If the amount described in paragraph (1)(B) with respect to any United States shareholder for any taxable year of such United States shareholder (determined after the application of this paragraph) exceeds the amount described in paragraph (1)(A) with respect to such shareholder of such taxable year, the amount otherwise described in paragraph (1)(B) with respect to such shareholder for the succeeding taxable year shall be increased by the amount of such excess.

"(B) PROPER ADJUSTMENT IN ALLOCATIONS OF GLOBAL INTANGIBLE LOW-TAXED INCOME TO CONTROLLED FOREIGN CORPORATIONS.—Proper adjustments shall be made in the application of subsection (f)(2)(B) to take into account any decrease in global intangible low-taxed income by reason of the application of subparagraph (A).".

(2) COORDINATION WITH COUNTRY-BY-COUNTRY APPLICATION.—Section 951A(g)(1)(B)(ii), as added by subsection (a), is amended by inserting "any increase determined under subsection

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(c)(3)(A),'' after ''interest expense described in subsection (b)(2)(B),''.

(3) APPLICATION OF RULES WITH RESPECT TO OWNERSHIP CHANGES.—Section 382(d) is amended by adding at the end the following new paragraph:

''(4) APPLICATION TO CARRYOVER OF NET CFC TESTED LOSS.—The term 'pre-change loss' shall include any excess carried over under section 951A(c)(3) under rules similar to the rules of paragraph (1).''.

(d) REDUCTION IN NET DEEMED TANGIBLE INCOME RETURN FOR PURPOSES OF DETERMINING GLOBAL INTANGIBLE LOW-TAXED INCOME.—

(1) IN GENERAL.—Section 951A(b)(2)(A) is amended by striking ''10 percent'' and inserting ''5 percent''.

(2) APPLICATION TO ASSETS LOCATED IN POSSESSIONS OF THE UNITED STATES.—Section 951A(b) is amended by adding at the end the following new paragraph:

''(3) APPLICATION TO ASSETS LOCATED IN POSSESSIONS OF THE UNITED STATES.—In the case of any specified tangible property located in a possession of the United States, paragraph (2)(A) and

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subsection (d) shall be applied by substituting '10 percent' for '5 percent' in paragraph (2)(A).''.

(e) INCLUSION OF FOREIGN OIL AND GAS EXTRACTION INCOME IN DETERMINING TESTED INCOME AND LOSS.—Section 951A(c)(2)(A) is amended by inserting ''and'' at the end of subclause (III), by striking ''and'' at the end of subclause (IV) and inserting ''over'', and by striking subclause (V).

(f) COORDINATION WITH OTHER PROVISIONS.—Section 951A(f)(1) is amended by adding at the end the following new subparagraph:

''(C) TREATMENT OF CERTAIN REFERENCES.—Except as otherwise provided by the Secretary, references to section 951 or section 951(a) in sections 959, 961, 962 and such other sections as the Secretary may identify shall include references to section 951A or section 951A(a), respectively.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2021, and to taxable years of United States shareholders

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in which or with which such taxable years of foreign corporations end.

(2) CERTAIN RELATED MODIFICATIONS.—The amendments made by subsections (b)(1), (b)(2), and (f) shall apply to taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

SEC. 138127. MODIFICATIONS TO DETERMINATION OF DEEMED PAID CREDIT FOR TAXES PROPERLY ATTRIBUTABLE TO TESTED INCOME.

(a) INCREASE IN DEEMED PAID CREDIT.—Section 960(d)(1) is amended by striking ''80 percent'' and inserting ''95 percent (100 percent in the case of tested foreign income taxes paid or accrued to a possession of the United States)''.

(b) INCLUSION OF TAXES PROPERLY ATTRIBUTABLE TO TESTED LOSS.—Section 960(d)(3) is amended to read as follows:

''(3) TESTED FOREIGN INCOME TAXES.—For purposes of paragraph (1), the term 'tested foreign income taxes' means, with respect to any domestic corporation which is a United States shareholder of a controlled foreign corporation, such shareholder's

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pro rata share (as determined under section 951A(e)(1)) of—

"(A) the foreign income taxes (within the meaning of section 904(d)(2)(F)) which are properly attributable to amounts taken into account in determining tested income or tested loss under section 951A(b)(2), and

"(B) solely to the extent provided in regulations prescribed by the Secretary, the foreign income taxes (as so defined) paid or accrued by a foreign corporation (other than such controlled foreign corporation) which owns, directly or indirectly, 80 percent or more (by vote or value) of the stock in such domestic corporation but only if—

"(i) such foreign income taxes are properly attributable to amounts of such controlled foreign corporation taken into account in determining tested income or tested loss under section 951A(b)(2), and

"(ii) no credit is allowed, in whole or in part, for such foreign taxes in any foreign jurisdiction.".

(c) APPLICATION OF FOREIGN TAX CREDIT LIMITATION TO AMOUNTS INCLUDED UNDER SECTION 78.—

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(1) Section 904(d)(2) is amended by redesignating subparagraph (K) as subparagraph (L) and by inserting after subparagraph (J) the following new subparagraph:

"(K) AMOUNTS INCLUDIBLE UNDER SECTION 78.—Any amount includible in gross income under section 78 shall be treated as income in the same separate category as the related foreign taxes deemed paid.".

(2) Section 904(d)(3)(G) is amended by striking the second sentence and inserting the following: "Any amount included in gross income under section 78 shall not be treated as a dividend.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2021, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

(2) APPLICATION OF FOREIGN TAX CREDIT LIMITATION TO AMOUNTS INCLUDED UNDER SECTION 78.—The amendments made by subsection (c)

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shall apply to taxable years beginning after December 31, 2017.

SEC. 138128. DEDUCTION FOR FOREIGN SOURCE PORTION OF DIVIDENDS LIMITED TO CONTROLLED FOREIGN CORPORATIONS, ETC.

(a) IN GENERAL.—Section 245A is amended—

(1) in subsections (a), (e)(1), and (e)(2), by striking ''specified 10-percent owned foreign corporation'' each place it appears and inserting ''controlled foreign corporation'', and

(2) by striking subsection (b).

(b) MODIFICATIONS RELATED TO DETERMINATION OF STATUS AS A CONTROLLED FOREIGN CORPORATION.—

(1) Subpart F of part III of subchapter N of chapter 1 is amended by inserting after section 951A the following new section:

''SEC. 951B. AMOUNTS INCLUDED IN GROSS INCOME OF FOREIGN CONTROLLED UNITED STATES SHAREHOLDERS.

''(a) IN GENERAL.—In the case of any foreign controlled United States shareholder of a foreign controlled foreign corporation—

''(1) this subpart (other than sections 951A, 951(b), 957, and 965) shall be applied with respect

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to such shareholder (separately from, and in addition to, the application of this subpart without regard to this section)—

"(A) by substituting 'foreign controlled United States shareholder' for 'United States shareholder' each place it appears therein, and

"(B) by substituting 'foreign controlled foreign corporation' for 'controlled foreign corporation' each place it appears therein, and

"(2) sections 951A and 965 shall be applied with respect to such shareholder —

"(A) by treating each reference to 'United States shareholder' in such sections as including a reference to such shareholder, and

"(B) by treating each reference to 'controlled foreign corporation' in such sections as including a reference to such foreign controlled foreign corporation.

"(b) FOREIGN CONTROLLED UNITED STATES SHAREHOLDER.—For purposes of this section, the term 'foreign controlled United States shareholder' means, with respect to any foreign corporation, any United States person which would be a United States shareholder with respect to such foreign corporation if—

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''(1) section 951(b) were applied by substituting 'more than 50 percent' for '10 percent or more', and

''(2) section 958(b) were applied without regard to paragraph (4) thereof.

''(c) FOREIGN CONTROLLED FOREIGN CORPORATION.—For purposes of this section, the term 'foreign controlled foreign corporation' means a foreign corporation, other than a controlled foreign corporation, which would be a controlled foreign corporation if section 957(a) were applied—

''(1) by substituting 'foreign controlled United States shareholders' for 'United States shareholders', and

''(2) by substituting 'section 958(b) (other than paragraph (4) thereof)' for 'section 958(b)'.

''(d) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance—

''(1) to treat a foreign controlled United States shareholder or a foreign controlled foreign corporation as a United States shareholder or as a controlled foreign corporation, respectively, for purposes of provisions of this title other than this subpart, and

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"(2) to prevent the avoidance of the purposes of this section.".

(2) Section 957(a) is amended to read as follows:

"(a) CONTROLLED FOREIGN CORPORATION.—For purposes of this title—

"(1) IN GENERAL.—The term 'controlled foreign corporation' means any foreign corporation if more than 50 percent of—

"(A) the total combined voting power of all classes of stock of such corporation entitled to vote, or

"(B) the total value of the stock of such corporation,

is owned (within the meaning of section 958(a)), or is considered as owned by applying the rules of ownership of section 958(b), by United States shareholders on any day during the taxable year of such foreign corporation.

"(2) ELECTION TO TREAT A FOREIGN CORPORATION AS A CONTROLLED FOREIGN CORPORATION FOR CERTAIN PURPOSES.—

"(A) IN GENERAL.—In the case of a foreign corporation with respect to which an election is in effect under this paragraph, such for-

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eign corporation shall be treated as controlled foreign corporation with respect to all United States shareholders of such foreign corporation.

"(B) EXCEPTIONS.—Notwithstanding subparagraph (A), such foreign corporation shall not be treated as a controlled foreign corporation for purposes of section 951B(c) or for any other purpose if the Secretary determines that treatment of such foreign corporation as a controlled foreign corporation for such purpose would be inconsistent with the purposes of this subchapter.

"(C) ELECTION.—

"(i) BY WHOM.—An election under subparagraph (A) shall be effective only if made by the foreign corporation and by all United States shareholders of such foreign corporation (determined as of the time of such election by such foreign corporation).

"(ii) WITH RESPECT TO WHOM.—Any election under this paragraph, once effective, shall apply to such foreign corporation and to all United States shareholders of such foreign corporation (including any person who becomes a United States

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shareholder of such foreign corporation after such election takes effect).

''(iii) TIME, MANNER, ETC.—The election under this paragraph shall be made at such time and in such manner as the Secretary may provide and, once effective, may be revoked only with the consent of the Secretary.

''(D) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance for the application of this paragraph to an acquisition of assets described in section 381(a) from any corporation with respect to which an election under this paragraph applies.''.

(3) Section 958(b) is amended—

(A) by inserting after paragraph (3) the following:

''(4) Subparagraphs (A), (B), and (C) of section 318(a)(3) shall not be applied so as to consider a United States person as owning stock which is owned by a person who is not a United States person.'', and

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(B) by striking ''Paragraph (1)'' in the last sentence and inserting ''Paragraphs (1) and (4)''.

(4) The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by inserting after the item relating to section 951A the following new item:

''Sec. 951B. Amounts included in gross income of foreign controlled United States shareholders.''.

(c) CERTAIN OTHER MODIFICATIONS.—

(1) Section 245A(b)(1) is amended by striking ''with respect to such corporation''.

(2) Section 245A(e)(4) is amended by striking ''an amount received'' and all that follows through ''for which the controlled foreign corporation received a deduction'' and inserting ''any dividend received from a controlled foreign corporation for which such controlled foreign corporation received a deduction''.

(3) Section 245A(e)(1) is amended—

(A) by striking ''any dividend'' and inserting ''any hybrid dividend'', and

(B) by striking ''if the dividend is a hybrid dividend''.

(4) Section 245A(g) is amended to read as follows:

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"(g) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this section, including regulations or other guidance for—

"(1) the treatment of United States shareholders owning stock of a controlled foreign corporation through a partnership, and

"(2) the denial of all or a portion of the deduction under this section with respect to dividends received from foreign corporations in situations in which—

"(A) any portion of the dividend is out of earnings and profits arising from dispositions to related parties which—

"(i) are not made in the ordinary course of a trade or business, and

"(ii) are made on or after January 1, 2018, and during a taxable year to which section 951A did not apply, or

"(B) a transfer or issuance of stock on or after January 1, 2018, results in a reduction in the United States shareholder's pro rata share of a controlled foreign corporation's subpart F income or tested income (as defined in section 951A).".

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(5) Section 246(b)(1) is amended to read as follows:

"(1) GENERAL RULE.—Except as provided in paragraph (2), the aggregate amount of the deductions allowed by section 243(a)(1) and subsection (a) and (b) of section 245 shall not exceed the percentage determined under paragraph (3) of the taxable income computed without regard to the deductions allowed by section 172, section 243(a)(1), subsections (a) and (b) of section 245, and section 250, without regard to any adjustment under section 1059, and without regard to any capital loss carryback to the taxable year under section 1212(a)(1).".

(6) Section 246(c)(1) is amended by striking "section 243" and all that follows through "245A" and inserting "section 243, 245, or 245A".

(7) For purposes of section 78 of the Internal Revenue Code of 1986, as in effect on the day before the enactment of Public Law 115-97, with respect to taxable years of foreign corporations beginning before January 1, 2018, and ending after December 31, 2017, any reference to section 245 of such Code shall be treated as including a reference to section 245A of such Code (as added by such Public Law).

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(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to distributions made after the date of the enactment of this Act.

(2) MODIFICATIONS RELATED TO DETERMINATION OF STATUS AS A CONTROLLED FOREIGN CORPORATION.—The amendments made by subsection (b) shall apply to—

(A) the last taxable year of foreign corporations beginning before January 1, 2018, and each subsequent taxable year of such foreign corporations, and

(B) taxable years of United States persons in which or with which such taxable years of foreign corporations end.

(3) CERTAIN OTHER MODIFICATIONS.—The amendments made by subsection (c) shall apply to distributions made after December 31, 2017.

SEC. 138129. LIMITATION ON FOREIGN BASE COMPANY SALES AND SERVICES INCOME.

(a) FOREIGN BASE COMPANY SALES INCOME.—Section 954(d)(2) is amended to read as follows:

"(2) LIMITATION.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'related person' shall not

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include any person unless such person is a taxable unit (within the meaning of section 904(e)) which is a tax resident of the United States.

''(B) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance providing for the proper application of subparagraph (A) in the case of a series of transactions in which a person described in subparagraph (A) is a party.''.

(b) FOREIGN BASE COMPANY SERVICES INCOME.—Section 954(e)(1)(A) is amended by striking ''subsection (d)(3)'' and inserting ''subsection (d)''.

(c) CERTAIN OTHER MODIFICATIONS.—

(1)(A) Section 951(a)(1) is amended—

(i) by striking ''the last day'' in the matter preceding subparagraph (A) and inserting ''any day'',

(ii) by striking ''his'' each place it appears and inserting ''such shareholder's'', and

(iii) by inserting ''if such shareholder owns (within the meaning of section 958(a)) stock of such foreign corporation as of the close of the last relevant day of such foreign corporation's

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taxable year,'' before ''the amount'' in subparagraph (B).

(B) Section 951(a) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) PRO RATA SHARE OF SUBPART F INCOME.—In the case of any United States shareholder with respect to a foreign corporation, the pro rata share referred to in paragraph (1)(A) is the sum of—

''(A) if such shareholder owns (within the meaning of section 958(a)) stock of such foreign corporation as of the close of the last relevant day of such foreign corporation's taxable year, such shareholder's general pro rata share determined under paragraph (3), plus

''(B) if such shareholder owns (within the meaning of section 958(a)) stock of such foreign corporation during such taxable year but does not own (within the meaning of section 958(a)) such stock as of the close of such last relevant day, such shareholder's nontaxed current dividend share determined under paragraph (4).

''(3) GENERAL PRO RATA SHARE.—

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"(A) IN GENERAL.—In the case of any United States shareholder with respect to a foreign corporation, the general pro rata share determined under this paragraph is the excess (if any) of—

"(i) the pro rata current earnings percentage of the amount which bears the same ratio to such corporation's subpart F income for the taxable year (reduced by the aggregate nontaxed current dividend shares determined under paragraph (4) with respect to such shareholder or any other United States shareholder) as the part of such year during which such corporation is a controlled foreign corporation bears to the entire year, over

"(ii) the lesser of—

"(I) the amount of any pre-holding period dividends with respect to stock of such foreign corporation which such shareholder owns (within the meaning of section 958(a)) as of the close of the last relevant day of such foreign corporation's taxable year, or

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"(II) the amount which bears the same ratio to the subpart F income of such corporation for the taxable year (reduced by the aggregate nontaxed current dividend shares determined under paragraph (4) with respect to such shareholder or any other United States shareholder) as the part of such year during which such shareholder did not own (within the meaning of section 958(a)) such stock bears to the entire year.

"(B) PRO RATA CURRENT EARNINGS PERCENTAGE.—For purposes of subparagraph (A)(i), the term 'pro rata current earnings percentage' means, in the case of any United States shareholder with respect to a foreign corporation for any taxable year of such foreign corporation, the ratio (expressed as a percentage) of—

"(i) the amount which would have been distributed with respect to the stock which such shareholder owns (within the meaning of section 958(a)) in such corporation if on the last relevant day of such

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taxable year it had distributed its earnings and profits for such taxable year (computed as of the close of such taxable year without diminution by reason of any distributions made during such taxable year), divided by

"(ii) such corporation's earnings and profits for such taxable year (as so computed).

"(C) PRE-HOLDING PERIOD DIVIDENDS.—For purposes of subparagraph (A)(ii)(I), the term 'pre-holding period dividends' means, in the case of any United States shareholder with respect to a foreign corporation for any taxable year of such foreign corporation, dividends which are—

"(i) made out of such corporation's earnings and profits for the taxable year (other than nontaxed current dividends as defined in paragraph (4)(C)), and

"(ii) received—

"(I) by any other United States person with respect to stock of such foreign corporation which such shareholder owns (within the meaning of

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section 958(a)) as of the close of the last relevant day of such foreign corporation's taxable year, and

"(II) while such foreign corporation was a controlled foreign corporation and before such shareholder owned (within the meaning of section 958(a)) such stock.

"(4) NONTAXED CURRENT DIVIDEND SHARE.—

"(A) IN GENERAL.—In the case of any United States shareholder with respect to a foreign corporation, the nontaxed current dividend share determined under this paragraph is the nontaxed current dividend percentage of the subpart F income of such foreign corporation for the taxable year.

"(B) NONTAXED CURRENT DIVIDEND PERCENTAGE.—For purposes of this paragraph, the term 'nontaxed current dividend percentage' means, in the case of any United States shareholder with respect to a foreign corporation for any taxable year of such foreign corporation, the ratio (expressed as a percentage) of—

"(i) the amount of nontaxed current dividends with respect to such taxable year

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received with respect to the stock of such foreign corporation which such shareholder owns (within the meaning of section 958(a)) at the time of the dividend on a day in which such corporation is a controlled foreign corporation, divided by

"(ii) such foreign corporation's earnings and profits for such taxable year (computed as of the close of such taxable year without diminution by reason of any distributions made during such taxable year).

"(C) NONTAXED CURRENT DIVIDENDS.—For purposes of this paragraph, the term 'nontaxed current dividends' means the portion of any amount received with respect to stock to the extent such amount (without regard to amounts included in the gross income of a United States shareholder for the taxable year by reason of this subpart)—

"(i) would result in a dividend out of the corporation's earnings and profits for the taxable year (including a dividend under section 1248 attributable to earnings and profits for the taxable year), and

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"(ii) either—

"(I) would give rise to a deduction under section 245A(a), or

"(II) in the case of a dividend paid directly or indirectly to a controlled foreign corporation with respect to stock owned by the shareholder within the meaning of section 958(a)(2), would not result in subpart F income with respect to such controlled foreign corporation by reason of subsection (b)(4), (c)(3), or (c)(6) of section 954.

Any amount treated as the foreign-source portion of a dividend under section 245A(g) shall be treated as nontaxed current dividends for purposes of this paragraph.

"(5) LAST RELEVANT DAY OF TAXABLE YEAR OF A CONTROLLED FOREIGN CORPORATION.—For purposes of this subsection, the term 'last relevant day' means, with respect to any taxable year of a foreign corporation, the last day of such taxable year on which such corporation is a controlled foreign corporation.

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''(6) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance—

''(A) to treat a partnership as an aggregate of its partners,

''(B) to provide rules allowing a foreign corporation to close its taxable year upon a change in ownership, and

''(C) to treat a distribution followed by an issuance of stock to a shareholder not subject to tax under this chapter in the same manner as an acquisition of stock.''.

(C) Section 951A(e)(1) is amended by striking ''determined under the rules of section 951(a)(2) in the same manner as such section applies to subpart F income'' and inserting ''determined under rules similar to the rules of section 951(a)(2)''.

(D) Section 951A(e)(2) is amended to read as follows:

''(2) TREATMENT AS UNITED STATES SHAREHOLDER.—A person shall be treated as a United States shareholder of a controlled foreign corpora-

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tion for any taxable year of such person if such person—

"(A) is a United States shareholder of such foreign corporation on any day in such taxable year, and

"(B) owns (within the meaning of section 958(a)) stock in such foreign corporation on any day in such taxable year which is part of a taxable year of such foreign corporation with respect to which such foreign corporation is a controlled foreign corporation.".

(E) Section 953(c)(5)(A)(i) is amended—

(i) in subclause (I), by adding "and" at the end,

(ii) in subclause (II)—

(I) by striking "on the last day of the taxable year" and inserting "during the taxable year", and

(II) by striking "and" at the end and inserting "or", and

(iii) by striking subclause (III).

(2) Section 78 is amended by striking ", (b),".

(d) CERTAIN RELATED PROSPECTIVE MODIFICATIONS.—Section 961(c) is amended—

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(1) by striking ''BASIS ADJUSTMENTS IN'' in the heading of such subsection and inserting ''APPLICATION OF RULES TO'', and

(2) by striking ''then adjustments similar to'' and all that follows in such subsection and inserting ''then rules similar to the rules of subsections (a) and (b) shall apply to—

''(1) such stock,

''(2) stock in any other controlled foreign corporation by reason of which the United States shareholder is considered under section 958(a)(2) as owning the stock described in paragraph (1), and

''(3) property by reason of which the United States shareholder is considered as owning stock described in paragraph (1) or (2).

The preceding sentence shall not apply with respect to any stock or property to which subsection (a) or (b) applies.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2021, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

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(2) CERTAIN OTHER MODIFICATIONS.—

(A) The amendments made by subsection (c)(1) shall apply to distributions made after December 31, 2017.

(B) The amendment made by subsection (c)(2) apply to taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

Subpart D—Inbound International Provisions

SEC. 138131. MODIFICATIONS TO BASE EROSION AND ANTI-ABUSE TAX.

(a) MODIFICATIONS TO BASE EROSION MINIMUM TAX AMOUNT.—

(1) MODIFICATION OF RATES.—Section 59A(b)(1)(A) is amended by striking ''10 percent (5 percent in the case of taxable years beginning in calendar year 2018)'' and inserting ''the applicable percentage''.

(2) BASE EROSION MINIMUM TAX AMOUNT DETERMINED WITHOUT REGARD TO CREDITS.—Section 59A(b)(1)(B) is amended to read as follows:

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"(B) an amount equal to the regular tax liability (as defined in section 26(b)) of the taxpayer for the taxable year.".

(3) APPLICABLE PERCENTAGE.—Section 59A(b)(2) is amended to read as follows:

"(2) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term applicable percentage means—

"(A) in the case of any taxable year beginning after December 31, 2021, and before January 1, 2024, 10 percent,

"(B) in the case of any taxable year beginning after December 31, 2023, and before January 1, 2026, 12.5 percent, and

"(C) in the case of any taxable year beginning after December 31, 2025, 15 percent.".

(4) TAXPAYERS SUBJECT TO RULES FOR BANKS AND SECURITIES DEALERS.—Section 59A(b)(3)(B) is amended to read as follows:

"(B) TAXPAYER DESCRIBED.—A taxpayer is described in this subparagraph if such taxpayer is—

"(i) a bank (as defined in section 585(a)(2)),

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"(ii) a securities dealer registered under section 15(a) of the Securities Exchange Act of 1934, or

"(iii) a member of an affiliated group (as defined in section 1504(a)(1), determined without regard to section 1504(b)(3)) which includes any person described in clause (i) or (ii).".

(5) GENERAL BUSINESS CREDIT ALLOWED AGAINST BASE EROSION AND ANTI-ABUSE TAX.—Section 38(c)(1) is amended by striking "the tax imposed by section 55" and inserting "the taxes imposed by sections 55 and 59A".

(6) CONFORMING AMENDMENTS.—

(A) Section 59A(b)(3)(A) is amended by striking "paragraphs (1)(A) and (2)(A) shall each" and inserting "paragraph (2) shall".

(B) Section 59A(b) is amended by striking paragraph (4).

(b) MODIFICATION OF RULES FOR DETERMINING MODIFIED TAXABLE INCOME.—

(1) IN GENERAL.—Section 59A(c) is amended to read as follows:

"(c) MODIFIED TAXABLE INCOME.—For purposes of this section—

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"(1) IN GENERAL.—The term 'modified taxable income' means the taxable income of the taxpayer computed under this chapter for the taxable year with the following adjustments:

"(A) BASE EROSION TAX BENEFITS.—Any base erosion tax benefit shall be determined without regard to any base erosion payment described in paragraphs (1) through (4) of subsection (d), including for purposes of determining the adjusted basis of property described in subsection (d)(2).

"(B) BASE EROSION BASIS ADJUSTMENTS WITH RESPECT TO COST OF GOODS SOLD.—Cost of goods sold shall be determined without regard to any base erosion payment described in subparagraph (A) or (B) of subsection (d)(5).

"(C) NET OPERATING LOSSES.—The net operating loss deduction for the taxable year under section 172 shall be applied—

"(i) by substituting 'modified taxable income' for 'taxable income' in subsection (a)(2)(B)(ii)(I) thereof,

"(ii) by determining any net operating loss arising in any taxable year beginning

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after December 31, 2021, without regard to any deduction which is a base erosion tax benefit (determined with respect to each such taxable year), and

"(iii) by making appropriate adjustments in the application of subsection (b)(2) thereof to take into account clause (i) of this subparagraph as though such clause applied with respect to taxable years beginning after December 31, 2021 (but by applying section 172(e) for purposes of determining the amount of modified taxable income).

"(D) APPLICATION OF CERTAIN OTHER ADJUSTMENTS.—Except as otherwise provided by the Secretary, rules similar to the rules of subsections (g) and (h) of section 59 shall apply.

"(2) BASE EROSION TAX BENEFIT.—The term 'base erosion tax benefit' means—

"(A) any deduction allowed under this chapter for the taxable year with respect to any base erosion payment described in subsection (d)(1),

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"(B) in the case of a base erosion payment described in subsection (d)(2), any deduction allowed under this chapter for the taxable year for depreciation (or amortization in lieu of depreciation) with respect to the property acquired with such payment,

"(C) in the case of a base erosion payment described in subsection (d)(3)—

"(i) any reduction under section 803(a)(1)(B) in the gross amount of premiums and other consideration on insurance and annuity contracts for premiums and other consideration arising out of indemnity insurance, and

"(ii) any deduction under section 832(b)(4)(A) from the amount of gross premiums written on insurance contracts during the taxable year for premiums paid for reinsurance, and

"(D) in the case of a base erosion payment described in subsection (d)(4), any reduction in gross receipts with respect to such payment in computing gross income of the taxpayer for the taxable year for purposes of this chapter.".

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(2) CERTAIN PAYMENTS WITH RESPECT TO INVENTORY TREATED AS BASE EROSION PAYMENTS.—Section 59A(d) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) CERTAIN PAYMENTS WITH RESPECT TO INVENTORY.—

''(A) INDIRECT COSTS INCLUDED IN INVENTORY UNDER SECTION 263A.—Such term shall also include any amount paid or accrued by the taxpayer to a foreign person which is a related party of the taxpayer if such amount is described in paragraph (2)(B) of section 263A(a) and required to be included in inventory costs of the taxpayer under paragraph (1)(A) of such section.

''(B) CERTAIN INDIRECT COSTS OF FOREIGN RELATED PARTIES.—Such term shall also include so much of any amount paid or accrued by the taxpayer to a foreign person which is a related party of the taxpayer in connection with the acquisition by the taxpayer from such foreign person of property which is inventory in the hands of the taxpayer as exceeds the sum of—

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"(i) the direct costs of such property in the hands of such foreign person, plus

"(ii) so much of the costs described in section 263A(a)(2)(B) with respect to such property in the hands of such foreign person as the taxpayer demonstrates to the satisfaction of the Secretary are attributable to amounts—

"(I) paid or accrued by such foreign person to a United States person or a person which is not a related party of the taxpayer, or

"(II) otherwise subject to the tax imposed by this subtitle.

"(C) APPLICATION TO TIERED RELATED-PARTY TRANSACTIONS.—In the case of direct costs otherwise described in clause (i) of subparagraph (B) which are paid or incurred by the foreign person referred to in such clause to another foreign person which is a related party of the taxpayer, such costs shall be taken into account under such clause only to the extent that the taxpayer demonstrates to the satisfaction of the Secretary that such costs are attributable to amounts paid or accrued (directly or

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indirectly) to a United States person or a person which is not a related party of the taxpayer.

"(D) SAFE HARBOR WITH RESPECT INDIRECT COSTS OF FOREIGN RELATED PARTIES.—In the case of a taxpayer which elects the application of this subparagraph (at such time, in such manner, and with respect to such inventory property, as the Secretary may provide), the amount described in subparagraph (B)(ii) with respect to such property shall be treated for purposes of this section as being equal to 20 percent of the amount paid or incurred by the taxpayer to the related party of the taxpayer in connection with the acquisition of such property.".

(3) EXPANSION AND CONSOLIDATION OF RULES TO EXEMPT CERTAIN PAYMENTS FROM TREATMENT AS BASE EROSION PAYMENTS.—

(A) IN GENERAL.—Section 59A is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) CERTAIN PAYMENT NOT TREATED AS BASE EROSION PAYMENTS.—

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"(1) EXCEPTION FOR PAYMENTS ON WHICH TAX IS IMPOSED.—An amount shall not be treated as a base erosion payment if tax is imposed by this subtitle with respect to such amount. The amount not treated as a base erosion payment by reason of the preceding sentence shall be determined under rules similar to the rules of section 163(j)(5) (as in effect before the date of the enactment of Public Law 115-97).

"(2) EXCEPTION FOR CERTAIN PAYMENTS SUBJECT TO SUFFICIENT FOREIGN TAX.—

"(A) IN GENERAL.—An amount shall not be treated as a base erosion payment if the taxpayer establishes to the satisfaction of the Secretary that such amount was subject to an effective rate of foreign income tax (as defined in section 904(d)(2)(F)) which is not less than the applicable percentage in effect under subsection (b)(2) for the taxable year in which such amount is paid or accrued. Except as otherwise provided by the Secretary under subparagraph (B), the effective rate of foreign income tax with respect to any amount may be established on the basis of applicable financial statements (as defined in section 451(b)(3)).

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"(B) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance providing procedures for determining the effective rate of foreign income tax to which any amount is subject. Such procedures may require that any transaction or series of transactions among multiple parties be recharacterized as one or more transactions directly among any 2 or more of such parties where the Secretary determines that such recharacterization is appropriate to carry out, or prevent avoidance of, the purposes of this section.

"(3) EXCEPTION FOR CERTAIN AMOUNTS WITH RESPECT TO SERVICES.—Subsections (d)(1) and (d)(5)(A) shall not apply to so much of any amount paid or accrued by a taxpayer for services as does not exceed the total services cost of such services. The preceding sentence shall not apply unless such services meet the requirements for eligibility for use of the services cost method under section 482 (determined without regard to the requirement that the

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services not contribute significantly to fundamental risks of business success or failure).''.

(B) CONFORMING AMENDMENT.—Section 59A(d), as amended by paragraph (2), is amended by striking paragraph (6).

(c) REPEAL OF EXEMPTION FROM BASE EROSION AND ANTI-ABUSE TAX FOR TAXPAYERS WITH LOW BASE EROSION PERCENTAGE.—Section 59A(e)(1)(C) is amended by inserting ''in the case of any taxable year beginning before January 1, 2024,'' before ''the base erosion percentage''.

(d) OTHER MODIFICATIONS.—

(1) Section 59A(h)(2)(B) is amended by striking ''section 6038B(b)(2)'' and inserting ''section 6038A(b)(2)''.

(2) Section 59A(j)(2), as redesignated by subsection (b), is amended by striking ''subsection (g)(3)'' and inserting ''subsection (h)(3)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

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Subpart E—Other Business Tax Provisions

SEC. 138141. CREDIT FOR CLINICAL TESTING OF ORPHAN DRUGS LIMITED TO FIRST USE OR INDICATION.

(a) IN GENERAL.—Section 45C(b)(2)(B) is amended to read as follows:

"(B) TESTING MUST BE RELATED TO FIRST USE OR INDICATION FOR RARE DISEASE OR CONDITION.—Human clinical testing may be taken into account under subparagraph (A) only to the extent such testing is related to the first use or indication with respect to which a drug for a rare disease or condition is designated under section 526 of the Federal Food, Drug, and Cosmetic Act.".

(b) ELIGIBLE TESTING MUST BE CONDUCTED BEFORE APPROVAL FOR ANY USE OR INDICATION.—Section 45C(b)(2)(A)(ii)(II) is amended to read as follows:

"(II) before the first date on which an application (with respect to any use or indication with respect to any disease or condition) with respect to such drug is approved under section 505(c) of such Act or, if the drug is a biological product, before the first date on which a license (with respect

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to any use or indication with respect to any disease or condition) for such drug is issued under section 351(a) of the Public Health Service Act, and''.

(c) ELIGIBILITY OF BIOLOGICAL PRODUCTS.—

(1) IN GENERAL.—Section 45C(b)(2)(A)(i) is amended by inserting ''or, if the drug is a biological product, section 351(a)(3) of the Public Health Service Act'' before the comma at the end.

(2) CONFORMING AMENDMENT.—Section 45C(b)(2)(A)(ii)(I) is amended by striking ''such Act'' and inserting ''the Federal Food, Drug, and Cosmetic Act''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138142. MODIFICATIONS TO TREATMENT OF CERTAIN LOSSES.

(a) LOSSES FROM CERTAIN CAPITAL ASSETS WHICH BECOME WORTHLESS.—

(1) WHEN TREATED AS LOSS.—Section 165(g)(1) is amended by striking ''on the last day of the taxable year'' and inserting ''at the time of the identifiable event establishing worthlessness''.

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(2) TREATMENT OF PARTNERSHIP INDEBTEDNESS.—Section 165(g)(2)(C) is amended by inserting ", by a partnership," after "by a corporation".

(3) TREATMENT OF PARTNERSHIP INTEREST.—Section 165 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) WORTHLESS PARTNERSHIP INTEREST.—If any interest in a partnership becomes worthless during the taxable year, the loss resulting therefrom shall, for purposes of this subtitle, be treated as a loss from the sale or exchange of the interest in the partnership, as provided in section 741, at the time of the identifiable event establishing worthlessness.".

(b) DEFERRAL OF LOSSES IN CERTAIN CONTROLLED GROUP CORPORATE LIQUIDATIONS.—Section 267 is amended by adding at the end the following new subsection:

"(h) DEFERRAL OF LOSSES IN CERTAIN CONTROLLED GROUP LIQUIDATIONS.—

"(1) IN GENERAL.—In the case of two corporations described in subsection (b)(3), no loss shall be recognized on the stock or securities of the liquidating corporation in a complete liquidation to which section 331 applies until the other corporation re-

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ceiving property distributed in such liquidation with respect to such stock or in exchange for such securities has disposed of substantially all property such other corporation received in such liquidation to one or more persons who are not related to such other corporation (within the meaning of subsection (b)(3) or section 707(b)(1)).

''(2) REGULATIONS.—The Secretary shall issue such regulations or other guidance as the Secretary determines is necessary or appropriate to carry out the purposes of this subsection, including to apply the principles of this subsection to liquidating corporation stock or securities owned by a corporation indirectly through 1 or more partnerships.''.

(c) CROSS REFERENCE.—Section 331(c) is amended—

(1) by striking ''CROSS REFERENCE'' and all that follows through ''For general rule'' and inserting the following: ''CROSS REFERENCE.—

''(1) For general rule'', and

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

''(2) For losses in controlled group liquidations, see section 267(h).''.

(d) EFFECTIVE DATE.—

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(1) SUBSECTION (a).—The amendments made by this section shall apply to losses arising in taxable years beginning after December 31, 2021.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to liquidations on or after the date of the enactment of this Act.

SEC. 138143. ADJUSTED BASIS LIMITATION FOR DIVISIVE REORGANIZATION.

(a) IN GENERAL.—Section 361 is amended by adding at the end the following new subsections:

''(d) ADJUSTED BASIS LIMITATION FOR DIVISIVE REORGANIZATIONS.—

''(1) IN GENERAL.—Except as provided paragraph (2), in the case of a reorganization described in section 368(a)(1)(D) with respect to which stock or securities of the controlled corporation (within the meaning of section 355) are distributed by the distributing corporation (within the meaning of such section) in a transaction which qualifies under such section, subsection (b)(3) and subsection (c)(3) shall not apply to so much of the money and other property transferred to creditors as equals an amount equal to the excess (if any) of—

''(A) the sum of—

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"(i) the total amount of the liabilities assumed (within the meaning of section 357(c)) by the controlled corporation,

"(ii) in the case of subsection (b)(3), the total amount of money and the fair market value of other property (including stock described in section 354(a)(2)(C)) transferred to the creditors, and

"(iii) in the case of subsection (c)(3), the total principal amount of securities of the controlled corporation which is qualified property (as defined in subsection (c)(2)(B)) transferred to the creditors, over

"(B) the total adjusted bases of the assets transferred by the distributing corporation to the controlled corporation.

"(2) EXCEPTION REGARDING CERTAIN STOCK OR RIGHTS TO ACQUIRE STOCK.—Paragraph (1) shall not apply to any stock (or right to acquire stock) described in subsection (c)(2)(B).

"(3) REGULATIONS.—The Secretary shall issue such regulations as may be necessary or appropriate to prevent avoidance of tax through abuse of subsection (b)(3), subsection (c)(3), or this subsection,

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including to determine whether a disposition of property or any other transaction is in connection with the reorganization or pursuant to the plan of reorganization.

''(e) CROSS-REFERENCES.—For provisions providing for the inclusion of income or recognition of gain in certain distributions, see subsections (d), (e), (f), (g), and (h) of section 355.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 361(b)(3) is amended—

(A) in the first sentence, by inserting '', and except as provided in subsection (d)'' after ''paragraph (1)'', and

(B) by striking the second and third sentences.

(2) Section 361(c) is amended—

(A) in paragraph (3), by inserting '', and except as provided in subsection (d)'' after ''this subsection'', and

(B) by striking paragraph (5).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to reorganizations occurring on or after the date of the enactment of this Act.

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SEC. 138144. RENTS FROM PRISON FACILITIES NOT TREATED AS QUALIFIED INCOME FOR PURPOSES OF REIT INCOME TESTS.

(a) IN GENERAL.—Section 856(d)(2) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) any amount received or accrued, directly or indirectly, with respect to any real or personal property which is primarily used in connection with any correctional, detention, or penal facility.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138145. MODIFICATIONS TO EXEMPTION FOR PORTFOLIO INTEREST.

(a) IN GENERAL.—Section 871(h)(3)(B)(i) is amended to read as follows:

''(i) in the case of an obligation issued by a corporation—

''(I) any person who owns 10 percent or more of the total combined voting power of all classes of stock of such corporation entitled to vote, or

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"(II) any person who owns 10 percent or more of the total value of the stock of such corporation, and".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 138146. CERTAIN PARTNERSHIP INTEREST DERIVATIVES.

(a) IN GENERAL.—Section 871(m) is amended by adding at the end the following new paragraphs:

"(8) SPECIFIED PARTNERSHIP INTEREST INCOME EQUIVALENT PAYMENTS.—

"(A) IN GENERAL.—For purposes of this subsection, any payment made pursuant to a sale-repurchase transaction, or a specified notional principal contract, that is determined by reference to any income or gain in respect of an interest in a specified partnership (or any other payment the Secretary determines to be substantially similar) shall be treated as a dividend equivalent.

"(B) SPECIFIED PARTNERSHIP.—For purposes of this paragraph, the term 'specified partnership' means—

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"(i) any publicly-traded partnership (as defined in subsection (b) of section 7704) which is not treated as a corporation under such section, or

"(ii) any other partnership as the Secretary may by regulation prescribe.

"(C) EXCEPTIONS.—

"(i) EXCEPTED CONTRACTS.—Subparagraph (A) shall not apply to any contract or transaction the Secretary determines does not have the potential for tax avoidance.

"(ii) CERTAIN INCOME.—Under such regulations as the Secretary shall prescribe, there shall not be taken into account under subparagraph (A) any payment the income or gain from which would (but for this paragraph) be—

"(I) exempt from taxes under this subtitle, or

"(II) treated as income from sources without the United States if paid to a nonresident alien individual.

"(D) TREATMENT OF DEFINITIONS AND SPECIAL RULES WITH RESPECT TO PARTNER-

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SHIPS.—For purposes of this paragraph, rules similar to the rules and definitions in paragraphs (3), (4), (5), (6) and (7) shall apply to an interest in a specified partnership in a manner similar to an underlying security, and to income or gain in respect of an interest in a specified partnership in a manner similar to a dividend.

''(9) OTHER RULES RELATING TO TREATMENT OF DIVIDEND EQUIVALENTS.—

''(A) IN GENERAL.—A dividend equivalent amount under this subsection shall be treated as a dividend paid by a domestic corporation.

''(B) RATE OF TAX FOR PUBLICLY TRADED PARTNERSHIP INCOME PAYMENTS.—In the case of a payment treated as a dividend equivalent pursuant to paragraph (8), the rate of tax imposed on any nonresident alien individual or foreign corporation with respect to such payment shall not be less than the rate that would be imposed had such individual or foreign corporation, as the case may be, received a dividend from a domestic corporation in which such individual or foreign corporation owned less than 1 percent (by vote or value) of the stock.''.

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(b) WITHHOLDING OF TAX ON NONRESIDENT ALIENS.—Section 1441 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) DEEMED DIVIDEND EQUIVALENT PAYMENTS IN CASE OF CERTAIN PUBLICLY TRADED PARTNERSHIPS.—The Secretary may prescribe regulations, under rules similar to the rules of section 1446(f), to determine the manner in which the amount of income and gain is determined for purposes of this section in the case of amounts treated as a dividend equivalent under section 871(m)(8).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 138147. ADJUSTMENTS TO EARNINGS AND PROFITS OF CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Section 312(n) is amended by adding at the end the following new paragraph:

"(9) SPECIAL RULES FOR CONTROLLED FOREIGN CORPORATIONS.—Earnings and profits of any controlled foreign corporation shall be determined without regard to paragraphs (4), (5), and (6).".

(b) CONFORMING AMENDMENT.—Section 952(c) is amended by striking paragraph (3).

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(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2021, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

SEC. 138148. CERTAIN DIVIDENDS FROM CONTROLLED FOREIGN CORPORATIONS TO UNITED STATES SHAREHOLDERS TREATED AS EXTRAORDINARY DIVIDENDS.

(a) IN GENERAL.—Section 1059 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) TREATMENT OF CERTAIN DIVIDENDS FROM CONTROLLED FOREIGN CORPORATIONS TO UNITED STATES SHAREHOLDERS.—

''(1) IN GENERAL.—Except as otherwise provided by the Secretary, any disqualified CFC dividend shall be treated as an extraordinary dividend to which paragraph (1) and (2) of subsection (a) applies without regard to the period the taxpayer held the stock with respect to which such dividend is paid.

''(2) DISQUALIFIED CFC DIVIDEND.— For purposes of this subsection, the term 'disqualified CFC dividend' means any dividend paid by a controlled

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foreign corporation to a taxpayer which is a United States shareholder of such foreign corporation if—

"(A) such dividend is attributable to earnings and profits which—

"(i) were earned by such controlled foreign corporation during a disqualified period, or

"(ii) are attributable to gain on property which accrued during a disqualified period.

"(3) DISQUALIFIED PERIOD.—For purposes of this subsection, the term 'disqualified period' means, with respect to any dividend paid with respect to any stock of a controlled foreign corporation, any period during which—

"(A) such foreign corporation was not a controlled foreign corporation, or

"(B) such stock was not owned by a United States shareholder.".

(b) REGULATIONS.—Section 1059(h), as redesignated by subsection (a), is amended—

(1) by striking "regulations" both places it appears and inserting "regulations or other guidance", and

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(2) by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) providing for the coordination of subsection (g) with the other provisions of this chapter, including section 1248.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after the date of the enactment of this Act.

SEC. 138149. MODIFICATION OF RULES FOR PARTNERSHIP INTERESTS HELD IN CONNECTION WITH THE PERFORMANCE OF SERVICES.

(a) IN GENERAL.—Section 1061 is amended by striking subsections (a) and (b) and inserting the following new subsections:

''(a) IN GENERAL.—If one or more applicable partnership interests are held by a taxpayer at any time during the taxable year, the taxpayer's net applicable partnership gain for such taxable year shall be treated as short-term capital gain.

''(b) NET APPLICABLE PARTNERSHIP GAIN.—For purposes of this section—

''(1) IN GENERAL.—The term 'net applicable partnership gain' means—

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"(A) the taxpayer's net long-term capital gain determined by only taking into account gains and losses with respect to one or more applicable partnership interests described in subsection (a), and

"(B) any other amounts which are—

"(i) includible in the gross income of the taxpayer with respect to one or more such applicable partnership interests, and

"(ii) treated as capital gain or subject to tax at the rate applicable to capital gain.

"(2) HOLDING PERIOD EXCEPTION.—

"(A) IN GENERAL.—Net applicable partnership gain shall be determined without regard to any amount which is realized after the date that is 5 years after the latest of:

"(i) The date on which the taxpayer acquired substantially all of the applicable partnership interest with respect to which the amount is realized.

"(ii) The date on which the partnership in which such applicable partnership interest is held acquired substantially all of the assets held by such partnership.

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''(iii) If the partnership described in clause (i) owns, directly or indirectly, interests in one or more other partnerships, the dates determined by applying rules similar to the rules in clauses (i) and (ii) in the case of each such other partnership.

''(B) SHORTER HOLDING PERIOD IN CERTAIN CIRCUMSTANCES.—Subparagraph (A) shall be applied by substituting '3 years' for '5 years' in the case of—

''(i) a taxpayer (other than a trust or estate) with an adjusted gross income (determined without regard to sections 911, 931 and 933) of less than $400,000, and

''(ii) any income with respect to any applicable partnership interest that is attributable to a real property trade or business within the meaning of section 469(c)(7)(C).

''(iii) The Secretary is directed to provide guidance regarding determination of the amount described in subsection (a) as applied in paragraph (1) hereof, and any necessary and appropriate reporting by any

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partnership to carry out the purposes of this section. —

''(3) SECTION 83 TO NOT APPLY.—This section shall be applied without regard to section 83 and any election in effect under section 83(b).

''(4) SPECIAL RULE.—To the extent provided by the Secretary, subsection (a) shall not apply to income or gain attributable to any asset not held for portfolio investment on behalf of third party investors.''.

(b) MODIFICATIONS RELATED TO DEFINITION OF APPLICABLE PARTNERSHIP INTEREST.—Section 1061(c) is amended—

(1) in paragraph (1), by striking ''to such other entity'' and inserting ''with respect to a trade or business that is not an applicable trade or business'',

(2) in paragraph (3), by striking ''an interest in a partnership to the extent of the partnership's proportionate interest in any of the foregoing'' and inserting ''except as otherwise provided by the Secretary, an interest in a partnership if such partnership has a direct or indirect interest in any of the foregoing'', and

(3) in paragraph (4)—

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(A) by striking ''The term'' and inserting ''Except as otherwise provided by the Secretary, the term'', and

(B) in subparagraph (A), by striking ''corporation'' and inserting ''C corporation''.

(c) RECOGNITION OF GAIN ON TRANSFERS OF APPLICABLE PARTNERSHIP INTERESTS TO UNRELATED PARTIES.—Section 1061(d) is amended to read as follows:

''(d) TRANSFER OF APPLICABLE PARTNERSHIP INTEREST.—If a taxpayer transfers any applicable partnership interest, gain shall be recognized notwithstanding any other provision of this subtitle.''.

(d) REGULATIONS.—Section 1061(e) is amended by striking the period at the end and inserting the following: '', including regulations or other guidance to—

''(1) to prevent the avoidance of the purposes of this section, including through the distribution of property by a partnership and through carry waivers, and

''(2) to provide for the application of this section to financial instruments, contracts or interests in entities other than partnerships to the extent necessary or appropriate to carry out the purposes of this section.''.

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(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138150. LIMITATION ON CERTAIN SPECIAL RULES FOR SECTION 1202 GAINS.

(a) IN GENERAL.—Section 1202(a) is amended by adding at the end the following new paragraph:

"(5) LIMITATION ON CERTAIN SPECIAL RULES.—In the case of the sale or exchange of qualified small business stock after September 13, 2021, paragraphs (3) and (4) shall not apply to any taxpayer if—

"(A) the adjusted gross income of such taxpayer (determined without regard to this section and sections 911, 931, and 933) equals or exceeds $400,000, or

"(B) such taxpayer is a trust or estate.".

(b) EFFECTIVE DATE.—Except as provided in subsection (c), the amendment made by this section shall apply to sales and exchanges on or after September 13, 2021.

(c) BINDING CONTRACT EXCEPTION.—The amendment made by this section shall not apply to any sale or exchange which is made pursuant to written binding con-

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tract which was in effect on September 12, 2021, and is not modified in any material respect thereafter.

SEC. 138151. CONSTRUCTIVE SALES.

(a) APPLICATION TO APPRECIATED DIGITAL ASSETS.—

(1) IN GENERAL.—Section 1259(b)(1) is amended by inserting ''digital asset,'' after ''debt instrument,''.

(2) DIGITAL ASSET.—Section 1259(d) is amended by adding at the end the following new paragraph:

''(3) DIGITAL ASSET.—Except as otherwise provided by the Secretary, the term 'digital asset' means any digital representation of value which is recorded on a cryptographically secured distributed ledger or any similar technology as specified by the Secretary.''.

(b) TREATMENT OF CERTAIN CONTRACTS.—Section 1259(c)(1)(D) is amended by inserting ''or enters into a contract to acquire'' after ''acquires''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to constructive sales (determined after the application of the amendment

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made by subsection (b)) after the date of the enactment of this Act.

(2) TREATMENT OF CERTAIN CONTRACTS.—The amendment made by subsection (b) shall apply to contracts entered into after the date of the enactment of this Act.

SEC. 138152. RULES RELATING TO COMMON CONTROL.

(a) CLARIFICATION OF TRADE OR BUSINESS.—Section 52(b) is amended by adding at the end the following new sentence: ''For purposes of this subsection, the term 'trade or business' includes any activity treated as a trade or business under paragraph (5) or (6) of section 469(c).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138153. WASH SALES BY RELATED PARTIES; WASH SALES OF SPECIFIED ASSETS.

(a) APPLICATION OF WASH SALE RULES TO RELATED PARTIES.—Section 1091(a) is amended by striking ''the taxpayer has acquired'' and inserting ''the taxpayer (or a related party) has acquired''.

(b) MODIFICATION OF BASIS ADJUSTMENT RULE TO PREVENT TRANSFER OF LOSSES TO RELATED PARTIES.—Section 1091(d) is amended to read as follows:

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''(d) ADJUSTMENT TO BASIS IN CASE OF WASH SALE.—If the taxpayer (or the taxpayer's spouse) acquires substantially identical specified assets during the period which—

''(1) begins 30 days before the disposition with respect to which a deduction was disallowed under subsection (a), and

''(2) ends with the close of the taxpayer's first taxable year which begins after such disposition,

the basis of such specified assets shall be increased by the amount of the deduction so disallowed (reduced by any amount of such deduction taken into account under this subsection to increase the basis of specified assets previously acquired).''

(c) RELATED PARTY.—Section 1091 is amended by adding at the end the following new subsection:

''(g) RELATED PARTY.—For purposes of this section—

''(1) IN GENERAL.—The term 'related party' means—

''(A) the taxpayer's spouse,

''(B) any dependent of the taxpayer and any other taxpayer with respect to whom the taxpayer is a dependent,

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"(C) any individual, corporation, partnership, trust, or estate which controls, or is controlled by, (within the meaning of section 954(d)(3)) the taxpayer or any individual described in subparagraph (A) or (B) with respect to the taxpayer (or any combination thereof),

"(D) any individual retirement plan, Archer MSA (as defined in section 220(d)), or health savings account (as defined in section 223(d)), of the taxpayer or of any individual described in subparagraph (A) or (B) with respect to the taxpayer,

"(E) any account under a qualified tuition program described in section 529 or a Coverdell education savings account (as defined in section 530(b)) if the taxpayer, or any individual described in subparagraph (A) or (B) with respect to the taxpayer, is the designated beneficiary of such account or has the right to make any decision with respect to the investment of any amount in such account, and

"(F) any account under—

"(i) a plan described in section 401(a),

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"(ii) an annuity plan described in section 403(a),

"(iii) an annuity contract described in section 403(b), or

"(iv) an eligible deferred compensation plan described in section 457(b) and maintained by an employer described in section 457(e)(1)(A),

if the taxpayer or any individual described in subparagraph (A) or (B) with respect to the taxpayer has the right to make any decision with respect to the investment of any amount in such account.

"(2) RULES FOR DETERMINING STATUS.—

"(A) RELATIONSHIPS DETERMINED AT TIME OF ACQUISITION.—Determinations under paragraph (1) shall be made as of the time of the purchase or exchange referred to in subsection (a) except that determinations under subparagraphs (A) and (B) of paragraph (1) shall be made for the taxable year which includes such purchase or exchange.

"(B) DETERMINATION OF MARITAL STATUS.—

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"(i) IN GENERAL.—Except as provided in clause (ii), marital status shall be determined under section 7703.

"(ii) SPECIAL RULE FOR MARRIED INDIVIDUALS FILING SEPARATELY AND LIVING APART.—A husband and wife who—

"(I) file separate returns for any taxable year, and

"(II) live apart at all times during such taxable year,

shall not be treated as married individuals.

"(3) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary to prevent the avoidance of the purposes of this subsection, including regulations which treat persons as related parties if such persons are formed or availed of to avoid the purposes of this subsection.".

(d) WASH SALE RULES TO APPLY WITH RESPECT TO SPECIFIED ASSETS.—

(1) SPECIFIED ASSETS.—Section 1091, as amended by the preceding provisions of this section, is amended by adding at the end the following new subsection:

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''(h) SPECIFIED ASSET.—For purposes of this section, the term 'specified asset' means any of the following:

''(1) Any security described in subparagraph (A), (B), (C), (D), or (E) of section 475(c)(2).

''(2) Any foreign currency.

''(3) Any commodity described in subparagraph (A), (B), or (C) of section 475(e)(2).

''(4) Any digital representation of value which is recorded on a cryptographically secured distributed ledger or any similar technology as specified by the Secretary.

Such term shall, except as provided in regulations, include contracts or options to acquire or sell any specified assets.''.

(2) CONFORMING AMENDMENTS.—Section 1091 is amended—

(A) by striking the last sentence of subsection (a),

(B) by striking ''stock or securities'' each place it appears and inserting ''specified assets'', and

(C) by striking ''shares of'' each place it appears in subsections (a), (b), and (c).

(e) EXCEPTION FOR BUSINESS NEEDS AND HEDGING TRANSACTIONS.—Section 1091, as amended by the

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preceding provisions of this section, is amended by adding at the end the following new subsection:

"(i) EXCEPTION FOR BUSINESS NEEDS AND HEDGING TRANSACTIONS.—Except as provided in regulations prescribed by the Secretary, subsection (a) shall not apply in the case of any sale or other disposition—

"(1) of a foreign currency or commodity described in subsection (h), and

"(2) which—

"(A) is directly related to the business needs of a trade or business of the taxpayer (other than the trade or business of trading foreign currencies or commodities described in subsection (h)), or

"(B) is part of a hedging transaction (as defined in section 1221(b)(2)).".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and other dispositions after December 31, 2021.

PART 2—TAX INCREASES FOR HIGH-INCOME INDIVIDUALS

SEC. 138201. INCREASE IN TOP MARGINAL INDIVIDUAL INCOME TAX RATE.

(a) RE-ESTABLISHMENT OF 39.6 PERCENT RATE BRACKET.—

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(1) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—The table contained in section 1(j)(2)(A) is amended by striking the last two rows and inserting the following: ‘‘

‘‘Over $400,000 but not over $450,000.	$91,379, plus 35% of the excess over $400,000
Over $450,000	$108,879, plus 39.6% of the excess over $450,000.’’.

(2) HEADS OF HOUSEHOLDS.—The table contained in section 1(j)(2)(B) is amended by striking the last two rows and inserting the following: ‘‘

‘‘Over $200,000 but not over $425,000.	$44,298, plus 35% of the excess over $200,000
Over $425,000	$123,048, plus 39.6% of the excess over $425,000.’’.

(3) UNMARRIED INDIVIDUALS OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS.—The table contained in section 1(j)(2)(C) is amended by striking the last two rows and inserting the following: ‘‘

‘‘Over $200,000 but not over $400,000.	$45,689.50, plus 35% of the excess over $200,000
Over $400,000	$115,689.50, plus 39.6% of the excess over $400,000.’’.

(4) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—The table contained in section 1(j)(2)(D) is amended by striking the last two rows and inserting the following: ‘‘

‘‘Over $200,000 but not over $225,000.	$45,689.50, plus 35% of the excess over $200,000
Over $225,000	$54,439.50, plus 39.6% of the excess over $225,000.’’.

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(5) ESTATES AND TRUSTS.—The table contained in section 1(j)(2)(E) is amended by striking the last row and inserting the following: ''

''Over $12,500	$3,011.50, plus 39.6% of the excess over $12,500.''.

(b) APPLICATION OF ADJUSTMENTS.—Section 1(j)(3) is amended to read as follows:

''(3) ADJUSTMENTS.—For taxable years beginning after December 31, 2021, the Secretary shall prescribe tables which shall apply in lieu of the tables contained in paragraph (2) in the same manner as under paragraphs (1) and (2) of subsection (f) (applied without regard to clauses (i) and (ii) of subsection (f)(2)(A), except that in prescribing such tables—

''(A) except as provided in subparagraph (B), subsection (f)(3) shall be applied by substituting 'calendar year 2017' for 'calendar year 2016' in subparagraph (A)(ii) thereof,

''(B) in the case of adjustments to the dollar amounts at which the 39.6 percent rate bracket begins (other than such dollar amount in paragraph (2)(E))—

''(i) no adjustment shall be made for taxable years beginning after December 31, 2021, and before January 1, 2023, and

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"(ii) in the case of any taxable year beginning after December 31, 2022, subsection (f)(3) shall be applied by substituting 'calendar year 2021' for 'calendar year 2016',

"(C) subsection (f)(7)(B) shall apply to any unmarried individual other than a surviving spouse, and

"(D) subsection (f)(8) shall not apply.".

(c) MODIFICATION TO 39.6 PERCENT RATE BRACKET FOR HIGH-INCOME TAXPAYERS AFTER 2025.—Section 1(i)(3) is amended to read as follows:

"(3) MODIFICATIONS TO 39.6 PERCENT RATE BRACKET.—In the case of taxable years beginning after December 31, 2025—

"(A) IN GENERAL.—The rate of tax under subsections (a), (b), (c), and (d) on a taxpayer's taxable income in excess of the 39.6 percent rate bracket threshold shall be taxed at a rate of 39.6 percent.

"(B) 39.6 PERCENT RATE BRACKET THRESHOLD.—For purposes of this paragraph, the term '39.6 percent rate bracket threshold' means—

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"(i) in the case any taxpayer described in subsection (a), $450,000,

"(ii) in the case of any taxpayer described in subsection (b), $425,000,

"(iii) in the case of any taxpayer described in subsection (c), $400,000, and

"(iv) in the case of any taxpayer described in subsection (d), $225,000.

"(C) INFLATION ADJUSTMENT.—For purposes of this paragraph, with respect to taxable years beginning in calendar years after 2025, each of the dollar amounts in subparagraph (B) shall be adjusted in the same manner as under paragraph (1)(C)(i), except that subsection (f)(3)(A)(ii) shall be applied by substituting '2021' for '2016'.".

(d) CONFORMING AMENDMENTS.—

(1) Section 1(j)(1) is amended by striking "December 31, 2017" and inserting "December 31, 2021".

(2) The heading of section 1(j) is amended by striking "2018" and inserting "2022".

(3) The heading of section 1(i) is amended by striking "RATE REDUCTIONS" and inserting "MODIFICATIONS"

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(4) Section 15(f) is amended by striking ''rate reductions'' and inserting ''modifications''.

(e) SECTION 15 NOT TO APPLY.—For rules providing that section 15 of the Internal Revenue Code of 1986 does not apply to the amendments made by this section, see sections 1(j)(6) and 15(f) of the Internal Revenue Code of 1986.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138202. INCREASE IN CAPITAL GAINS RATE FOR CERTAIN HIGH INCOME INDIVIDUALS.

(a) IN GENERAL.—Section 1(h)(1)(D) is amended by striking ''20 percent'' and inserting ''25 percent''.

(b) RE-ALIGNMENT OF 25 PERCENT CAPITAL GAINS RATE THRESHOLD WITH 39.6 PERCENT INCOME TAX RATE THRESHOLD.—Section 1(j)(5) is amended—

(1) by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) IN GENERAL.—Section 1(h)(1) shall be applied by substituting 'below the maximum zero rate amount' for 'which would (without regard to this paragraph) be taxed at a rate below 25 percent' in subparagraph (B)(i).

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"(B) MAXIMUM ZERO RATE AMOUNT DEFINED.—For purposes of applying section 1(h) with the modifications described in subparagraph (A), the maximum zero rate amount shall be—

"(i) in the case of a joint return or surviving spouse, $77,200,

"(ii) in the case of an individual who is a head of household (as defined in section 2(b)), $51,700,

"(iii) in the case of any other individual (other than an estate or trust), an amount equal to ½ of the amount in effect for the taxable year under subclause (I), and

"(iv) in the case of an estate or trust, $2,600.", and

(2) by striking "each of the dollar amounts in clauses (i) and (ii)" in subparagraph (C) and inserting "each dollar amount in clause (i), (ii), or (iv)".

(c) CONFORMING AMENDMENTS.—

(1) Section 55(b)(3) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

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(2) The following provisions are each amended by striking ''20 percent'' and inserting ''25 percent'':

(A) Section 531.

(B) Section 541.

(C) Section 1445(e)(1).

(D) Section 1445(e)(6).

(E) The second sentence of section 7518(g)(6)(A).

(3) Section 53511(f)(2) of title 46, United States Code, is amended to read as follows:

''(2) MAXIMUM TAX RATE.—For that portion of a nonqualified withdrawal made from the capital gain account during a taxable year to which section 1(h) of such Code (26 U.S.C. 1(h)) applies, the tax rate used under paragraph (1)(B) may not exceed 25 percent.''.

(d) SECTION 15 NOT TO APPLY.—The amendments made by this section shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by

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this section shall apply to taxable years ending after September 13, 2021.

(2) RE-ALIGNMENT OF 25 PERCENT CAPITAL GAINS RATE THRESHOLD WITH 39.6 PERCENT INCOME TAX RATE THRESHOLD.—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 2021.

(3) WITHHOLDING UNDER SECTIONS 1445 AND 1446.—The amendments made by subparagraphs (C) and (D) of subsection (c)(2) shall apply to dispositions after the date of the enactment of this Act.

(f) TRANSITIONAL RULES FOR TAXABLE YEARS WHICH INCLUDE SEPTEMBER 13, 2021.—

(1) IN GENERAL.—For purposes of applying section 1(h) of the Internal Revenue Code of 1986 with respect to any taxable year which includes September 13, 2021, the amount determined under subparagraph (D) of section 1(h)(1) of such Code shall be the sum of—

(A) 20 percent of the lesser of—

(i) the amount on which a tax is determined under such subparagraph (D) (without regard to this subsection), or

(ii) the amount (if any) of net capital gain determined by taking into account

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only dividends, gains, and losses for the portion of the taxable year on or before September 13, 2021 (determined without regard to collectibles gain or loss, gain described in section 1(h)(6)(A)(i) of such Code, and section 1202 gain), plus—

(B) 25 percent of the excess (if any) of the amount described in subparagraph (A)(i) over the amount described in subparagraph (A)(ii).

(2) SPECIAL RULE FOR BINDING CONTRACTS ENTERED INTO PRIOR TO SEPTEMBER 13, 2021.—For purposes of paragraph (1), a gain recognized in the taxable year that includes September 13, 2021, shall be treated as being with respect to the portion of such taxable year on or before such date if such gain arises from a transaction which occurs pursuant to a written binding contract entered into on or before such date (and which is not modified thereafter in any material respect).

(3) ALTERNATIVE MINIMUM TAX.—Rules similar to the rules of paragraph (1) shall apply for purposes of applying section 55(b)(3) of such Code.

(4) APPLICATION TO PASS-THRU ENTITIES.—In applying this subsection with respect to any pass-thru entity, the determination of when dividends,

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gains, and losses are properly taken into account shall be made at the entity level.

(5) DEFINITIONS OF CERTAIN TERMS.—Terms used in this subsection which are also used in section 1(h) of such Code shall have the respective meanings that such terms have in such section.

SEC. 138203. APPLICATION OF NET INVESTMENT INCOME TAX TO TRADE OR BUSINESS INCOME OF CERTAIN HIGH INCOME INDIVIDUALS.

(a) IN GENERAL.—Section 1411 is amended by adding at the end the following new subsection:

''(f) APPLICATION TO CERTAIN HIGH INCOME INDIVIDUALS.—

''(1) IN GENERAL.—In the case of any individual whose modified adjusted gross income for the taxable year exceeds the high income threshold amount, subsection (a)(1) shall be applied by substituting 'the greater of specified net income or net investment income' for 'net investment income' in subparagraph (A) thereof.

''(2) PHASE-IN OF INCREASE.—The increase in the tax imposed under subsection (a)(1) by reason of the application of paragraph (1) of this subsection shall not exceed the amount which bears the same

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ratio to the amount of such increase (determined without regard to this paragraph) as—

"(A) the excess described in paragraph (1), bears to

"(B) $100,000 (½ such amount in the case of a married taxpayer (as defined in section 7703) filing a separate return).

"(3) HIGH INCOME THRESHOLD AMOUNT.—For purposes of this subsection, the term 'high income threshold amount' means—

"(A) except as provided in subparagraph (B) or (C), $400,000,

"(B) in the case of a taxpayer making a joint return under section 6013 or a surviving spouse (as defined in section 2(a)), $500,000, and

"(C) in the case of a married taxpayer (as defined in section 7703) filing a separate return, ½ of the dollar amount determined under subparagraph (B).

"(4) SPECIFIED NET INCOME.—For purposes of this section, the term 'specified net income' means net investment income determined—

"(A) without regard to the phrase 'other than such income which is derived in the ordi-

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nary course of a trade or business not described in paragraph (2),' in subsection (c)(1)(A)(i),

"(B) without regard to the phrase 'described in paragraph (2)' in subsection (c)(1)(A)(ii),

"(C) without regard to the phrase 'other than property held in a trade or business not described in paragraph (2)' in subsection (c)(1)(A)(iii),

"(D) without regard to paragraphs (2), (3), and (4) of subsection (c), and

"(E) by treating paragraphs (5) and (6) of section 469(c) as applying for purposes of subsection (c) of this section.".

(b) APPLICATION TO TRUSTS AND ESTATES.—Section 1411(a)(2)(A) is amended by striking "undistributed net investment income" and inserting "the greater of undistributed specified net income or undistributed net investment income".

(c) CLARIFICATIONS WITH RESPECT TO DETERMINATION OF NET INVESTMENT INCOME.—

(1) WAGES SUBJECT TO FICA NOT TAKEN INTO ACCOUNT.—Section 1411(c)(6) is amended by inserting "or wages received with respect to employ-

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ment on which a tax is imposed under section 3101(b)'' before the period at the end.

(2) NET OPERATING LOSSES NOT TAKEN INTO ACCOUNT.—Section 1411(c)(1)(B) is amended by inserting ''(other than section 172)'' after ''this subtitle''.

(3) INCLUSION OF CERTAIN FOREIGN INCOME.—

(A) IN GENERAL.—Section 1411(c)(1)(A) is amended by striking ''and'' at the end of clause (ii), by striking ''over'' at the end of clause (iii) and inserting ''and'', and by adding at the end the following new clause:

''(iv) any amount includible in gross income under section 951, 951A, 1293, or 1296, over''.

(B) PROPER TREATMENT OF CERTAIN PREVIOUSLY TAXED INCOME.—Section 1411(c) is amended by adding at the end the following new paragraph:

''(7) CERTAIN PREVIOUSLY TAXED INCOME.—The Secretary shall issue regulations or other guidance providing for the treatment of distributions of amounts previously included in gross income for pur-

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poses of chapter 1 but not previously subject to tax under this section.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

(e) TRANSITION RULE.—The regulations or other guidance issued by the Secretary under section 1411(c)(7) of the Internal Revenue Code of 1986 (as added by this section) shall include provisions which provide for the proper coordination and application of clauses (i) and (iv) of section 1411(c)(1)(A) with respect to—

(1) taxable years beginning on or before December 31, 2021, and

(2) taxable years beginning after such date.

SEC. 138204. LIMITATION ON DEDUCTION OF QUALIFIED BUSINESS INCOME FOR CERTAIN HIGH INCOME INDIVIDUALS.

(a) IN GENERAL.—Section 199A(a) is amended by striking ''or'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', or'', and by adding at the end the following new paragraph:

''(3) the following amount:

''(A) $500,000 in the case of a joint return or surviving spouse (as defined in section 2(a)),

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"(B) $400,000 in the case of any taxpayer not described in subparagraph (A), (C), or (D),

"(C) $250,000 in the case of a married individual filing a separate return, or

"(D) $10,000 in the case of an estate or trust.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138205. LIMITATIONS ON EXCESS BUSINESS LOSSES OF NONCORPORATE TAXPAYERS.

(a) LIMITATION MADE PERMANENT.—

(1) IN GENERAL.—Section 461(l)(1) is amended to read as follows:

"(1) LIMITATION.—In the case of any taxpayer other than a corporation, any excess business loss of the taxpayer for the taxable year shall not be allowed.".

(2) CONFORMING AMENDMENT.—Section 461 is amended by striking subsection (j).

(b) MODIFICATION OF CARRYOVER OF DISALLOWED LOSSES.—Section 461(l)(2) is amended to read as follows:

"(2) DISALLOWED LOSS CARRYOVER.—Any loss which is disallowed under paragraph (1) for any taxable year shall be treated (solely for purposes of this

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chapter) as a deduction described in paragraph (3)(A)(i) for the next taxable year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

SEC. 138206. SURCHARGE ON HIGH INCOME INDIVIDUALS, ESTATES, AND TRUSTS.

(a) IN GENERAL.—Part I of subchapter A of chapter 1 is amended by inserting after section 1 the following new section:

''SEC. 1A. SURCHARGE ON HIGH INCOME INDIVIDUALS, ESTATES, AND TRUSTS.

''(a) GENERAL RULE.—In the case of a taxpayer other than a corporation, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 3 percent of so much of the modified adjusted gross income of the taxpayer as exceeds—

''(1) $5,000,000, in the case of any taxpayer not described in paragraph (2) or (3),

''(2) $2,500,000, in the case of a married individual filing a separate return, and

''(3) $100,000, in the case of an estate or trust.

''(b) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term 'modified adjusted gross income' means adjusted gross income reduced by any de-

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duction (not taken into account in determining adjusted gross income) allowed for investment interest (as defined in section 163(d)). In the case of an estate or trust, adjusted gross income shall be determined as provided in section 67(e).

''(c) SPECIAL RULES.—

''(1) NONRESIDENT ALIEN.—In the case of a nonresident alien individual, only amounts taken into account in connection with the tax imposed under section 871(b) shall be taken into account under this section.

''(2) CITIZENS AND RESIDENTS LIVING ABROAD.—The dollar amount applicable to any taxpayer under paragraph (1), (2), or (3) of subsection (a) (as the case may be) shall be decreased (but not below zero) by the excess (if any) of—

''(A) the amounts excluded from the taxpayer's gross income under section 911, over

''(B) the amounts of any deductions or exclusions disallowed under section 911(d)(6) with respect to the amounts described in subparagraph (A).

''(3) CHARITABLE TRUSTS.—Subsection (a) shall not apply to a trust all the unexpired interests

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in which are devoted to one or more of the purposes described in section 170(c)(2)(B).

''(4) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.''.

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 1 is amended by inserting after the item relating to section 1 the following new item:

''Sec. 1A. Surcharge on high income individuals.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138207. TERMINATION OF TEMPORARY INCREASE IN UNIFIED CREDIT.

(a) IN GENERAL.—Section 2010(c)(3) of the Internal Revenue Code of 1986 is amended by striking subparagraph (C).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying and gifts made after December 31, 2021.

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SEC. 138208. INCREASE IN LIMITATION ON ESTATE TAX VALUATION REDUCTION FOR CERTAIN REAL PROPERTY USED IN FARMING OR OTHER TRADES OR BUSINESSES.

(a) IN GENERAL.—Section 2032A(a)(2) of the Internal Revenue Code of 1986 is amended by striking ''$750,000'' and inserting ''$11,700,000''.

(b) INFLATION ADJUSTMENT.—Section 2032A(a)(3) of such Code is amended—

(1) by striking ''$750,000'' both places it appears and inserting ''$11,700,000'',

(2) by striking ''1998'' in the matter preceding subparagraph (A) and inserting ''2021'', and

(3) by striking ''1997'' in subparagraph (B) and inserting ''2020''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to the estates of decedents dying after December 31, 2021.

SEC. 138209. CERTAIN TAX RULES APPLICABLE TO GRANTOR TRUSTS.

(a) APPLICATION OF TRANSFER TAXES.—

(1) IN GENERAL.—Subtitle B of the Internal Revenue Code of 1986 is amended by adding at the end the following new chapter:

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"CHAPTER 16—SPECIAL RULES FOR GRANTOR TRUSTS

''Sec. 2901. Application of transfer taxes.

"SEC. 2901. APPLICATION OF TRANSFER TAXES.

''(a) IN GENERAL.—In the case of any portion of a trust with respect to which the grantor is the deemed owner—

''(1) the value of the gross estate of the deceased deemed owner of such portion shall include all assets attributable to that portion at the time of the death of such owner,

''(2) any distribution (other than to the deemed owner or the deemed owner's spouse) from such portion to one or more beneficiaries during the life of the deemed owner of such portion (other than in discharge of an obligation of the deemed owner) shall be treated as a transfer by gift for purposes of chapter 12,

''(3) if at any time during the life of the deemed owner of such portion, such owner ceases to be treated as the owner of such portion under subpart E of part 1 of subchapter J of chapter 1, all assets attributable to such portion at such time shall be treated for purposes of chapter 12 as a transfer by gift made by the deemed owner, and

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''(4) proper adjustment shall be made with respect to amounts so included in the gross estate, or treated as transferred by gift, pursuant to paragraph (1), (2), or (3), as the case may be, to account for amounts treated previously as taxable gifts under chapter 12 with respect to previous transfers to the trust by the deemed owner.

''(b) EXCEPTIONS.—This section shall not apply to any trust that is includible in the gross estate of the deemed owner (without regard to subsection (a)(1)).

''(c) DEEMED OWNER DEFINED.—For purposes of this chapter, the term 'deemed owner' means any person who is treated as the owner of a portion of a trust under subpart E of part 1 of subchapter J of chapter 1.''.

(2) CROSS-REFERENCE.—Section 2511 of such Code is amended by adding at the end the following new subsection:

''(c) CROSS-REFERENCE.—For treatment of transfers to grantor trusts, see section 2901.''.

(3) CLERICAL AMENDMENT.—The table of chapters for subtitle B of such Code is amended by adding at the end the following new item:

''CHAPTER 16. SPECIAL RULES FOR GRANTOR TRUSTS''.

(b) CERTAIN SALES TO GRANTOR TRUST.—

(1) IN GENERAL.—Part IV of subchapter O of chapter 1 of such Code is amended by redesignating

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section 1062 as section 1063 and inserting after section 1061 the following new section:

"SEC. 1062. CERTAIN SALES BETWEEN GRANTOR TRUST AND DEEMED OWNER.

"(a) IN GENERAL.—In the case of any transfer of property between a trust and the a person who is the deemed owner of the trust (or portion thereof), such treatment of the person as the owner of the trust shall be disregarded in determining whether the transfer is a sale or exchange for purposes of this chapter.

"(b) EXCEPTION.—Subsection (a) shall not apply to any trust that is fully revocable by the deemed owner.

"(c) DEEMED OWNER.—For purposes of this section, the term 'deemed owner' means any person who is treated as the owner of a portion of a trust under subpart E of part 1 of subchapter J.".

(2) RELATED TAXPAYERS.—Section 267(b) is amended by striking "or" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting "; or", and by adding at the end the following new paragraph:

"(14) A grantor trust and the person treated as the owner of the trust (or portion thereof) under subpart E of part 1 of subchapter J of this chapter.".

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(3) CLERICAL AMENDMENT.—The table of sections for part IV of subchapter O of chapter 1 of such Code is amended by striking the item relating to section 1062 and inserting the following new items:

"Sec. 1062. Certain sales to grantor trusts.
"Sec. 1063. Cross references.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply—

(1) to trusts created on or after the date of the enactment of this Act, and

(2) to any portion of a trust established before the date of the enactment of this Act which is attributable to a contribution made on or after such date.

SEC. 138210. VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS.

(a) IN GENERAL.—Section 2031 of the Internal Revenue Code of 1986 is amended by redesignating subsection (d) as subsection (f) and by inserting after subsection (c) the following new subsections:

"(d) VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS.—For purposes of this chapter and chapter 12—

"(1) IN GENERAL.—In the case of the transfer of any interest in an entity other than an interest

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which is actively traded (within the meaning of section 1092)—

"(A) the value of any nonbusiness assets held by the entity with respect to such interest shall be determined as if the transferor had transferred such assets directly to the transferee (and no valuation discount shall be allowed with respect to such nonbusiness assets), and

"(B) such nonbusiness assets shall not be taken into account in determining the value of the interest in the entity.

"(2) NONBUSINESS ASSETS.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'nonbusiness asset' means any passive asset which—

"(i) is held for the production or collection of income, and

"(ii) is not used in the active conduct of a trade or business.

"(B) PASSIVE ASSETS USED IN ACTIVE CONDUCT OF TRADE OR BUSINESS.—Except as provided in subparagraph (C), a passive asset shall not be treated for purposes of subpara-

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graph (A) as used in the active conduct of a trade or business unless—

"(i) the asset is property described in paragraph (1) or (4) of section 1221(a) or is a hedge with respect to such property, or

"(ii) the asset is real property used in the active conduct of 1 or more real property trades or businesses (within the meaning of section 469(c)(7)(C)) in which the transferor materially participates and with respect to which the transferor meets the requirements of section 469(c)(7)(B)(ii).

For purposes of clause (ii), material participation shall be determined under the rules of section 469(h), except that section 469(h)(3) shall be applied without regard to the limitation to farming activity.

"(C) EXCEPTION FOR WORKING CAPITAL.—Any passive asset which is held as a part of the reasonably required working capital needs of a trade or business shall be treated as used in the active conduct of a trade or business.

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"(3) PASSIVE ASSET.—For purposes of this subsection, the term 'passive asset' means any—

"(A) cash or cash equivalents,

"(B) except to the extent provided by the Secretary, stock in a corporation or any other equity, profits, or capital interest in a partnership,

"(C) evidence of indebtedness, option, forward or futures contract, notional principal contract, or derivative,

"(D) asset described in clause (iii), (iv), or (v) of section 351(e)(1)(B),

"(E) annuity,

"(F) real property,

"(G) asset (other than a patent, trademark, or copyright) which produces royalty income,

"(H) commodity,

"(I) collectible (within the meaning of section 408(m)),

"(J) personal property (as defined in section 1092(d)(1)) or position in personal property (within the meaning of section 1092(d)(2)), or

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"(K) other asset specified in regulations prescribed by the Secretary.

"(4) LOOK-THRU RULES.—

"(A) IN GENERAL.—If a passive asset of an entity consists of a 10-percent interest in any other entity, this subsection shall be applied by disregarding the 10-percent interest and by treating the entity as holding directly its ratable share of the assets of the other entity. This subparagraph shall be applied successively to any 10-percent interest of such other entity in any other entity.

"(B) 10-PERCENT INTEREST.—The term '10-percent interest' means—

"(i) in the case of an interest in a corporation, ownership of at least 10 percent (by vote or value) of the stock in such corporation,

"(ii) in the case of an interest in a partnership, ownership of at least 10 percent of the capital or profits interest in the partnership, and

"(iii) in any other case, ownership of at least 10 percent of the beneficial interests in the entity.

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For purposes of the preceding sentence, the rules prescribed by section 318(a) shall apply.

''(5) COORDINATION WITH SUBSECTION (b).—Subsection (b) shall apply after the application of this subsection.

''(6) REGULATIONS.—The Secretary shall issue such regulations or other guidance as the Secretary determines is necessary or appropriate to carry out this subsection, including regulations or other guidance to—

''(A) determine whether a passive asset is used in the active conduct of a trade or business, in addition to the instances described in paragraph (2)(B), and

''(B) determine whether a passive asset is held as a part of the reasonably required working capital needs of a trade or business under paragraph (2)(C).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after the date of the enactment of this Act.

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PART 3—MODIFICATIONS OF RULES RELATING TO RETIREMENT PLANS

Subpart A—Limitations on High-income Taxpayers With Large Retirement Account Balances

SEC. 138301. CONTRIBUTION LIMIT FOR INDIVIDUAL RETIREMENT PLANS OF HIGH-INCOME TAXPAYERS WITH LARGE ACCOUNT BALANCES.

(a) CONTRIBUTION LIMIT.—

(1) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 is amended by adding at the end the following:

"SEC. 409B. CONTRIBUTION LIMIT ON INDIVIDUAL RETIREMENT PLANS OF HIGH-INCOME TAXPAYERS WITH LARGE ACCOUNT BALANCES.

"(a) GENERAL RULE.—Notwithstanding any other provision of this title, in the case of an individual who is an applicable taxpayer for a taxable year, no annual additions which are allocable to such taxable year shall be made by, or on behalf of, such individual to any individual retirement plan to the extent such annual additions exceed the excess (if any) of—

"(1) the applicable dollar amount for such taxable year, over

"(2) the aggregate vested balances to the credit of the individual (whether as a participant, owner, or beneficiary) in all applicable retirement plans (deter-

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mined as of the close of the calendar year preceding the calendar year in which such taxable year begins).

"(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) ANNUAL ADDITION.—

"(A) IN GENERAL.—Except as provided in this paragraph, the term 'annual addition' means any contribution to an individual retirement plan.

"(B) CONTRIBUTIONS TO SEP AND SIMPLE PLANS.—In the case of any employer or employee contributions by, or on behalf of, an individual to a simplified employee pension under section 408(k) or a simple retirement account under section 408(p)—

"(i) such contributions shall not be treated as annual additions for purposes of applying the limitation under subsection (a), but

"(ii) the excess described in subsection (a) shall be reduced by the amount of such contributions in applying such limitation to other annual additions with respect to such individual.

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"(C) ROLLOVER CONTRIBUTIONS DISREGARDED.—A rollover contribution under section 402(c), 402A(c)(3)(A), 403(a)(4), 403(b)(8), 408(d)(3)(A), 408A(e)(1), or 457(e)(16) shall not be treated as an annual addition.

"(D) ACCOUNTS ACQUIRED BY DEATH OR DIVORCE OR SEPARATION.—The acquisition of an individual retirement plan (or the transfer to or contribution of amounts to an individual retirement plan) by reason of—

"(i) the death of another individual, or

"(ii) divorce or separation (pursuant to section 408(d)(6)),

shall not be treated as an annual addition.

"(2) APPLICABLE DOLLAR AMOUNT.—The term 'applicable dollar amount' means $10,000,000.

"(3) APPLICABLE RETIREMENT PLAN.—The term 'applicable retirement plan' means—

"(A) a defined contribution plan to which section 401(a) or 403(a) applies,

"(B) an annuity contract under section 403(b),

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"(C) an eligible deferred compensation plan described in section 457(b) which is maintained by an eligible employer described in section 457(e)(1)(A), or

"(D) an individual retirement plan.

"(4) APPLICABLE TAXPAYER.—

"(A) IN GENERAL.—The term 'applicable taxpayer' means, with respect to any taxable year, a taxpayer whose adjusted taxable income for such taxable year exceeds the amount determined under subparagraph (B).

"(B) DOLLAR LIMIT.—The amount determined under this subparagraph for any taxable year is—

"(i) $400,000 for an individual who is a taxpayer not described in clause (ii) or (iii),

"(ii) $425,000 in the case of an individual who is a head of household (as defined in section 2(b)), and

"(iii) $450,000 in the case of an individual who is a married individual filing a joint return or a surviving spouse (as defined in section 2(a)).

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"(C) ADJUSTED TAXABLE INCOME.—The term 'adjusted taxable income' means taxable income determined without regard to—

"(i) any deduction for annual additions to individual retirement plans to which subsection (a) applies, and

"(ii) any increase in minimum required distributions by reason of section 4974(e).

"(5) ADJUSTMENTS FOR INFLATION.—

"(A) IN GENERAL.—In the case of any taxable year beginning after 2022, each of the dollar amounts under paragraph (2) and paragraph (4)(B) shall be increased by an amount equal to the product of—

"(i) such dollar amount, and

"(ii) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which such taxable year begins, determined by substituting 'calendar year 2021' for 'calendar year 1992' in subparagraph (B) thereof.

"(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not—

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"(i) in the case of the dollar amount under paragraph (2), a multiple of $250,000, such amount shall be rounded to the next lowest multiple of $250,000, and

"(ii) in the case of a dollar amount under paragraph (4), a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.

"(c) REGULATIONS.—The Secretary shall prescribe such regulations and guidance as are necessary or appropriate to carry out the purposes of this section, including regulations or guidance that provide for the application of this section and section 4974(e) in the case of plans with a valuation date other than the last day of a calendar year.".

(2) CONFORMING AMENDMENTS.—

(A) The table of contents for subpart A of part I of subchapter D of chapter 1 is amended by adding after the item relating to section 409A the following new item:

"Sec. 409B. Contribution limit on individual retirement plans of high-income taxpayers with large account balances.".

(B) Section 408(r) is amended by adding at the end the following new paragraph:

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"(3) For additional limitation on contributions to individual retirement plans with large account balances, see sections 402A(c)(3)(A) and 409B.".

(b) EXCISE TAX ON EXCESS ANNUAL ADDITIONS.—

(1) IN GENERAL.—Section 4973 is amended by adding at the end the following new subsection:

"(i) SPECIAL RULE FOR INDIVIDUAL RETIREMENT PLANS WITH EXCESS ANNUAL ADDITIONS.—For purposes of this section, in the case of individual retirement plans, the term 'excess contributions' with respect to any taxable year means the sum of—

"(1) the excess of the annual additions (within the meaning of section 409B(b)(1)) to such plans over the limitation under section 409B(a) for such taxable year, reduced by the amount of any excess contributions determined under subsections (b) and (f), and

"(2) the lesser of—

"(A) the amount determined under this subsection for the preceding taxable year with respect to such plans, reduced by the aggregate distributions from such plans for the taxable year (including distributions required under section 4974(e)) to the extent not contributed in a rollover contribution to another eligible retire-

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ment plan in accordance with section 402(c), 402A(c)(3)(A), 403(a)(4), 403(b)(8), 457(e)(16), 408(d)(3), or 408A(d)(3), or

"(B) the amount (if any) by which the amount determined under section 409B(a)(2) for the taxable year exceeds the applicable dollar amount under section 409B(b)(2) for the taxable year.".

(2) CONFORMING AMENDMENTS.—Subsections (b) and (f) of section 4973 are each amended by inserting ", except as further provided in subsection (i)" after "For purposes of this section".

(c) REPORTING REQUIREMENTS.—Section 6057(a) is amended by adding at the end the following:

"(3) ADDITIONAL INFORMATION REGARDING HIGH ACCOUNT BALANCES.—

"(A) IN GENERAL.—If, as of the close of any plan year, 1 or more participants in an applicable retirement plan (as defined in section 409B(b)(3) without regard to subparagraph (D) thereof) have a vested account balance of at least $2,500,000, the plan administrator shall file a statement with the Secretary which includes—

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"(i) the name and identifying number of each such participant (without regard to whether such participant has separated from employment), and

"(ii) the amount to which each such participant is entitled.

"(B) INCLUSION IN REGISTRATION STATEMENT.—If both subparagraph (A) and paragraph (1) apply to a plan, the plan administrator shall include the information required under subparagraph (A) in the registration statement under paragraph (1) rather than file a statement under subparagraph (A).

"(C) ADJUSTMENTS FOR INFLATION.—In the case of any plan year beginning after 2022, the $2,500,000 amount under subparagraph (A) shall be increased by an amount equal to the product of—

"(i) such dollar amount, and

"(ii) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which such taxable year begins, determined by substituting 'calendar year 2021' for 'calendar year 1992' in subparagraph (B) thereof.

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If the amount as adjusted under the preceding sentence is not a multiple of $250,000, such amount shall be rounded to the next lowest multiple of $250,000.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2021.

(2) PLAN REQUIREMENTS.—The amendments made by subsection (c) shall apply to plan years beginning after December 31, 2021.

SEC. 138302. INCREASE IN MINIMUM REQUIRED DISTRIBUTIONS FOR HIGH-INCOME TAXPAYERS WITH LARGE RETIREMENT ACCOUNT BALANCES.

(a) IN GENERAL.—Section 4974 is amended by adding at the end the following:

''(e) INCREASE IN MINIMUM REQUIRED DISTRIBUTIONS FOR HIGH-INCOME TAXPAYERS WITH LARGE AGGREGATE ACCOUNT BALANCES.—

''(1) IN GENERAL.—If this subsection applies to a payee who is an applicable taxpayer (as defined in section 409B(b)(4)) for a taxable year—

''(A) all qualified retirement plans and eligible deferred compensation plans of the payee which are applicable retirement plans taken into

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account in computing the excess described in paragraph (3)(A) shall be treated as 1 plan solely for purposes of applying this section to the increase in minimum required distributions for such taxable year determined under subparagraph (B), and

"(B) the minimum required distributions under this section for all plans treated as 1 plan under subparagraph (A) with respect to such payee for such taxable year shall be increased by the excess (if any) of—

"(i) the sum of—

"(I) if paragraph (2) applies to such taxable year, the applicable Roth excess amount, plus

"(II) 50 percent of the excess determined under paragraph (3)(A), reduced by the applicable Roth excess amount, over

"(ii) the sum of the minimum required distributions (determined without regard to this subsection) for all such plans.

"(2) APPLICABLE ROTH EXCESS AMOUNT.—

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"(A) APPLICATION.—For purposes of paragraph (1)(B)(i), this paragraph applies to a taxable year of a payee if the aggregate vested balances to the credit of the payee (whether as a participant, owner, or beneficiary) in all applicable retirement plans (determined as of the close of the calendar year preceding the calendar year in which the taxable year begins) exceed 200 percent of the applicable dollar amount for the calendar year in which the taxable year begins.

"(B) APPLICABLE ROTH EXCESS AMOUNT.—The applicable Roth excess amount for any taxable year to which this paragraph applies is an amount equal to the lesser of—

"(i) the excess determined under subparagraph (A), or

"(ii) the aggregate balances to the credit of the payee (whether as a participant, owner, or beneficiary) in all Roth IRAs and designated Roth accounts (within the meaning of section 402A) as of the time described in subparagraph (A).

"(3) APPLICATION.—This subsection shall apply to a payee for a taxable year—

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''(A) if the aggregate vested balances to the credit of the payee (whether as a participant, owner, or beneficiary) in all applicable retirement plans (determined as of the close of the calendar year preceding the calendar year in which the taxable year begins) exceed the applicable dollar amount for the calendar year in which the taxable year begins, and

''(B) without regard to whether amounts with respect to the payee are otherwise required to be distributed under section 401(a)(9), 403(b)(10), 408(a)(6), 408(b)(3), or 457(d)(2).

''(4) COORDINATION AND ALLOCATION.—

''(A) MINIMUM DISTRIBUTION REQUIREMENTS.—If this subsection applies to a payee for any taxable year—

''(i) this section shall apply first to minimum required distributions determined without regard to this subsection and then to any increase in minimum required distributions by reason of this subsection, and

''(ii) nothing in this subsection shall be construed to affect the amount of any minimum required distribution determined

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without regard to this subsection or the plan or plans from which it is required to be distributed from.

"(B) ALLOCATION OF INCREASE IN MINIMUM REQUIRED DISTRIBUTIONS.—

"(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the taxpayer may, in such form and manner as the Secretary may prescribe, allocate any increase in minimum required distributions by reason of this subsection to applicable retirement plans treated as 1 plan under subparagraph (A) in such manner as the taxpayer chooses.

"(ii) ALLOCATION TO ROTH IRAS AND ACCOUNTS.—In the case of a taxable year to which paragraph (2) applies, the portion of any increase in minimum required distributions by reason of this subsection equal to the applicable Roth excess amount shall be allocated first to Roth IRAs and then to designated Roth accounts (within the meaning of section 402A) of the payee.

"(iii) SPECIAL RULES FOR EMPLOYEE STOCK OWNERSHIP PLANS.—If any payee

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to which this subsection applies for any taxable year has account balances in 1 or more employee stock ownership plans (as defined in section 4975(e)(7)) any portion of which is invested in employer securities which are not readily tradable on an securities market, the increase in minimum required distributions by reason of this subsection shall be allocated—

"(I) first to all account balances (other than such portions) of the payee in all applicable retirement plans in the manner provided by this subparagraph (without regard to this clause), and

"(II) then to such portions in such manner as the taxpayer chooses.

The Secretary shall prescribe regulations which provide that if any such increase is allocated to any such portion of an account balance for the first taxable year of the payee beginning in 2022, the payee may elect to have such portion distributed over a period of years not greater than the period specified by the Secretary in such reg-

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ulations (and any distributions made in accordance with such election shall be treated for purposes of this section as made in such first taxable year).

"(5) DISTRIBUTIONS NOT ELIGIBLE FOR ROLLOVERS.—For purposes of determining whether a distribution is an eligible rollover distribution, any distribution from an applicable retirement plan which is attributable to any increase in minimum required distributions by reason of this subsection shall be treated as a distribution required under section 401(a)(9), 403(b)(10), 408(a)(6), 408(b)(3), or 457(d)(2), whichever is applicable.

"(6) DEFINITIONS.—For purposes of this subsection, any term used in this subsection which is also used in section 409B shall have the same meaning as when such term is used in such section.".

(b) SPECIAL RULES.—

(1) DISTRIBUTION RIGHTS.—

(A) QUALIFIED TRUSTS.—Section 401(a) is amended by inserting after paragraph (38) the following new paragraph:

"(39) IMMEDIATE DISTRIBUTION RIGHT.—A trust forming part of a defined contribution plan shall not constitute a qualified trust under this sec-

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tion unless an employee who certifies to the plan that the employee is a taxpayer who is subject to the distribution requirements of section 4974(e) may elect to receive a distribution from the employee's account balance under the plan in such amount as the employee may elect, including any amounts attributable to a qualified cash or deferred arrangement (as defined in subsection (k)(2)).''.

(B) ANNUITY CONTRACTS.—

(i) CUSTODIAL ACCOUNTS.—Section 403(b)(7)(A) is amended by adding at the end the following new flush sentence:

''Notwithstanding clause (i), the custodial account shall permit an employee who certifies that the employee is a taxpayer who is subject to the distribution requirements of section 4974(e) to elect to receive a distribution from the employee's custodial account in such amount as the employee may elect.''.

(ii) ANNUITY CONTRACTS.—Section 403(b)(11) is amended by adding at the end the following new sentence: ''Notwithstanding subparagraphs (A), (B), (C), and (D), the annuity contract shall permit an employee who certifies that the employee is

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a taxpayer who is subject to the distribution requirements of section 4974(e) to elect to receive a distribution of contributions made pursuant to a salary reduction agreement (within the meaning of section 402(g)(3)) from the employee's annuity contract in such amount as the employee may elect.''

(C) GOVERNMENTAL PLANS.—Section 457(d)(1) is amended by adding at the end the following new flush sentence:

''Notwithstanding subparagraph (A), an eligible deferred compensation plan of an employer described in subsection (e)(1)(A) shall permit an employee who certifies that the employee is a taxpayer who is subject to the distribution requirements of section 4974(e) to elect to receive a distribution from the plan in such amount as the employee may elect.''.

(2) EXCEPTION FROM 10 PERCENT ADDITIONAL TAX ON EARLY DISTRIBUTIONS.—Section 72(t)(2) is amended by adding at the end the following new subparagraph:

''(I) DISTRIBUTIONS OF EXCESS BALANCES.—Distributions from an applicable retirement plan (within the meaning of section

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409B)) to the extent such distributions for the taxable year do not exceed the amount required to be distributed from such plan under section 4974(e).".

(3) WITHHOLDING.—Section 3405(b) is amended by adding at the end the following new paragraph:

"(3) ADDITIONAL WITHHOLDING FOR REQUIRED DISTRIBUTIONS FROM HIGH BALANCE RETIREMENT ACCOUNTS.—

"(A) IN GENERAL.—For purposes of this section, a distribution pursuant to section 401(a)(39), the last sentence of section 403(b)(7)(A), the last sentence of section 403(b)(11), and the last sentence of section 457(d)(1) shall be treated as a nonperiodic distribution, except that in applying this subsection to such distribution—

"(i) paragraph (1) shall be applied by substituting '35 percent' for '10 percent', and

"(ii) no election may be made under paragraph (2) with respect to such distribution.

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"(B) EXCEPTION.—Subparagraph (A) shall not apply to any qualified distribution from a designated Roth account (within the meaning of section 402A).".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2021.

(2) PLAN REQUIREMENTS.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2021.

(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or contract amendment, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by this section or pursuant to any regula-

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tion issued by the Secretary of the Treasury under this section or such amendments, and

(ii) on or before the last day of the first plan year beginning after December 31, 2022, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental or collectively bargained plan to which subparagraph (B) or (C) of subsection (a)(4) applies, clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under such clause.

(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

(i) during the period—

(I) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified in such amendment), and

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(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(ii) such plan or contract amendment applies retroactively for such period.

Subpart B—Other Provisions Relating to Individual Retirement Plans

SEC. 138311. TAX TREATMENT OF ROLLOVERS TO ROTH IRAS AND ACCOUNTS.

(a) ROLLOVERS AND CONVERSIONS LIMITED TO TAXABLE AMOUNTS.—

(1) ROTH IRAS.—

(A) IN GENERAL.—Paragraph (1) of section 408A(e) is amended by adding at the end the following new sentence: ''A qualified rollover contribution shall not include any rollover contribution from any eligible retirement plan described in subparagraph (B) (other than from a designated Roth account (within the meaning of section 402A)) if any portion of the distribution from which such contribution is made would

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(without regard to such contribution) be treated as not includible in gross income.''

(B) CONVERSIONS.—Subparagraph (C) of section 408A(d)(3) is amended by adding at the end the following new sentence: ''This subparagraph shall not apply if any portion of the plan being converted would be treated as not includible in gross income if distributed at the time of the conversion.''

(2) DESIGNATED ROTH ACCOUNTS.—Section 402A(c)(4)(B) is amended by inserting '', determined after the application of the last sentence of paragraph (1) thereof'' after ''section 408A(e)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions, transfers, and contributions made after December 31, 2021.

(b) NO ROLLOVERS OR CONVERSIONS FOR HIGH-INCOME TAXPAYERS.—

(1) ROTH IRAS.—

(A) QUALIFIED ROLLOVER CONTRIBUTION.—Section 408A(e), as amended by subsection (a), is amended by adding at the end the following:

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"(3) HIGH-INCOME TAXPAYERS MAY ONLY ROLLOVER FROM ROTH IRAS AND ACCOUNTS.—If—

"(A) a taxpayer is an applicable taxpayer (as defined in section 409B(b)(4)) for the taxable year in which a distribution is made, and

"(B) such distribution is contributed to a Roth IRA in a rollover contribution,

such contribution shall be treated as a qualified rollover contribution under paragraph (1) only if it is made from another Roth IRA or from a designated Roth account (within the meaning of section 402A).".

(B) ELIMINATION OF CONVERSIONS.—Paragraph (3) of section 408A(d), as amended by subsection (a), is amended by adding at the end the following:

"(G) PARAGRAPH NOT TO APPLY TO HIGH-INCOME TAXPAYERS.—If a taxpayer is an applicable taxpayer (as defined in section 409B(b)(4)) for any taxable year, this paragraph shall not apply to any distribution to which this paragraph otherwise applies (or to any conversion described in subparagraph (C)) which is made during such taxable year.".

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(2) DESIGNATED ROTH ACCOUNTS.—Paragraph (4) of section 402A(c) is amended by adding at the end the following:

"(F) PARAGRAPH NOT TO APPLY TO HIGH-INCOME TAXPAYERS.—If a taxpayer is an applicable taxpayer (as defined in section 409B(b)(4)) for any taxable year, this paragraph shall not apply to any distribution to which this paragraph otherwise applies and which is made during such taxable year.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions, transfers, and contributions made in taxable years beginning after December 31, 2031.

SEC. 138312. PROHIBITION OF IRA INVESTMENTS CONDITIONED ON ACCOUNT HOLDER'S STATUS.

(a) IN GENERAL.—Subsection (a) of section 408 is amended by adding at the end the following new paragraph:

"(7) No part of the trust funds will be invested in any security if the issuer of such security (or any other person specified by the Secretary) requires the individual on whose behalf the trust is maintained to make a representation to the issuer or such other person that such individual—

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"(A) has a specified minimum amount of income or assets,

"(B) has completed a specified minimum level of education, or

"(C) holds a specific license or credential.".

(b) LOSS OF EXEMPTION OF ACCOUNT.—Paragraph (2) of section 408(e) is amended—

(1) by striking "" each place it appears in subparagraph (A) and inserting "maintained",

(2) by redesignating subparagraph (B) as subparagraph (C),

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) PROHIBITED INVESTMENT.—If, during any taxable year of the individual for whose benefit any individual retirement account is maintained, the investment of any part of the funds of such individual retirement account does not comply with subsection (a)(7), such account ceases to be an individual retirement account as of the first day of such taxable year. Rules similar to the rules of clauses (i) and (ii) of subparagraph (A) shall apply for purposes of this subparagraph.",

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(4) by striking ''WHERE EMPLOYEE ENGAGES IN PROHIBITED TRANSACTION'' in the heading and inserting ''IN CASE OF CERTAIN PROHIBITED TRANSACTIONS AND INVESTMENTS'',

(5) by striking ''IN GENERAL'' in the heading of subparagraph (A) and inserting ''EMPLOYEE ENGAGING IN PROHIBITED TRANSACTION'', and

(6) by striking ''(A)'' in subparagraph (C), as so redesignated, and inserting ''(A) or (B)''.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 408(c) is amended by striking ''(1) through (6)'' and inserting ''(1) through (7)''.

(2) Paragraph (3) of section 4975(c) is amended—

(A) striking '''' and inserting ''maintained'',

(B) by striking ''transaction'' both places it appears and inserting ''transaction or investment'', and

(C) by striking ''section 408(e)(2)(A)'' and inserting ''subparagraph (A) or (B) of section 408(e)(2)''.

(d) EFFECTIVE DATES.—

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(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2021.

(2) SPECIAL RULE FOR EXISTING INVESTMENTS.—If, on the date of the enactment of this Act, an individual retirement account holds an investment prohibited under section 408(a)(7) of the Internal Revenue Code of 1986 (as added by subsection (a)), the amendments made by this section shall apply to such investment for taxable years beginning after December 31, 2023.

SEC. 138313. STATUTE OF LIMITATIONS WITH RESPECT TO IRA NONCOMPLIANCE.

(a) IN GENERAL.—Subsection (c) of section 6501 is amended by adding at the end the following new paragraph:

''(13) NONCOMPLIANCE RELATING TO AN INDIVIDUAL RETIREMENT PLAN.—

''(A) MISREPORTING.—In the case of any substantial error (willful or otherwise) in the reporting on a return of any information relating to the valuation of investment assets with respect to an individual retirement plan, the time for assessment of any tax imposed by this title

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with respect to such plan shall not expire before the date which is 6 years after the return containing such error was filed (whether or not such return was filed on or after the date prescribed).

"(B) PROHIBITED TRANSACTIONS.—The time for assessment of any tax imposed by section 4975 shall not expire before the date which is 6 years after the return was filed (whether or not such return was filed on or after the date prescribed).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxes with respect to which the 3-year period under section 6501(a) of the Internal Revenue Code of 1986 (without regard to the amendment made by this section) ends after December 31, 2021.

SEC. 138314. PROHIBITION OF INVESTMENT OF IRA ASSETS IN ENTITIES IN WHICH THE OWNER HAS A SUBSTANTIAL INTEREST.

(a) IN GENERAL.—Subsection (a) of section 408, as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

"(8) No part of the trust funds will be invested in a corporation, partnership or other unincorporated enterprise, or trust or estate if—

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"(A) in the case of an entity with respect to which interests described in clause (i), (ii), or (iii) are not readily tradable on an securities market, 10 percent or more of—

"(i) the combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of such corporation,

"(ii) the capital interest or profits interest of such partnership or enterprise, or

"(iii) the beneficial interest of such trust or estate,

is owned (directly or indirectly) or held by the individual on whose behalf the trust is maintained, or

"(B) the individual on whose behalf the trust is maintained is an officer or director (or an individual having powers or responsibilities similar to officers or directors) of such corporation, partnership, or other unincorporated enterprise.

For purposes of subparagraph (A), the constructive ownership rules of paragraphs (4) and (5) of section 4975(e) shall apply, and any asset or interest held

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by the trust shall be treated as held by the individual described in such subparagraph.''.

(b) LOSS OF EXEMPTION OF ACCOUNT.—Subparagraph (B) of section 408(e)(2), as added by this Act, is amended by striking ''(a)(7)'' and inserting ''(a)(7) or (a)(8)''.

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 408(e), as amended by the preceding provisions of this Act, is amended by striking ''(1) through (7)'' and inserting ''(1) through (8)''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to investments made in taxable years beginning after December 31, 2021.

(2) SPECIAL RULE FOR EXISTING INVESTMENTS.—If, on the date of the enactment of this Act, an individual retirement account holds an investment prohibited under section 408(a)(8) of the Internal Revenue Code of 1986 (as added by subsection (a)), the amendments made by this section shall apply to such investment for taxable years beginning after December 31, 2023.

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SEC. 138315. IRA OWNERS TREATED AS DISQUALIFIED PERSONS FOR PURPOSES OF PROHIBITED TRANSACTION RULES.

(a) IN GENERAL.—Paragraph (2) of section 4975(e) is amended—

(1) by striking ''or'' at the end of subparagraph (H),

(2) by striking the period at the end of subparagraph (I) and inserting ''; or'',

(3) by inserting after subparagraph (I) the following new subparagraph:

''(J) the individual for whose benefit a plan described in subparagraph (B) or (C) of paragraph (1) is maintained.'',

(4) by striking ''or (E)'' both places it appears in subparagraphs (F) and (G) and inserting ''(E), or (J) (in the case of a plan described in subparagraph (B) or (C) of paragraph (1))'',

(5) by striking ''or (G)'' in subparagraph (I) and inserting ''(G), or (J) (in the case of a plan described in subparagraph (B) or (C) of paragraph (1))'', and

(6) by adding at the end the following: ''For purposes of subparagraphs (G) and (I), any asset or interest held by a plan described in subparagraph (B) or (C) of paragraph (1) shall be treated as

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owned by the individual described in subparagraph (J) with respect to such plan.''.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 408(e)(2), as amended by the preceding provisions of this Act, is amended to read as follows:

''(A) EMPLOYEE ENGAGING IN PROHIBITED TRANSACTION.—If, during any taxable year of the individual for whose benefit any individual retirement account is maintained, that individual engages in any transaction prohibited by section 4975 with respect to such account, such account ceases to be an individual retirement account as of the first day of such taxable year. For purposes of this paragraph, the separate account for the benefit of any individual within an individual retirement account maintained by an employer or association of employees is treated as a separate individual retirement account.''.

(2) Subparagraph (B) of section 408(e)(2), as added by this Act, is amended by striking the last sentence.

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(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions occurring after December 31, 2021.

PART 4—FUNDING THE INTERNAL REVENUE SERVICE AND IMPROVING TAXPAYER COMPLIANCE

SEC. 138401. FUNDING OF THE INTERNAL REVENUE SERVICE.

In addition to amounts otherwise available, there are appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated:

(1) $78,935,000,000, to remain available until September 30, 2031, for necessary expenses for the Internal Revenue Service (IRS) for strengthening tax enforcement activities and increasing voluntary compliance, expanding audits and other enforcement activities, and modernizing information technology to effectively support enforcement activities, except that no use of these funds is intended to increase taxes on any taxpayer with taxable income below $400,000;

(2) $410,000,000, to remain available until September 30, 2031, for necessary expenses for the Treasury Inspector General for Tax Administration to provide oversight of the IRS, including ensuring

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that taxpayer privacy is protected and that no undue burden is imposed on small businesses from IRS enforcement activities; and

(3) $157,000,000, to remain available until September 30, 2031, for the Tax Court for adjudicating tax disputes.

SEC. 138402. APPLICATION OF BACKUP WITHHOLDING WITH RESPECT TO THIRD PARTY NETWORK TRANSACTIONS.

(a) IN GENERAL.—Section 3406(b) is amended by adding at the end the following new paragraph:

''(8) OTHER REPORTABLE PAYMENTS INCLUDE PAYMENTS IN SETTLEMENT OF THIRD PARTY NETWORK TRANSACTIONS ONLY WHERE AGGREGATE FOR CALENDAR YEAR IS $600 OR MORE.—Any payment in settlement of a third party network transaction required to be shown on a return required under section 6050W which is made during any calendar year shall be treated as a reportable payment only if—

''(A) the aggregate amount of such payment and all previous such payments made by the third party settlement organization to the participating payee during such calendar year equals or exceeds $600, or

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"(B) the third party settlement organization was required under section 6050W to file a return for the preceding calendar year with respect to payments to the participating payee.".

(b) CONFORMING AMENDMENT.—Section 6050W(e) is amended by inserting "equal or" before "exceed $600".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2021.

(d) TRANSITIONAL RULE FOR 2022.—In the case of payments made during calendar year 2022, section 3406(b)(8)(A) of the Internal Revenue Code of 1986 (as added by this section) shall be applied by inserting "and the aggregate number of third party network transactions settled by the third party settlement organization with respect to the participating payee during such calendar year exceeds 200" before the comma at the end.

SEC. 138403. LIMITATION ON DEDUCTION FOR QUALIFIED CONSERVATION CONTRIBUTIONS MADE BY PASS-THROUGH ENTITIES, ETC.

(a) IN GENERAL.—Section 170(h) is amended by adding at the end the following new paragraphs:

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"(7) LIMITATION ON DEDUCTION FOR QUALIFIED CONSERVATION CONTRIBUTIONS MADE BY PASS-THROUGH ENTITIES.—

"(A) IN GENERAL.—A contribution by a partnership (whether directly or as a distributive share of a contribution of another partnership) shall not be treated as a qualified conservation contribution for purposes of this section if the amount of such contribution exceeds 2.5 times the sum of each partner's relevant basis in such partnership.

"(B) RELEVANT BASIS.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'relevant basis' means, with respect to any partner, the portion of such partner's modified basis in the partnership which is allocable (under rules similar to the rules of section 755) to the portion of the real property with respect to which the contribution described in subparagraph (A) is made.

"(ii) MODIFIED BASIS.—The term 'modified basis' means, with respect to any partner, such partner's adjusted basis in the partnership as determined—

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"(I) immediately before the contribution described in subparagraph (A),

"(II) without regard to section 752, and

"(III) by the partnership after taking into account the adjustments described in subclauses (I) and (II) and such other adjustments as the Secretary may provide.

"(C) EXCEPTION FOR CONTRIBUTIONS OUTSIDE 3-YEAR HOLDING PERIOD.—Subparagraph (A) shall not apply to any contribution which is made at least 3 years after the latest of—

"(i) the last date on which the partnership that made such contribution acquired any portion of the real property with respect to which such contribution is made,

"(ii) the last date on which any partner in the partnership that made such contribution acquired any interest in such partnership, and

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"(iii) if the interest in the partnership that made such contribution is held through one or more partnerships—

"(I) the last date on which any such partnership acquired any interest in any other such partnership, and

"(II) the last date on which any partner in any such partnership acquired any interest in such partnership.

"(D) EXCEPTION FOR FAMILY PARTNERSHIPS.—

"(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to any contribution made by any partnership if substantially all of the partnership interests in such partnership are held, directly or indirectly, by an individual and members of the family of such individual.

"(ii) MEMBERS OF THE FAMILY.—For purposes of this subparagraph, the term 'members of the family' means, with respect to any individual—

"(I) the spouse of such individual, and

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"(II) any individual who bears a relationship to such individual which is described in subparagraphs (A) through (G) of section 152(d)(2).

"(E) APPLICATION TO OTHER PASS-THROUGH ENTITIES.—Except as may be otherwise provided by the Secretary, the rules of this paragraph shall apply to S corporations and other pass-through entities in the same manner as such rules apply to partnerships.

"(F) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance—

"(i) to require reporting, including reporting related to tiered partnerships and the modified basis of partners, and

"(ii) to prevent the avoidance of the purposes of this paragraph.

"(8) NOTICE OF CERTAIN FAILURES.—

"(A) IN GENERAL.—If a donor is found by the Secretary to have failed to meet the requirement that a qualified conservation contribution shall be granted and protected in perpetuity by

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reason of defective language in the deed relating to property line adjustments or extinguishment clauses, the donor shall have 90 days from the written notice by the Secretary to correct such failure, unless the Secretary can demonstrate that the donor's failure to meet those requirements was intentional.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to any reportable transaction or any contribution that is not treated as a qualified conservation contribution by reason of paragraph (7).".

(b) APPLICATION OF ACCURACY-RELATED PENALTIES.—

(1) IN GENERAL.—Section 6662(b) is amended by inserting after paragraph (9) the following new paragraph:

"(10) Any disallowance of a deduction by reason of section 170(h)(7).".

(2) TREATMENT AS GROSS VALUATION MISSTATEMENT.—Section 6662(h)(2) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

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"(D) any disallowance of a deduction described in subsection (b)(10).".

(3) NO REASONABLE CAUSE EXCEPTION.—Section 6664(c)(2) is amended by inserting "or to any disallowance of a deduction described in section 6662(b)(10)" before the period at the end.

(4) APPROVAL OF ASSESSMENT NOT REQUIRED.—Section 6751(b)(2)(A) is amended by striking "subsection (b)(9)" and inserting "paragraph (9) or (10) of subsection (b)".

(c) APPLICATION OF STATUTE OF LIMITATIONS ON ASSESSMENT AND COLLECTION.—

(1) EXTENSION FOR CERTAIN ADJUSTMENTS MADE UNDER PRIOR LAW.—In the case of any disallowance of a deduction by reason of section 170(h)(7) of the Internal Revenue Code of 1986 (as added by this section) or any penalty imposed under section 6662 of such Code with respect to such disallowance, section 6229(d)(2) of such Code (as in effect before its repeal) shall be applied by substituting "2 years" for "1 year".

(2) EXTENSION FOR LISTED TRANSACTIONS.—Any contribution described in section 170(h)(7)(A) of the Internal Revenue Code of 1986 (as added by this section) shall be treated for purposes of sections

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6501(c)(10) and 6235(c)(6) of such Code as a transaction specifically identified by the Secretary on December 23, 2016, as a tax avoidance transaction for purposes of section 6011 of such Code.

(d) APPLICATION TO CERTAIN TRANSACTIONS DISALLOWED UNDER OTHER PROVISIONS OF LAW.—In the case of any disallowance of a deduction under section 170 of the Internal Revenue Code of 1986 with respect to a transaction described in Internal Revenue Service Notice 2017–10 with respect to a taxable year ending before the date of the enactment of this Act, such disallowance shall be treated for purposes of section 6662(b)(10) of such Code (as added by this section) and subsection (c)(1) as being by reason of section 170(h)(7) of such Code (as added by this section).

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to contributions made after December 23, 2016, in taxable years ending after such date.

(2) NOTICE OF CERTAIN FAILURES.—So much of the amendment made by subsection (a) as relates to section 170(h)(8) of the Internal Revenue Code of 1986, as added by such subsection, shall apply to—

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(A) returns filed after the date of the enactment of this Act, and

(B) returns filed on or before such date if the period specified in section 6501 for assessment of the taxes with respect to which such return relates has not expired as of such date.

(3) CERTIFIED HISTORIC STRUCTURES.—In the case of contributions the conservation purpose (as defined in section 170(h)(4) of the Internal Revenue Code of 1986) of which is the preservation of a certified historic structure (as defined in section 170(h)(4)(C) of such Code), the amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2018.

(4) NO INFERENCE.—No inference is intended as to the appropriate treatment of contributions made in taxable years ending on or before the date specified in paragraph (1) or (3), whichever is applicable, or as to any activity not described in section 170(h)(7) of the Internal Revenue Code of 1986, as added by this section.

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SEC. 138404. MODIFICATION OF PROCEDURAL REQUIREMENTS RELATING TO ASSESSMENT OF PENALTIES.

(a) REPEAL OF APPROVAL REQUIREMENT.—Section 6751, as amended by the preceding provision of this Act, is amended by striking subsection (b).

(b) QUARTERLY CERTIFICATIONS OF COMPLIANCE WITH PROCEDURAL REQUIREMENTS.—Section 6751, as amended by subsection (a) of this section, is amended by inserting after subsection (a) the following new subsection:

''(b) QUARTERLY CERTIFICATIONS OF COMPLIANCE.—Each appropriate supervisor of employees of the Internal Revenue Service shall certify quarterly by letter to the Commissioner of Internal Revenue whether or not the requirements of subsection (a) have been met with respect to notices of penalty issued by such employees.''.

(c) EFFECTIVE DATES.—

(1) REPEAL OF APPROVAL REQUIREMENT.—The amendment made by subsection (a) shall take effect as if included in section 3306 of the Internal Revenue Service Restructuring and Reform Act of 1998.

(2) QUARTERLY CERTIFICATIONS OF COMPLIANCE WITH PROCEDURAL REQUIREMENTS.—The amendment made by subsection (b) shall apply to

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notices of penalty issued after the date of the enactment of this Act.

PART 5—OTHER PROVISIONS

SEC. 138501. MODIFICATIONS TO LIMITATION ON DEDUCTION OF EXCESSIVE EMPLOYEE REMUNERATION.

(a) IN GENERAL.—Section 162(m) is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULES RELATED TO LIMITATION ON DEDUCTION OF EXCESSIVE EMPLOYEE REMUNERATION.—

"(A) AGGREGATION RULE.—A rule similar to the rule of paragraph (6)(C)(ii) shall apply for purposes of paragraph (1).

"(B) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of paragraph (1), including regulations or other guidance to prevent the avoidance of such purposes, including through the performance of services other than as an employee or by providing compensation through a pass-through or other entity.".

(b) ACCELERATION OF APPLICATION TO 5 HIGHEST COMPENSATED EMPLOYEES.—Section 162(m)(3)(C) is

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amended by striking ''December 31, 2026'' and inserting ''December 31, 2021''.

(c) APPLICABLE EMPLOYEE REMUNERATION.—Section 162(m)(4)(A) is amended—

(1) by inserting ''(including performance-based compensation, commissions, post-termination compensation, and beneficiary payments)'' after ''remuneration for services'', and

(2) by inserting ''and whether or not such remuneration is paid directly by the publicly held corporation'' after ''whether or not during the taxable year''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138502. EXTENSION OF TAX TO FUND BLACK LUNG DISABILITY TRUST FUND.

(a) IN GENERAL.—Section 4121(e)(2)(A) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2025''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales after December 31, 2021.

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SEC. 138503. PROHIBITED TRANSACTIONS RELATING TO HOLDING DISC OR FSC IN INDIVIDUAL RETIREMENT ACCOUNT.

(a) IN GENERAL.—Section 4975(c)(1) is amended by striking ''or'' at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting ''; or'', and by adding at the end the following new subparagraph:

''(G) in the case of a DISC or FSC that receives any commission, or other payment, from an entity any stock or interest in which is owned by the individual for whose benefit an individual retirement account is maintained, holding of an interest in such DISC or FSC by the individual retirement account.''.

(b) SPECIAL RULES OF APPLICATION.—Section 4975(c) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RULES OF APPLICATION FOR DISC AND FSC HOLDINGS.—

''(A) INDIRECT HOLDING OF DISC OR FSC.—For purposes of paragraph (1)(G), if an individual retirement account holds an interest in an entity that owns (directly or indirectly) an interest in a DISC or FSC, the account shall

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be treated as holding an interest in such DISC or FSC.

"(B) CONSTRUCTIVE OWNERSHIP.—For purposes of determining ownership of stock (or any other interest) in an entity under paragraph (1)(G) and ownership of an interest in a DISC or FSC under subparagraph (A), the rules prescribed by section 318 for determining ownership shall apply, except that such section shall be applied by substituting '10 percent' for '50 percent' each place it appears.

"(C) DISC AND FSC.—For purposes of his subsection, the terms 'DISC' and 'FSC' shall have the respective meanings given such terms by section 992(a)(1)) and section 922(a) (as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000).".

(c) APPLICATION OF TAX TO TERMINATED INDIVIDUAL RETIREMENT ACCOUNTS.—Section 4975(c)(3) is amended by adding at the end the following: "The preceding sentence shall not apply in the case of a prohibited transaction described in paragraph (1)(G).".

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(d) EFFECTIVE DATE.—The amendments made by this section shall apply to stock and other interests acquired or held on or after December 31, 2021.

SEC. 138504. INCREASE IN TAX ON CERTAIN TOBACCO PRODUCTS AND IMPOSITION OF TAX ON NICOTINE.

(a) INCREASING TAX ON CIGARETTES.—

(1) SMALL CIGARETTES.—Section 5701(b)(1) is amended by striking ''$50.33'' and inserting ''$100.66''.

(2) LARGE CIGARETTES.—Section 5701(b)(2) is amended by striking ''$105.69'' and inserting ''$211.39''.

(b) TAX PARITY FOR SMALL CIGARS.—Section 5701(a)(1) is amended by striking ''$50.33'' and inserting ''$100.66''.

(c) TAX PARITY FOR LARGE CIGARS.—Section 5701(a)(2) is amended by striking ''52.75 percent'' and all that follows through the period and inserting ''$49.56 per pound and a proportionate tax at the like rate on all fractional parts of a pound but not less than 10.06 cents per cigar.''.

(d) TAX PARITY FOR SMOKELESS TOBACCO.—

(1) Section 5701(e) is amended—

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(A) in paragraph (1), by striking ''$1.51'' and inserting ''$26.84'',

(B) in paragraph (2), by striking ''50.33 cents'' and inserting ''$10.70'', and

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

''(3) SMOKELESS TOBACCO SOLD IN DISCRETE SINGLE-USE UNITS.—On discrete single-use units, $100 per thousand.''.

(2) Section 5702(m) is amended—

(A) in paragraph (1), by striking ''or chewing tobacco'' and inserting '', chewing tobacco, or discrete single-use unit'',

(B) in paragraphs (2) and (3), by inserting ''and that is not a discrete single-use unit'' before the period at the end of each such paragraph, and

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

''(4) DISCRETE SINGLE-USE UNIT.—The term 'discrete single-use unit' means any product containing tobacco that—

''(A) is not intended to be smoked, and

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"(B) is in the form of a lozenge, tablet, pill, pouch, dissolvable strip, or other discrete single-use or single-dose unit.".

(e) TAX PARITY FOR PIPE TOBACCO.—Section 5701(f) is amended by striking "$2.8311 cents" and inserting "$49.56".

(f) TAX PARITY FOR ROLL-YOUR-OWN TOBACCO.—Section 5701(g) is amended by striking "$24.78" and inserting "$49.56".

(g) TAX PARITY FOR ROLL-YOUR-OWN TOBACCO AND CERTAIN PROCESSED TOBACCO.—Section 5702(o) is amended by inserting ", and includes processed tobacco that is removed for delivery or delivered to a person other than a person with a permit provided under section 5713, but does not include removals of processed tobacco for exportation" after "wrappers thereof".

(h) IMPOSITION OF TAX ON NICOTINE FOR USE IN VAPING, ETC.—

(1) IN GENERAL.—Section 5701 is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) NICOTINE.—On taxable nicotine, manufactured in or imported into the United States, there shall be imposed a tax equal to the dollar amount specified in section

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5701(b)(1) per 1,810 milligrams of nicotine (and a proportionate tax at the like rate on any fractional part thereof).''.

(2) TAXABLE NICOTINE.—Section 5702 is amended by adding at the end the following new subsection:

''(q) TAXABLE NICOTINE.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'taxable nicotine' means any nicotine which has been extracted, concentrated, or synthesized.

''(2) EXCEPTION FOR PRODUCTS APPROVED BY FOOD AND DRUG ADMINISTRATION.—Such term shall not include any nicotine if the manufacturer or importer thereof demonstrates to the satisfaction of the Secretary of Health and Human Services that such nicotine will be used in—

''(A) a drug—

''(i) that is approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of the Public Health Service Act; or

''(ii) for which an investigational use exemption has been authorized under section 505(i) of the Federal Food, Drug, and

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Cosmetic Act or under section 351(a) of the Public Health Service Act; or

''(B) a combination product (as described in section 503(g) of the Federal Food, Drug, and Cosmetic Act), the constituent parts of which were approved or cleared under section 505, 510(k), or 515 of such Act.

''(3) COORDINATION WITH TAXATION OF OTHER TOBACCO PRODUCTS.—Tobacco products meeting the definition of cigars, cigarettes, smokeless tobacco, pipe tobacco, and roll-your-own tobacco in this section shall be classified and taxed as such despite any concentration of the nicotine inherent in those products or any addition of nicotine to those products during the manufacturing process.

''(4) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance for coordinating the taxation of tobacco products and taxable nicotine to protect revenue and prevent double taxation.''.

(3) TAXABLE NICOTINE TREATED AS A TOBACCO PRODUCT.—Section 5702(c) is amended by

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striking ''and roll-your-own tobacco'' and inserting ''roll-your-own tobacco, and taxable nicotine''.

(4) MANUFACTURER OF TAXABLE NICOTINE.—Section 5702, as amended by paragraph (2), is amended by adding at the end the following new subsection:

''(r) MANUFACTURER OF TAXABLE NICOTINE.—

''(1) IN GENERAL.—Any person who extracts, concentrates, or synthesizes nicotine shall be treated as a manufacturer of taxable nicotine (and as manufacturing such taxable nicotine).

''(2) APPLICATION OF RULES RELATED TO MANUFACTURERS OF TOBACCO PRODUCTS.—Any reference to a manufacturer of tobacco products, or to manufacturing tobacco products, shall be treated as including a reference to a manufacturer of taxable nicotine, or to manufacturing taxable nicotine, respectively.''.

(j) REPEAL OF SPECIAL RULES FOR DETERMINING PRICE OF CIGARS.—Section 5702 is amended by striking subsection (l).

(k) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—On covered tobacco products, and cigarette papers and tubes, manufactured in or imported into the United States which

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are removed before the tax increase date and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of the Internal Revenue Code of 1986 on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 of such Code on such article.

(2) COVERED TOBACCO PRODUCTS.—For purposes of this subsection, the term ''covered tobacco products'' means any tobacco product other than—

(A) cigars described in section 5701(a)(2) of the Internal Revenue Code of 1986,

(B) discrete single-use units (as defined in section 5702(m)(4) of such Code, as amended by this section), and

(C) taxable nicotine (as defined in section 5702(q) of such Code, as amended by this section).

(3) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to the lesser of $1,000 or the amount of such taxes. For purposes of the preceding sentence, all persons treated as a

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single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as 1 person for purposes of this paragraph.

(4) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—The person referred to in paragraph (1) shall be liable for the tax imposed by such paragraph.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary may provide.

(5) ARTICLES IN FOREIGN TRADE ZONES.—

(A) IN GENERAL.—Notwithstanding the Act of June 18, 1934 (commonly known as the Foreign Trade Zone Act, 48 Stat. 998, 19 U.S.C. 81a et seq.) or any other provision of law, any covered tobacco products, or cigarette papers and tubes, which are located in a foreign trade zone on the tax increase date, shall be subject to the tax imposed by paragraph (1) if—

(i) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such

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date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(ii) such article is held on such date under the supervision of an officer of the United States Customs and Border Protection of the Department of Homeland Security pursuant to the 2d proviso of such section 3(a).

(6) TAX INCREASE DATE.—For purposes of this subsection, the term ''tax increase date'' means the first day of the first calendar quarter described in subsection (k)(1).

(7) CERTAIN OTHER DEFINITIONS.—Terms used in this subsection which are also used in section 5702 of the Internal Revenue Code of 1986 shall have the same meaning as when used in such section.

(l) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to articles removed in calendar quarters beginning after the date of the enactment of this Act.

(2) DELAYED EFFECTIVE DATE FOR CERTAIN PRODUCTS.—The amendments made by subsections

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(c), (d)(1)(C), (d)(2), and (h) shall apply to articles removed in calendar quarters beginning after the date which is 180 days after the date of the enactment of this Act.

(m) TRANSITION RULE FOR PERMIT AND BOND REQUIREMENTS.—A person which is lawfully engaged in business as a manufacturer or importer of taxable nicotine (within the meaning of subchapter A of chapter 52 of the Internal Revenue Code of 1986, as amended by this section) on the date of the enactment of this Act, first becomes subject to the requirements of subchapter B of chapter 52 of such Code by reason of the amendments made by this section, and submits an application under such subchapter B to engage in such business not later than 90 days after the date of the enactment of this Act, shall not be denied the right to carry on such business by reason of such requirements before final action on such application.

SEC. 138505. CLARIFICATION OF RULES REGARDING TOBACCO DRAWBACK.

(a) IN GENERAL.—Section 5706 is amended by adding at the end the following: ''Exemption from tax under section 5704 is drawback, and no further drawback shall be allowed based on merchandise that has not been subject to tax.''.

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(b) EFFECTIVE DATE.—The amendment made by this section shall apply to drawback claims made on or after December 18, 2018.

(c) NO INFERENCE.—Nothing contained in this subsection or the amendments made by this subsection shall be construed to create any inference with respect to any drawback claim made before December 18, 2018.

SEC. 138506. TERMINATION OF EMPLOYER CREDIT FOR PAID FAMILY AND MEDICAL LEAVE.

Section 45S(i) is amended by striking ''December 31, 2025'' and inserting ''December 31, 2023''.

SEC. 138507. CLARIFICATION OF TREATMENT OF DISC GAINS AND DISTRIBUTIONS OF CERTAIN FOREIGN SHAREHOLDERS.

(a) IN GENERAL.—Section 996(g) of the Internal Revenue Code of 1986 is amended by striking ''of such shareholder'' and inserting ''deemed to be had by such shareholder''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to gains and distributions after December 31, 2021.

(c) APPLICATION TO FOREIGN SALES CORPORATIONS.—In the case of any distribution after December 31, 2021, section 926(b)(1) of the Internal Revenue Code of 1986 (prior to its repeal by the FSC Repeal and

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Extraterritorial Income Exclusion Act of 2000) shall be applied by substituting ''deemed to be had by such shareholder'' for ''of such shareholder''.

SEC. 138508. ACCESS TO SELF-EMPLOYMENT INCOME INFORMATION FOR PAID LEAVE ADMINISTRATION.

Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(23) DISCLOSURE OF CERTAIN RETURN INFORMATION TO CARRY OUT PAID FAMILY AND MEDICAL LEAVE BENEFIT PROGRAM.—

''(A) IN GENERAL.—The Secretary shall, upon written request, disclose to officers and employees of the Department of the Treasury return information with respect to a taxpayer whose self-employment income is relevant in determining eligibility for, or the correct amount of, a paid family and medical leave benefit under title XXII of the Social Security Act. Such information shall be limited to—

''(i) the taxpayer identity information with respect to the taxpayer,

''(ii) the self-employment income of the taxpayer, and

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"(iii) the taxable year to which such self-employment income relates.

"(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of the Treasury solely for the purpose of administering the paid family and medical leave benefit program under title XXII of the Social Security Act.

"(C) SELF-EMPLOYMENT INCOME.—For purposes of this paragraph, the term 'self-employment income' has the meaning given such term in section 1402(b) for purposes of the taxes imposed by section 1401(b).".

SEC. 138509. TEMPORARY RULE TO ALLOW CERTAIN S CORPORATIONS TO REORGANIZE AS PARTNERSHIPS WITHOUT TAX.

(a) IN GENERAL.—A qualified liquidation of an eligible S corporation shall be treated for purposes of the Internal Revenue Code of 1986 in the same manner as if—

(1) such liquidation were a complete liquidation described in section 332(b) of such Code, and

(2) the domestic partnership referred to in subsection (c)(2) were a corporation which is an 80-per-

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cent distributee (within the meaning of section 337(c) of such Code).

(b) ELIGIBLE S CORPORATION.—For purposes of this section, the term ''eligible S corporation'' means any corporation (including any predecessor corporation) that was an S corporation on May 13, 1996, and at all times thereafter through the date on which the qualified liquidation is completed.

(c) QUALIFIED LIQUIDATION.—For purposes of this section, the term ''qualified liquidation'' means one or more transactions occurring during the 2-year period beginning on December 31, 2021 if—

(1) such transactions constitute the complete liquidation of an eligible S corporation, and

(2) substantially all of the assets and liabilities of such eligible S corporation are, as a result of such transactions, transferred to a domestic partnership.

(d) ELECTION.—This section shall apply to any qualified liquidation only if the eligible S corporation elects the application of this section in such manner as the Secretary may require and not later than the due date for filing the return of tax under chapter 1 of such Code for the taxable year in which such liquidation is completed.

(e) APPLICATION OF RESTRICTION ON SUBSECTION S CORPORATION ELECTIONS.—In the case of any quali-

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fied liquidation to which this section applies, the domestic partnership referred to in subsection (c)(2) shall not fail to be treated as a successor corporation of the eligible S corporation for purposes of section 1362(g) of such Code.

(f) OTHER DEFINITIONS.—Terms used in this section which are also used in the Internal Revenue Code of 1986 shall have the same meaning as when used in such Code.

(g) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out this section.

SEC. 138510. TREATMENT OF CERTAIN QUALIFIED SOUND RECORDING PRODUCTIONS.

(a) ELECTION TO TREAT COSTS AS EXPENSES.—Section 181(a)(1) is amended by striking ''qualified film or television production, and any qualified live theatrical production,'' and inserting ''qualified film or television production, any qualified live theatrical production, and any qualified sound recording production''.

(b) DOLLAR LIMITATION.—Section 181(a)(2) is amended by adding at the end the following new subparagraph:

''(C) QUALIFIED SOUND RECORDING PRODUCTION.—Paragraph (1) shall not apply to so much of the aggregate cost of any qualified

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sound recording production, or to so much of the aggregate, cumulative cost of all such qualified sound recording productions in the taxable year, as exceeds $150,000.''.

(c) NO OTHER DEDUCTION OR AMORTIZATION DEDUCTION ALLOWABLE.—Section 181(b) is amended by striking ''qualified film or television production or any qualified live theatrical production'' and inserting ''qualified film or television production, any qualified live theatrical production, or any qualified sound recording production''.

(d) ELECTION.—Section 181(c)(1) is amended by striking ''qualified film or television production or any qualified live theatrical production'' and inserting ''qualified film or television production, any qualified live theatrical production, or any qualified sound recording production''.

(e) QUALIFIED SOUND RECORDING PRODUCTION DEFINED.—Section 181 is amended by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

''(f) QUALIFIED SOUND RECORDING PRODUCTION.—For purposes of this section, the term 'qualified sound recording production' means a sound recording (as defined

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in section 101 of title 17, United States Code) produced and recorded in the United States.''.

(f) TERMINATION.—Section 181(h) (as redesignated by subsection (e)) is amended by striking ''qualified film or television production or any qualified live theatrical production'' and inserting ''qualified film or television production, any qualified live theatrical production, or any qualified sound recording production''.

(g) BONUS DEPRECIATION.—

(1) QUALIFIED SOUND RECORDING PRODUCTION AS QUALIFIED PROPERTY.—Section 168(k)(2)(A)(i) is amended—

(A) by striking ''or'' at the end of subclause (IV), by adding ''or'' at the end of subclause (V), and by inserting after subclause (V) the following:

''(VI) which is a qualified sound recording production (as defined in subsection (f) of section 181) for which a deduction would have been allowable under section 181 without regard to subsections (a)(2) and (h) of such section or this subsection,'', and

(B) in subclauses (IV) and (V) (as amended) by striking ''without regard to subsections

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(a)(2) and (g)'' both places it appears and inserting ''without regard to subsections (a)(2) and (h)''.

(2) PRODUCTION PLACED IN SERVICE.—Section 168(k)(2)(H) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', and'', and by adding after clause (ii) the following:

''(iii) a qualified sound recording production shall be considered to be placed in service at the time of initial release or broadcast.''.

(h) CONFORMING AMENDMENTS.—

(1) The heading for section 181 is amended to read as follows: ''**TREATMENT OF CERTAIN QUALIFIED PRODUCTIONS**.''.

(2) The table of sections for part VI of subchapter B of chapter 1 is amended by striking the item relating to section 181 and inserting the following new item:

''Sec. 181. Treatment of certain qualified productions.''.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to productions commencing in taxable years ending after the date of the enactment of this Act.

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SEC. 138511. PAYMENT TO CERTAIN INDIVIDUALS WHO DYE FUEL.

(a) IN GENERAL.—Subchapter B of chapter 65 is amended by adding at the end the following new subsection:

"SEC. 6433. DYED FUEL.

"(a) IN GENERAL.—If a person establishes to the satisfaction of the Secretary that such person meets the requirements of subsection (b) with respect to diesel fuel or kerosene, then the Secretary shall pay to such person an amount (without interest) equal to the tax described in subsection (b)(2)(A) with respect to such diesel fuel or kerosene.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—A person meets the requirements of this subsection with respect to diesel fuel or kerosene if such person removes from a terminal eligible indelibly dyed diesel fuel or kerosene.

"(2) ELIGIBLE INDELIBLY DYED DIESEL FUEL OR KEROSENE DEFINED.—The term 'eligible indelibly dyed diesel fuel or kerosene' means diesel fuel or kerosene—

"(A) with respect to which a tax under section 4081 was previously paid (and not credited or refunded), and

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"(B) which is exempt from taxation under section 4082(a).

"(c) CROSS REFERENCE.—For civil penalty for excessive claims under this section, see section 6675.".

(b) CONFORMING AMENDMENTS.—

(1) Section 6206 is amended—

(A) by striking "or 6427" each place it appears and inserting "6427, or 6433", and

(B) by striking "6420 and 6421" and inserting "6420, 6421, and 6433".

(2) Section 6430 is amended—

(A) by striking "or" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting "or", and by adding at the end the following new paragraph:

"(4) which are removed as eligible indelibly dyed diesel fuel or kerosene under section 6433.".

(3) Section 6675 is amended—

(A) in subsection (a), by striking "or 6427 (relating to fuels not used for taxable purposes)" and inserting "6427 (relating to fuels not used for taxable purposes), or 6433 (relating to eligible indelibly dyed fuel)", and

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(B) in subsection (b)(1), by striking ''6421, or 6427,'' and inserting ''6421, 6427, or 6433''.

(4) The table of sections for subchapter B of chapter 65 is amended by adding at the end the following new item:

''Sec. 6433. Dyed fuel.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to eligible indelibly dyed diesel fuel or kerosene removed on or after the date that is 180 days after the date of the enactment of this section.

SEC. 138512. EXTENSION OF CREDIT FOR PORTION OF EMPLOYER SOCIAL SECURITY TAXES PAID WITH RESPECT TO EMPLOYEE TIPS TO BEAUTY SERVICE ESTABLISHMENTS.

(a) EXTENSION OF TIP CREDIT TO BEAUTY SERVICE BUSINESS.—

(1) IN GENERAL.—Section 45B(b)(2) is amended to read as follows:

''(2) APPLICATION ONLY TO CERTAIN LINES OF BUSINESS.—In applying paragraph (1), there shall be taken into account only tips received from customers or clients in connection with the following services:

''(A) The providing, delivering, or serving of food or beverages for consumption, if the tip-

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ping of employees delivering or serving food or beverages by customers is customary.

"(B) The providing of beauty services to a customer or client if the tipping of employees providing such services is customary.".

(2) BEAUTY SERVICE DEFINED.—Section 45B is amended by adding at the end the following new subsection:

"(e) BEAUTY SERVICE.—For purposes of this section, the term 'beauty service' means any of the following:

"(1) Barbering and hair care.

"(2) Nail care.

"(3) Esthetics.

"(4) Body and spa treatments.".

(b) CREDIT DETERMINED WITH RESPECT TO MINIMUM WAGE IN EFFECT.—Section 45B(b)(1)(B) is amended—

(1) by striking "as in effect on January 1, 2007, and", and

(2) by inserting ", and in the case of food or beverage establishments, as in effect on January 1, 2007" after "without regard to section 3(m) of such Act".

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(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138513. ENHANCEMENT OF WORK OPPORTUNITY CREDIT DURING COVID–19 RECOVERY PERIOD.

(a) IN GENERAL.—Section 51 is amended by adding at the end the following new subsection:

''(l) ADJUSTMENT TO CREDIT DURING COVID–19 RECOVERY PERIOD.—In the case of individuals (other than any individual who is a qualified summer youth employee) hired after the date of the enactment of this subsection and before January 1, 2023—

''(1) INCREASED AMOUNT OF CREDIT.—Subsection (a) shall be applied by substituting '50 percent' for '40 percent'.

''(2) AVAILABILITY OF CREDIT IN SECOND YEAR OF EMPLOYMENT.—

''(A) IN GENERAL.—Subsection (a) shall be applied by inserting 'or qualified second-year wages' after 'wages'.

''(B) QUALIFIED SECOND-YEAR WAGES.—For the purposes of this paragraph, the term 'qualified second-year wages' means qualified wages which are attributable to service rendered

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during the 1-year period beginning on the day after the last day of the 1-year period with respect to the recipient determined under subsection (b)(2).

''(3) INCREASE IN LIMITATION ON WAGES TAKEN INTO ACCOUNT.—Subsection (b)(3) shall be applied by substituting '$10,000' for '$6,000'.

''(4) ELIGIBILITY OF REHIRES.—

''(A) IN GENERAL.—Subsection (i)(2) shall not apply.

''(B) REGULATIONS.—The Secretary shall issue such regulations as the Secretary determines appropriate to ensure a reasonable application of subparagraph (A), including prohibiting attempts to claim the benefit of this section through the termination and rehiring of an employee.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of enactment of this Act.

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SEC. 138514. ALLOWANCE OF DEDUCTION FOR CERTAIN EXPENSES OF THE TRADE OR BUSINESS OF BEING AN EMPLOYEE.

(a) ABOVE-THE-LINE DEDUCTION FOR UNION DUES.—Section 62(a)(2) is amended by adding at the end the following new subparagraph:

''(F) UNION DUES.—The deductions allowed by section 162 which are both—

''(A) not in excess of $250, and

''(B) attributable to a trade or business consisting of the performance of services by the taxpayer as an employee if such deductions are for dues paid to a labor organization described in section 501(c)(5) and with respect to which such taxpayer remained a member through the end of the taxable year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138515. COVER OVER OF CERTAIN DISTILLED SPIRITS TAXES.

(a) REPEAL OF LIMITATION ON COVER OVER OF DISTILLED SPIRITS TAXES TO PUERTO RICO AND VIRGIN ISLANDS.—

(1) IN GENERAL.—Section 7652 is amended by striking subsection (f) and by redesignating sub-

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sections (g) and (h) as subsections (f) and (g), respectively.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distilled spirits brought into the United States after December 31, 2021.

(b) REQUIRED TRANSFER TO PUERTO RICO CONSERVATION TRUST FUND OF PORTION OF PUERTO RICO RUM COVER OVER.—

(1) IN GENERAL.—Section 7652(a) is amended by adding at the end the following new paragraph:

''(4) REQUIRED TRANSFER TO PUERTO RICO CONSERVATION TRUST FUND OF PORTION OF RUM TAXES COVERED OVER.—

''(A) IN GENERAL.—From any taxes collected on rum transported to the United States that are covered into the treasury of Puerto Rico under paragraph (3) at a rate equal to or greater than $10.50 per proof gallon, Puerto Rico shall transfer to the Puerto Rico Conservation Trust Fund an amount per proof gallon equal to or greater than ⅙ of the difference between $10.50 and the rate, not to exceed $13.25, at which such taxes are covered into such treasury. Puerto Rico's obligations under

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this paragraph shall not modify or impair payment priorities established under Puerto Rico law and in effect on May 21, 2021.

"(B) PUERTO RICO CONSERVATION TRUST FUND.—For purposes of this section, the term 'Puerto Rico Conservation Trust Fund' means the fund established pursuant to a Memorandum of Understanding between the United States Department of the Interior and the Commonwealth of Puerto Rico, dated December 24, 1968.".

(2) COVER OVER DETERMINED WITHOUT REGARD TO CERTAIN RATE REDUCTIONS.—Section 7652(h), as amended by subsections (a) and (c), is amended by inserting "(a)(4)," after "(a)(3),".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distilled spirits brought into the United States after December 31, 2021.

(c) COVER OVER DETERMINED WITHOUT REGARD TO CERTAIN RATE REDUCTIONS.—

(1) IN GENERAL.—Section 7652, as amended by subsection (a), is amended by inserting after subsection (g) the following new subsection:

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"(h) COVER OVER DETERMINED WITHOUT REGARD TO CERTAIN RATE REDUCTIONS.—For purposes of subsections (a)(3), (b)(3), and (e)(1), refunds under section 5001(c)(4) shall not be taken into account as a refund, and the amount of taxes imposed and collected under section 5001(a)(1) shall be determined without regard to section 5001(c).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in section 13807 of Public Law 116–260.

(3) CONFORMING AMENDMENTS.—

(A) 7652(E).—

(i) IN GENERAL.—Section 7652(e) is amended by striking paragraph (5).

(ii) EFFECTIVE DATE.—The amendment made by this subparagraph shall take effect as if included in section 13807 of Public Law 115–97.

(B) 7652(I).—

(i) IN GENERAL.—Section 7652 is amended by striking subsection (i).

(ii) EFFECTIVE DATE.—The amendment made by this subparagraph shall take effect as if included in section 107 of Public Law 116–260.

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SEC. 138516. RESEARCH AND EXPERIMENTAL EXPENDITURES.

(a) IN GENERAL.—Section 13206 of Public Law 115–97 is amended—

(1) in subsection (b)(3), by striking ''2021'' and inserting ''2025'', and

(2) in subsection (e), by striking ''2021'' and inserting ''2025''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 138517. PAYROLL CREDIT FOR COMPENSATION OF LOCAL NEWS JOURNALISTS.

(a) IN GENERAL.—In the case of an eligible local newspaper publisher, there shall be allowed as a credit against applicable employment taxes for each calendar quarter an amount equal to the applicable percentage of wages paid by such publisher to local news journalists for such calendar quarter.

(b) LIMITATIONS AND REFUNDABILITY.—

(1) WAGES TAKEN INTO ACCOUNT.—The amount of wages paid with respect to any individual which may be taken into account under subsection (a) during any calendar quarter by the eligible local newspaper publisher shall not exceed $12,500.

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(2) CREDIT LIMITED TO EMPLOYMENT TAXES.—The credit allowed by subsection (a) with respect to any calendar quarter shall not exceed the applicable employment taxes (reduced by any credits allowed under sections 3131, 3132, 3134, and 6432 of the Internal Revenue Code of 1986) on the wages paid with respect to the employment of all the employees of the eligible local newspaper publisher for such calendar quarter.

(3) REFUNDABILITY OF EXCESS CREDIT.—

(A) IN GENERAL.—If the amount of the credit under subsection (a) exceeds the limitation of paragraph (2) for any calendar quarter, such excess shall be treated as an overpayment that shall be refunded under sections 6402(a) and 6413(b) of the Internal Revenue Code of 1986.

(B) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, any amounts due to the employer under this paragraph shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

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

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(1) APPLICABLE PERCENTAGE.—The term ''applicable percentage'' means—

(A) in the case of each of the first 4 calendar quarters to which this section applies, 50 percent, and

(B) in the case of each calendar quarter thereafter, 30 percent.

(2) APPLICABLE EMPLOYMENT TAXES.—The term ''applicable employment taxes'' means the taxes imposed under section 3111(b) of the Internal Revenue Code of 1986.

(3) ELIGIBLE LOCAL NEWSPAPER PUBLISHER.—The term ''eligible local newspaper publisher'' means, with respect to any calendar quarter, any employer if substantially all of the gross receipts of such employer for such calendar quarter are derived in the trade or business of publishing a local newspaper.

(4) LOCAL NEWSPAPER.—The term ''local newspaper'' means any print or digital publication if—

(A) the primary content of such publication is original content derived from primary sources and relating to news and current events,

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(B) such publication primarily serves the needs of a regional or local community,

(C) the publisher of such publication employs at least one local news journalist who resides in such regional or local community, and

(D) the publisher of such publication employs no more than 750 employees during the calendar quarter with respect to which a credit is allowed under this section.

(5) LOCAL NEWS JOURNALIST.—The term ''local news journalist'' means, with respect to any eligible local newspaper publisher for any calendar quarter, an individual who provides at least 100 hours of service during such calendar quarter to such eligible local newspaper publisher, during which time such individual regularly gathers, collects, photographs, records, writes, or reports news or information that concerns local events or other matters of local public interest.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(7) WAGES.—The term ''wages'' means wages (as defined in section 3121(a) of the Internal Revenue Code of 1986).

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(8) OTHER TERMS.—Any term used in this section which is also used in chapter 21 or chapter 22 of the Internal Revenue Code of 1986 shall have the same meaning as when used in such chapter.

(d) AGGREGATION RULE.—

(1) IN GENERAL.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986, or subsection (m) or (o) of section 414 of such Code, shall be treated as one employer for purposes of this section.

(2) EXCEPTION.—Paragraph (1) shall not apply unless such persons are involved in the production of the same print or digital publication.

(e) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of sections 51(i)(1) and 280C(a) of the Internal Revenue Code of 1986 shall apply.

(f) CERTAIN GOVERNMENTAL EMPLOYERS.—This credit shall not apply to the Government of the United States, the government of any State or political subdivision thereof, or any agency or instrumentality of any of the foregoing.

(g) ELECTION TO HAVE SECTION NOT APPLY.—This section shall not apply with respect to any eligible

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local newspaper publisher for any calendar quarter if such person elects (at such time and in such manner as the Secretary may prescribe) not to have this section apply.

(h) SPECIAL RULES.—

(1) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be included for purposes of this section for any period with respect to any employer if such employer is allowed a credit under section 51 of the Internal Revenue Code of 1986 with respect to such employee for such period.

(2) DENIAL OF DOUBLE BENEFIT.—Any wages taken into account in determining the credit allowed under this section shall not be taken into account for purposes of determining the credits allowed under section 41, 45A, 45P, 45S, 51, 1396, 3131, 3132, 3134, and 6432 of such Code.

(3) THIRD-PARTY PAYORS.—Any credit allowed under this section shall be treated as a credit described in section 3511(d)(2) of such Code.

(i) TREATMENT OF DEPOSITS.—The Secretary shall waive any penalty under section 6656 of the Internal Revenue Code of 1986 for any failure to make a deposit of any applicable employment taxes if the Secretary deter-

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mines that such failure was due to the reasonable anticipation of the credit allowed under this section.

(j) REGULATIONS AND GUIDANCE.—The Secretary shall issue such forms, instructions, regulations, and guidance as are necessary to implement the purposes of this section, including with respect to the application of the credit under subsection (a) to third-party payors (including professional employer organizations, certified professional employer organizations, or agents under section 3504 of the Internal Revenue Code of 1986), including regulations or guidance allowing such payors to submit documentation necessary to substantiate the eligible employer status of employers that use such payors.

(k) APPLICATION.—This section shall only apply to calendar quarters during the first 5 calendar years beginning after the date of the enactment of this Act.

SEC. 138518. TREATMENT OF FINANCIAL GUARANTY INSURANCE COMPANIES AS QUALIFYING INSURANCE CORPORATIONS UNDER PASSIVE FOREIGN INVESTMENT COMPANY RULES.

(a) IN GENERAL.—Section 1297(f)(3) is amended by adding at the end the following new subparagraph:

''(C) SPECIAL RULES FOR FINANCIAL GUARANTY INSURANCE COMPANIES.—

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"(i) IN GENERAL.—Notwithstanding subparagraphs (A)(ii) and (B), the applicable insurance liabilities of a financial guaranty insurance company shall include its unearned premium reserves if—

"(I) such company is prohibited under generally accepted accounting principles from reporting on its applicable financial statements reserves for losses and loss adjustment expenses with respect to a financial guaranty insurance or reinsurance contract except to the extent that losses and loss adjustment expenses are expected to exceed the unearned premium reserves on the contract,

"(II) the applicable financial statement of such company reports financial guaranty exposure of at least 15-to-1 or State or local bond exposure of at least 9-to-1 (8-to-1 in the case of a taxable year of such company which ends on or before December 31, 2018), and

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"(III) such company includes in its insurance liabilities only its unearned premium reserves relating to insurance written or assumed that is within the single risk limits set forth in subsection (D) of section 4 of the Financial Guaranty Insurance Guideline (modified by using total shareholder's equity as reported on the applicable financial statement of the company rather than aggregate of the surplus to policyholders and contingency reserves).

"(ii) APPLICATION OF ALTERNATIVE FACTS AND CIRCUMSTANCES TEST.—A financial guaranty insurance company shall be treated as satisfying the requirements of paragraph (2)(B).

"(iii) FINANCIAL GUARANTY INSURANCE COMPANY.—For purposes of this subparagraph, the term 'financial guaranty insurance company' means any insurance company the sole business of which is writing or reinsuring financial guaranty insurance (as defined in subsection (A) of sec-

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tion 1 of the Financial Guaranty Insurance Guideline) which is permitted under subsection (B) of section 4 of such Guideline.

"(iv) FINANCIAL GUARANTY EXPOSURE.—For purposes of this subparagraph, the term 'financial guaranty exposure' means the ratio of—

"(I) the net debt service outstanding insured or reinsured by the company that is within the single risk limits set forth in the Financial Guaranty Insurance Guideline (as reported on such company's applicable financial statement), to

"(II) the company's total assets (as so reported).

"(v) STATE OR LOCAL BOND EXPOSURE.—For purposes of this subparagraph, the term 'State or local bond exposure' means the ratio of—

"(I) the net unpaid principal of State or local bonds (as defined in section 103(c)(1)) insured or reinsured by the company that is within the single risk limits set forth in the

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Financial Guaranty Insurance Guideline (as reported on such company's applicable financial statement), to

"(II) the company's total assets (as so reported)."

"(vi) FINANCIAL GUARANTY INSURANCE GUIDELINE.—For purposes of this subparagraph—

"(I) IN GENERAL.—The term 'Financial Guaranty Insurance Guideline' means the October 2008 model regulation that was adopted by the National Association of Insurance Commissioners on December 4, 2007.

"(II) DETERMINATIONS MADE BY SECRETARY.—The determination of whether any provision of the Financial Guaranty Insurance Guideline has been satisfied shall be made by the Secretary.".

(b) REPORTING OF CERTAIN ITEMS.—Section 1297(f)(4) is amended by adding at the end the following new subparagraph:

"(C) CLARIFICATION THAT CERTAIN ITEMS ON APPLICABLE FINANCIAL STATEMENT BE

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SEPARATELY REPORTED WITH RESPECT TO CORPORATION.—An amount described in paragraph (1)(B) or clause (i)(II), (i)(III), (iv)(I), (iv)(II), (v)(I), or (v)(II) of paragraph (3)(C) shall be treated as reported on an applicable financial statement for purposes of this section if—

''(i) such amount is separately reported on such statement with respect to the corporation referred to in paragraph (1), or

''(ii) such amount is separately determined for purposes of calculating an amount which is reported on such statement.

''(D) AUTHORITY OF SECRETARY TO REQUIRE REPORTING.—

''(i) IN GENERAL.—Each United States person who owns an interest in a specified non-publicly traded foreign corporation and who takes the position that such corporation is not a passive foreign investment company shall report to the Secretary such information with respect to

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such corporation as the Secretary may require.

''(ii) SPECIFIED NON-PUBLICLY TRADED FOREIGN CORPORATION.—For purposes of this subparagraph, the term 'specified non-publicly traded foreign corporation' means any foreign corporation—

''(I) which would be a passive foreign investment company if subsection (b)(2)(B) did not apply, and

''(II) no interest in which is traded on an established securities market.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in section 14501 of Public Law 115–97.

(2) REPORTING.—The amendment made by subsection (b) shall apply to reports made after the date of the enactment of this Act.

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SEC. 138519. CREDIT FOR QUALIFIED ACCESS TECHNOLOGY FOR THE BLIND.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 is amended by inserting after section 36G the following new section:

"SEC. 36H. CREDIT FOR QUALIFIED ACCESS TECHNOLOGY FOR THE BLIND.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this subtitle an amount equal to amounts paid or incurred during the taxable year, not compensated for by insurance or otherwise, by the taxpayer for qualified access technology for use by a qualified blind individual who is the taxpayer, the taxpayer's spouse, or any dependent (as defined in section 152) of the taxpayer.

''(b) LIMITATION.—The aggregate amount of the credit allowed under subsection (a) with respect to any qualified blind individual shall not exceed $2,000 in any 3-consecutive-taxable-year period.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED BLIND INDIVIDUAL.—The term 'qualified blind individual' means an individual who is blind within the meaning of section 63(f)(4).

''(2) QUALIFIED ACCESS TECHNOLOGY DEFINED.—The term 'qualified access technology' means hardware, software, or other information

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technology the primary function of which is to convert or adapt information which is visually represented into forms or formats useable by blind individuals.

"(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under subsection (a) for any expense for which a deduction or credit is allowed under any other provision of this chapter.

"(e) INFLATION ADJUSTMENT.—

"(1) IN GENERAL.—In the case of a taxable year beginning after 2022, the $2,000 amount in subsection (b) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2021' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

"(2) ROUNDING.—If the amount as adjusted under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $100.

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''(f) TERMINATION.—This section shall not apply with respect to amounts paid or incurred in taxable years beginning after December 31, 2026.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A), as amended by the preceding provisions of this Act, is amended by inserting '', 36H'' after ''36G''.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by inserting '', 36H'' after '', 36G''.

(3) The table of sections for subpart C of part IV of subchapter A is amended by inserting after the item relating to section 36G the following new item:

''Sec. 36H. Credit for qualified access technology for the blind.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138520. MODIFICATION OF REIT CONSTRUCTIVE OWNERSHIP RULES.

(a) IN GENERAL.—Section 856(d)(5) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) except as otherwise provided by the Secretary, stock, assets, and net profits con-

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structively owned by a partnership, estate, trust, or corporation by reason of the application of section 318(a)(3) (after application of subparagraphs (A) and (B)) shall not be considered as owned by it for purposes of again applying such section in order to make another person the constructive owner of such stock, assets, or net profits.

Subparagraph (C) shall not prevent any person from being the constructive owner of stock, assets, or net profits of any person as the result of any other application of section 318(a) (as modified by this paragraph).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(c) NO INFERENCE.—Nothing in this section or the amendments made by this section shall be construed to create any inference with respect to the proper application of section 318 of the Internal Revenue Code of 1986 to cases other than cases to which such amendments apply.

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Subtitle J—Drug Pricing

PART 1—LOWERING PRICES THROUGH FAIR DRUG PRICE NEGOTIATION

SEC. 139001. PROVIDING FOR LOWER PRICES FOR CERTAIN HIGH-PRICED SINGLE SOURCE DRUGS.

(a) PROGRAM TO LOWER PRICES FOR CERTAIN HIGH-PRICED SINGLE SOURCE DRUGS.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new part:

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

"SEC. 1191. ESTABLISHMENT OF PROGRAM.

"(a) IN GENERAL.—The Secretary shall establish a Fair Price Negotiation Program (in this part referred to as the 'program'). Under the program, with respect to each price applicability period, the Secretary shall—

"(1) publish a list of selected drugs in accordance with section 1192;

"(2) enter into agreements with manufacturers of selected drugs with respect to such period, in accordance with section 1193;

"(3) negotiate and, if applicable, renegotiate maximum fair prices for such selected drugs, in accordance with section 1194; and

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"(4) carry out the administrative duties described in section 1196.

"(b) DEFINITIONS RELATING TO TIMING.—For purposes of this part:

"(1) INITIAL PRICE APPLICABILITY YEAR.—The term 'initial price applicability year' means a plan year (beginning with plan year 2025) or, if agreed to in an agreement under section 1193 by the Secretary and manufacturer involved, a period of more than one plan year (beginning on or after January 1, 2025).

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

"(3) SELECTED DRUG PUBLICATION DATE.—The term 'selected drug publication date' means, with respect to each initial price applicability year, April 15 of the plan year that begins 2 years prior to such year.

"(4) VOLUNTARY NEGOTIATION PERIOD.—The term 'voluntary negotiation period' means, with re-

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spect to an initial price applicability year with respect to a selected drug, the period—

"(A) beginning on the sooner of—

"(i) the date on which the manufacturer of the drug and the Secretary enter into an agreement under section 1193 with respect to such drug; or

"(ii) June 15 following the selected drug publication date with respect to such selected drug; and

"(B) ending on March 31 of the year that begins one year prior to the initial price applicability year.

"(c) OTHER DEFINITIONS.—For purposes of this part:

"(1) FAIR PRICE ELIGIBLE INDIVIDUAL.—The term 'fair price eligible individual' means, with respect to a selected drug—

"(A) in the case such drug is furnished or dispensed to the individual at a pharmacy or by a mail order service—

"(i) an individual who is enrolled under a prescription drug plan under part D of title XVIII or an MA–PD plan under part C of such title if coverage is provided

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under such plan for such selected drug; and

''(ii) an individual who is enrolled under a group health plan or health insurance coverage offered in the group or individual market (as such terms are defined in section 2791 of the Public Health Service Act) with respect to which there is in effect an agreement with the Secretary under section 1197 with respect to such selected drug as so furnished or dispensed; and

''(B) in the case such drug is furnished or administered to the individual by a hospital, physician, or other provider of services or supplier—

''(i) an individual who is entitled to benefits under part A of title XVIII or enrolled under part B of such title if such selected drug is covered under the respective part; and

''(ii) an individual who is enrolled under a group health plan or health insurance coverage offered in the group or individual market (as such terms are defined

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in section 2791 of the Public Health Service Act) with respect to which there is in effect an agreement with the Secretary under section 1197 with respect to such selected drug as so furnished or administered.

''(2) MAXIMUM FAIR PRICE.—The term 'maximum fair price' means, with respect to a plan year during a price applicability period and with respect to a selected drug (as defined in section 1192(c)) with respect to such period, the price published pursuant to section 1195 in the Federal Register for such drug and year.

''(3) AVERAGE INTERNATIONAL MARKET PRICE DEFINED.—

''(A) IN GENERAL.—The terms 'average international market price' and 'AIM price' mean, with respect to a drug, the average price (which shall be the net average price, if practicable, and volume-weighted, if practicable) for a unit (as defined in paragraph (4)) of the drug for sales of such drug (calculated across different dosage forms and strengths of the drug and not based on the specific formulation or package size or package type), as computed (as

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of the date of publication of such drug as a selected drug under section 1192(a)) in all countries described in clause (ii) of subparagraph (B) that are applicable countries (as described in clause (i) of such subparagraph) with respect to such drug.

''(B) APPLICABLE COUNTRIES.—

''(i) IN GENERAL.—For purposes of subparagraph (A), a country described in clause (ii) is an applicable country described in this clause with respect to a drug if there is available an average price for any unit for the drug for sales of such drug in such country.

''(ii) COUNTRIES DESCRIBED.—For purposes of this paragraph, the following are countries described in this clause:

''(I) Australia.

''(II) Canada.

''(III) France.

''(IV) Germany.

''(V) Japan.

''(VI) The United Kingdom.

''(4) UNIT.—The term 'unit' means, with respect to a drug, the lowest identifiable quantity

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(such as a capsule or tablet, milligram of molecules, or grams) of the drug that is dispensed.

"SEC. 1192. SELECTION OF NEGOTIATION-ELIGIBLE DRUGS AS SELECTED DRUGS.

"(a) IN GENERAL.—Not later than the selected drug publication date with respect to an initial price applicability year, subject to subsection (h), the Secretary shall select and publish in the Federal Register a list of—

"(1)(A) with respect to an initial price applicability year during 2025, at least 25 negotiation-eligible drugs described in subparagraphs (A) and (B), but not subparagraph (C), of subsection (d)(1) (or, with respect to an initial price applicability year during such period beginning after 2025, the maximum number (if such number is less than 25) of such negotiation-eligible drugs for the year) with respect to such year; and

"(B) with respect to an initial price applicability year during 2026 or a subsequent year, at least 50 negotiation-eligible drugs described in subparagraphs (A) and (B), but not subparagraph (C), of subsection (d)(1) (or, with respect to an initial price applicability year during such period, the maximum number (if such number is less than 50) of

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such negotiation-eligible drugs for the year) with respect to such year;

"(2) all negotiation-eligible drugs described in subparagraph (C) of such subsection with respect to such year; and

"(3) all new-entrant negotiation-eligible drugs (as defined in subsection (g)(1)) with respect to such year.

Each drug published on the list pursuant to the previous sentence shall be subject to the negotiation process under section 1194 for the voluntary negotiation period with respect to such initial price applicability year (and the renegotiation process under such section as applicable for any subsequent year during the applicable price applicability period). In applying this subsection, any negotiation-eligible drug that is selected under this subsection for an initial price applicability year shall not count toward the required minimum amount of drugs to be selected under paragraph (1) for any subsequent year, including such a drug so selected that is subject to renegotiation under section 1194.

"(b) SELECTION OF DRUGS.—In carrying out subsection (a)(1) the Secretary shall select for inclusion on the published list described in subsection (a) with respect to a price applicability period, the negotiation-eligible

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drugs that the Secretary projects will result in the greatest savings to the Federal Government or fair price eligible individuals during the price applicability period. In making this projection of savings for drugs for which there is an AIM price for a price applicability period, the savings shall be projected across different dosage forms and strengths of the drugs and not based on the specific formulation or package size or package type of the drugs, taking into consideration both the volume of drugs for which payment is made, to the extent such data is available, and the amount by which the net price for the drugs exceeds the AIM price for the drugs.

''(c) SELECTED DRUG.—For purposes of this part, each drug included on the list published under subsection (a) with respect to an initial price applicability year shall be referred to as a 'selected drug' with respect to such year and each subsequent plan year beginning before the first plan year beginning after the date on which the Secretary determines two or more drug products—

''(1) are approved or licensed (as applicable)—

''(A) under section 505(j) of the Federal Food, Drug, and Cosmetic Act using such drug as the listed drug; or

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"(B) under section 351(k) of the Public Health Service Act using such drug as the reference product; and

"(2) continue to be marketed.

"(d) NEGOTIATION-ELIGIBLE DRUG.—

"(1) IN GENERAL.—For purposes of this part, the term 'negotiation-eligible drug' means, with respect to the selected drug publication date with respect to an initial price applicability year, a qualifying single source drug, as defined in subsection (e), that meets any of the following criteria:

"(A) COVERED PART D DRUGS.—The drug is among the 125 covered part D drugs (as defined in section 1860D–2(e)) for which there was an estimated greatest net spending under parts C and D of title XVIII, as determined by the Secretary, during the most recent plan year prior to such drug publication date for which data are available.

"(B) OTHER DRUGS.—The drug is among the 125 drugs for which there was an estimated greatest net spending in the United States (including the 50 States, the District of Columbia, and the territories of the United States), as determined by the Secretary, during the most re-

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cent plan year prior to such drug publication date for which data are available.

"(C) INSULIN.—The drug is a qualifying single source drug described in subsection (e)(3).

"(2) CLARIFICATION.—In determining whether a qualifying single source drug satisfies any of the criteria described in paragraph (1), the Secretary shall, to the extent practicable, use data that is aggregated across dosage forms and strengths of the drug and not based on the specific formulation or package size or package type of the drug.

"(3) PUBLICATION.—Not later than the selected drug publication date with respect to an initial price applicability year, the Secretary shall publish in the Federal Register a list of negotiation-eligible drugs with respect to such selected drug publication date.

"(e) QUALIFYING SINGLE SOURCE DRUG.—For purposes of this part, the term 'qualifying single source drug' means any of the following:

"(1) DRUG PRODUCTS.—A drug that—

"(A) is approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act and

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continues to be marketed pursuant to such approval; and

"(B) is not the listed drug for any drug that is approved and continues to be marketed under section 505(j) of such Act.

"(2) BIOLOGICAL PRODUCTS.—A biological product that—

"(A) is licensed under section 351(a) of the Public Health Service Act, including any product that has been deemed to be licensed under section 351 of such Act pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009, and continues to be marketed under section 351 of such Act; and

"(B) is not the reference product for any biological product that is licensed and continues to be marketed under section 351(k) of such Act.

"(3) INSULIN PRODUCT.—Notwithstanding paragraphs (1) and (2), any insulin product that is approved under subsection (c) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under subsection (a) or (k) of section 351 of the Public Health Service Act and continues to be

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marketed under such section 505 or 351, including any insulin product that has been deemed to be licensed under section 351(a) of the Public Health Service Act pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009 and continues to be marketed pursuant to such licensure.

For purposes of applying paragraphs (1) and (2), a drug or biological product that is marketed by the same sponsor or manufacturer (or an affiliate thereof or a cross-licensed producer or distributor) as the listed drug or reference product described in such respective paragraph shall not be taken into consideration.

''(f) INFORMATION ON INTERNATIONAL DRUG PRICES.—For purposes of determining which negotiation-eligible drugs to select under subsection (a) and, in the case of such drugs that are selected drugs, to determine the maximum fair price for such a drug and whether such maximum fair price should be renegotiated under section 1194, the Secretary shall use data relating to the AIM price with respect to such drug as available or provided to the Secretary and shall on an ongoing basis request from manufacturers of selected drugs information on the AIM price of such a drug.

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"(g) NEW-ENTRANT NEGOTIATION-ELIGIBLE DRUGS.—

"(1) IN GENERAL.—For purposes of this part, the term 'new-entrant negotiation-eligible drug' means, with respect to the selected drug publication date with respect to an initial price applicability year, a qualifying single source drug—

"(A) that is first approved or licensed, as described in paragraph (1), (2), or (3) of subsection (e), as applicable, during the year preceding such selected drug publication date; and

"(B) that the Secretary determines under paragraph (2) is likely to be included as a negotiation-eligible drug with respect to the subsequent selected drug publication date.

"(2) DETERMINATION.—In the case of a qualifying single source drug that meets the criteria described in subparagraph (A) of paragraph (1), with respect to an initial price applicability year, if the wholesale acquisition cost at which such drug is first marketed in the United States is equal to or greater than the median household income (as determined according to the most recent data collected by the United States Census Bureau), the Secretary shall determine before the selected drug publication date

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with respect to the initial price applicability year, if the drug is likely to be included as a negotiation-eligible drug with respect to the subsequent selected drug publication date, based on the projected spending under title XVIII or in the United States on such drug. For purposes of this paragraph the term 'United States' includes the 50 States, the District of Columbia, and the territories of the United States.

''(h) CONFLICT OF INTEREST.—

''(1) IN GENERAL.—In the case the Inspector General of the Department of Health and Human Services determines the Secretary has a conflict, with respect to a matter described in paragraph (2), the individual described in paragraph (3) shall carry out the duties of the Secretary under this part, with respect to a negotiation-eligible drug, that would otherwise be such a conflict.

''(2) MATTER DESCRIBED.—A matter described in this paragraph is—

''(A) a financial interest (as described in section 2635.402 of title 5, Code of Federal Regulations, as in effect on the date of the enactment of this section, (except for an interest described in subsection (b)(2)(iv) of such sec-

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tion)) on the date of the selected drug publication date, with respect the price applicability year (as applicable);

"(B) a personal or business relationship (as described in section 2635.502 of such title) on the date of the selected drug publication date, with respect the price applicability year;

"(C) employment by a manufacturer of a negotiation-eligible drug during the preceding 10-year period beginning on the date of the selected drug publication date, with respect to each price applicability year; and

"(D) any other matter the General Counsel determines appropriate.

"(3) INDIVIDUAL DESCRIBED.—An individual described in this paragraph is—

"(A) the highest-ranking officer or employee of the Department of Health and Human Services (as determined by the organizational chart of the Department) that does not have a conflict under this subsection; and

"(B) is nominated by the President and confirmed by the Senate with respect to the position.

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"SEC. 1193. MANUFACTURER AGREEMENTS.

"(a) IN GENERAL.—For purposes of section 1191(a)(2), the Secretary shall enter into agreements with manufacturers of selected drugs with respect to a price applicability period, by not later than June 15 following the selected drug publication date with respect to such selected drug, under which—

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

"(A) to fair price eligible individuals who with respect to such drug are described in subparagraph (A) of section 1191(c)(1) and are furnished or dispensed such drug during, subject to subparagraph (2), the price applicability period; and

"(B) to hospitals, physicians, and other providers of services and suppliers with respect to fair price eligible individuals who with respect to such drug are described in subparagraph (B) of such section and are furnished or

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administered such drug during, subject to subparagraph (2), the price applicability period;

''(2) the Secretary and the manufacturer shall, in accordance with a process and during a period specified by the Secretary pursuant to rulemaking, renegotiate (and, by not later than the last date of such period and in accordance with subsection (c), agree to) the maximum fair price for such drug if the Secretary determines that there is a material change in any of the factors described in section 1194(d) relating to the drug, including changes in the AIM price for such drug, in order to provide access to such maximum fair price (as so renegotiated)—

''(A) to fair price eligible individuals who with respect to such drug are described in subparagraph (A) of section 1191(c)(1) and are furnished or dispensed such drug during any year during the price applicability period (beginning after such renegotiation) with respect to such selected drug; and

''(B) to hospitals, physicians, and other providers of services and suppliers with respect to fair price eligible individuals who with respect to such drug are described in subpara-

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graph (B) of such section and are furnished or administered such drug during any year described in subparagraph (A);

''(3) the maximum fair price (including as renegotiated pursuant to paragraph (2)), with respect to such a selected drug, shall be provided to fair price eligible individuals, who with respect to such drug are described in subparagraph (A) of section 1191(c)(1), at the pharmacy or by a mail order service at the point-of-sale of such drug;

''(4) the manufacturer, subject to subsection (d), submits to the Secretary, in a form and manner specified by the Secretary—

''(A) for the voluntary negotiation period for the price applicability period (and, if applicable, before any period of renegotiation specified pursuant to paragraph (2)) with respect to such drug all information that the Secretary requires to carry out the negotiation (or renegotiation process) under this part, including information described in section 1192(f) and section 1194(d)(1); and

''(B) on an ongoing basis, information on changes in prices for such drug that would affect the AIM price for such drug or otherwise

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provide a basis for renegotiation of the maximum fair price for such drug pursuant to paragraph (2);

"(5) the manufacturer agrees that in the case the selected drug of a manufacturer is a drug described in subsection (c), the manufacturer will, in accordance with such subsection, make any payment required under such subsection with respect to such drug; and

"(6) the manufacturer complies with requirements imposed by the Secretary for purposes of administering the program, including with respect to the duties described in section 1196.

"(b) AGREEMENT IN EFFECT UNTIL DRUG IS NO LONGER A SELECTED DRUG.—An agreement entered into under this section shall be effective, with respect to a drug, until such drug is no longer considered a selected drug under section 1192(c).

"(c) SPECIAL RULE FOR CERTAIN SELECTED DRUGS WITHOUT AIM PRICE.—

"(1) IN GENERAL.—In the case of a selected drug for which there is no AIM price available with respect to the initial price applicability year for such drug and for which an AIM price becomes available beginning with respect to a subsequent plan year

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during the price applicability period for such drug, if the Secretary determines that the amount described in paragraph (2)(A) for a unit of such drug is greater than the amount described in paragraph (2)(B) for a unit of such drug, then by not later than one year after the date of such determination, the manufacturer of such selected drug shall pay to the Treasury an amount equal to the product of—

"(A) the difference between such amount described in paragraph (2)(A) for a unit of such drug and such amount described in paragraph (2)(B) for a unit of such drug; and

"(B) the number of units of such drug sold in the United States, including the 50 States, the District of Columbia, and the territories of the United States, during the period described in paragraph (2)(B).

"(2) AMOUNTS DESCRIBED.—

"(A) WEIGHTED AVERAGE PRICE BEFORE AIM PRICE AVAILABLE.—For purposes of paragraph (1), the amount described in this subparagraph for a selected drug described in such paragraph, is the amount equal to the weighted average manufacturer price (as defined in section 1927(k)(1)) for such dosage strength and

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form for the drug during the period beginning with the first plan year for which the drug is included on the list of negotiation-eligible drugs published under section 1192(d) and ending with the last plan year during the price applicability period for such drug with respect to which there is no AIM price available for such drug.

"(B) AMOUNT MULTIPLIER AFTER AIM PRICE AVAILABLE.—For purposes of paragraph (1), the amount described in this subparagraph for a selected drug described in such paragraph, is the amount equal to 200 percent of the AIM price for such drug with respect to the first plan year during the price applicability period for such drug with respect to which there is an AIM price available for such drug.

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

"(e) REGULATIONS.—

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"(1) IN GENERAL.—The Secretary shall, pursuant to rulemaking, specify, in accordance with paragraph (2), the information that must be submitted under subsection (a)(4).

"(2) INFORMATION SPECIFIED.—Information described in paragraph (1), with respect to a selected drug, shall include information on sales of the drug (by the manufacturer of the drug or by another entity under license or other agreement with the manufacturer, with respect to the sales of such drug, regardless of the name under which the drug is sold) in any foreign country that is part of the AIM price. The Secretary shall verify, to the extent practicable, such sales from appropriate officials of the government of the foreign country involved.

"(f) COMPLIANCE WITH REQUIREMENTS FOR ADMINISTRATION OF PROGRAM.—Each manufacturer with an agreement in effect under this section shall comply with requirements imposed by the Secretary or a third party with a contract under section 1196(c)(1), as applicable, for purposes of administering the program.

"SEC. 1194. NEGOTIATION AND RENEGOTIATION PROCESS.

"(a) IN GENERAL.—For purposes of this part, under an agreement under section 1193 between the Secretary and a manufacturer of a selected drug, with respect to

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the period for which such agreement is in effect and in accordance with subsections (b) and (c), the Secretary and the manufacturer—

"(1) shall during the voluntary negotiation period with respect to the initial price applicability year for such drug, in accordance with this section, negotiate a maximum fair price for such drug for the purpose described in section 1193(a)(1); and

"(2) as applicable pursuant to section 1193(a)(2) and in accordance with the process specified pursuant to such section, renegotiate such maximum fair price for such drug for the purpose described in such section.

"(b) NEGOTIATING METHODOLOGY AND OBJECTIVE.—

"(1) IN GENERAL.—The Secretary shall develop and use a consistent methodology for negotiations under subsection (a) that, in accordance with paragraph (2) and subject to paragraph (3), achieves the lowest maximum fair price for each selected drug while appropriately rewarding innovation.

"(2) PRIORITIZING FACTORS.—In considering the factors described in subsection (d) in negotiating (and, as applicable, renegotiating) the maximum fair price for a selected drug, the Secretary shall, to the

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extent practicable, consider all of the available factors listed but shall prioritize the following factors:

"(A) RESEARCH AND DEVELOPMENT COSTS.—The factor described in paragraph (1)(A) of subsection (d).

"(B) MARKET DATA.—The factor described in paragraph (1)(B) of such subsection.

"(C) UNIT COSTS OF PRODUCTION AND DISTRIBUTION.—The factor described in paragraph (1)(C) of such subsection.

"(D) COMPARISON TO EXISTING THERAPEUTIC ALTERNATIVES.—The factor described in paragraph (2)(A) of such subsection.

"(3) REQUIREMENT.—

"(A) IN GENERAL.—In negotiating the maximum fair price of a selected drug, with respect to an initial price applicability year for the selected drug, and, as applicable, in renegotiating the maximum fair price for such drug, with respect to a subsequent year during the price applicability period for such drug, in the case that the manufacturer of the selected drug offers under the negotiation or renegotiation, as applicable, a price for such drug that is not more than the target price described in sub-

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paragraph (B) for such drug for the respective year, the Secretary shall agree under such negotiation or renegotiation, respectively, to such offered price as the maximum fair price.

"(B) TARGET PRICE.—

"(i) IN GENERAL.—Subject to clause (ii), the target price described in this subparagraph for a selected drug with respect to a year, is the average price (which shall be the net average price, if practicable, and volume-weighted, if practicable) for a unit of such drug for sales of such drug, as computed (across different dosage forms and strengths of the drug and not based on the specific formulation or package size or package type of the drug) in the applicable country described in section 1191(c)(3)(B) with respect to such drug that, with respect to such year, has the lowest average price for such drug as compared to the average prices (as so computed) of such drug with respect to such year in the other applicable countries described in such section with respect to such drug.

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"(ii) SELECTED DRUGS WITHOUT AIM PRICE.—In applying this paragraph in the case of negotiating the maximum fair price of a selected drug for which there is no AIM price available with respect to the initial price applicability year for such drug, or, as applicable, renegotiating the maximum fair price for such drug with respect to a subsequent year during the price applicability period for such drug before the first plan year for which there is an AIM price available for such drug, the target price described in this subparagraph for such drug and respective year is the amount that is 80 percent of the average manufacturer price (as defined in section 1927(k)(1)) for such drug and year.

"(c) LIMITATION.—

"(1) IN GENERAL.—Subject to paragraph (2), the maximum fair price negotiated (including as renegotiated) under this section for a selected drug, with respect to each plan year during a price applicability period for such drug, shall not exceed 120 percent of the AIM price applicable to such drug with respect to such year.

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"(2) SELECTED DRUGS WITHOUT AIM PRICE.—In the case of a selected drug for which there is no AIM price available with respect to the initial price applicability year for such drug, for each plan year during the price applicability period before the first plan year for which there is an AIM price available for such drug, the maximum fair price negotiated (including as renegotiated) under this section for the selected drug shall not exceed the amount equal to 85 percent of the average manufacturer price for the drug with respect to such year.

"(d) CONSIDERATIONS.—For purposes of negotiating and, as applicable, renegotiating (including for purposes of determining whether to renegotiate) the maximum fair price of a selected drug under this part with the manufacturer of the drug, the Secretary, consistent with subsection (b)(2), shall take into consideration the factors described in paragraphs (1), (2), (3), and (5), and may take into consideration the factor described in paragraph (4):

"(1) MANUFACTURER-SPECIFIC INFORMATION.—The following information, including as submitted by the manufacturer:

"(A) Research and development costs of the manufacturer for the drug and the extent to

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which the manufacturer has recouped research and development costs.

"(B) Market data for the drug, including the distribution of sales across different programs and purchasers and projected future revenues for the drug.

"(C) Unit costs of production and distribution of the drug.

"(D) Prior Federal financial support for novel therapeutic discovery and development with respect to the drug.

"(E) Data on patents and on existing and pending exclusivity for the drug.

"(F) National sales data for the drug.

"(G) Information on clinical trials for the drug in the United States or in applicable countries described in section 1191(c)(3)(B).

"(2) INFORMATION ON ALTERNATIVE PRODUCTS.—The following information:

"(A) The extent to which the drug represents a therapeutic advance as compared to existing therapeutic alternatives and, to the extent such information is available, the costs of such existing therapeutic alternatives.

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"(B) Information on approval by the Food and Drug Administration of alternative drug products.

"(C) Information on comparative effectiveness analysis for such products, taking into consideration the effects of such products on specific populations, such as individuals with disabilities, the elderly, terminally ill, children, and other patient populations.

In considering information described in subparagraph (C), the Secretary shall not use evidence or findings from comparative clinical effectiveness research in a manner that treats extending the life of an elderly, disabled, or terminally ill individual as of lower value than extending the life of an individual who is younger, nondisabled, or not terminally ill. Nothing in the previous sentence shall affect the application or consideration of an AIM price for a selected drug.

"(3) FOREIGN SALES INFORMATION.—To the extent available on a timely basis, including as provided by a manufacturer of the selected drug or otherwise, information on sales of the selected drug in each of the countries described in section 1191(c)(3)(B).

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"(4) VA DRUG PRICING INFORMATION.—Information disclosed to the Secretary pursuant to subsection (f).

"(5) ADDITIONAL INFORMATION.—Information submitted to the Secretary, in accordance with a process specified by the Secretary, by other parties that are affected by the establishment of a maximum fair price for the selected drug.

"(e) REQUEST FOR INFORMATION.—For purposes of negotiating and, as applicable, renegotiating (including for purposes of determining whether to renegotiate) the maximum fair price of a selected drug under this part with the manufacturer of the drug, with respect to a price applicability period, and other relevant data for purposes of this section—

"(1) the Secretary shall, not later than the selected drug publication date with respect to the initial price applicability year of such period, request drug pricing information from the manufacturer of such selected drug, including information described in subsection (d)(1); and

"(2) by not later than October 1 following the selected drug publication date, the manufacturer of such selected drug shall submit to the Secretary

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such requested information in such form and manner as the Secretary may require.

The Secretary shall request, from the manufacturer or others, such additional information as may be needed to carry out the negotiation and renegotiation process under this section.

''(f) DISCLOSURE OF INFORMATION.—For purposes of this part, the Secretary of Veterans Affairs may disclose to the Secretary of Health and Human Services the price of any negotiation-eligible drug that is purchased pursuant to section 8126 of title 38, United States Code.

''SEC. 1195. PUBLICATION OF MAXIMUM FAIR PRICES.

''(a) IN GENERAL.—With respect to an initial price applicability year and selected drug with respect to such year, not later than April 1 of the plan year prior to such initial price applicability year, the Secretary shall publish in the Federal Register the maximum fair price for such drug negotiated under this part with the manufacturer of such drug.

''(b) UPDATES.—

''(1) SUBSEQUENT YEAR MAXIMUM FAIR PRICES.—For a selected drug, for each plan year subsequent to the initial price applicability year for such drug with respect to which an agreement for

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such drug is in effect under section 1193, the Secretary shall publish in the Federal Register—

"(A) subject to subparagraph (B), the amount equal to the maximum fair price published for such drug for the previous year, increased by the annual percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) as of September of such previous year; or

"(B) in the case the maximum fair price for such drug was renegotiated, for the first year for which such price as so renegotiated applies, such renegotiated maximum fair price.

"(2) PRICES NEGOTIATED AFTER DEADLINE.—In the case of a selected drug with respect to an initial price applicability year for which the maximum fair price is determined under this part after the date of publication under this section, the Secretary shall publish such maximum fair price in the Federal Register by not later than 30 days after the date such maximum price is so determined.

"SEC. 1196. ADMINISTRATIVE DUTIES; COORDINATION PROVISIONS.

"(a) ADMINISTRATIVE DUTIES.—

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"(1) IN GENERAL.—For purposes of section 1191, the administrative duties described in this section are the following:

"(A) The establishment of procedures (including through agreements with manufacturers under this part, contracts with prescription drug plans under part D of title XVIII and MA–PD plans under part C of such title, and agreements under section 1197 with group health plans and health insurance issuers of health insurance coverage offered in the individual or group market) under which the maximum fair price for a selected drug is provided to fair price eligible individuals, who with respect to such drug are described in subparagraph (A) of section 1191(c)(1), at pharmacies or by mail order service at the point-of-sale of the drug for the applicable price period for such drug and providing that such maximum fair price is used for determining cost-sharing under such plans or coverage for the selected drug.

"(B) The establishment of procedures (including through agreements with manufacturers under this part and contracts with hospitals, physicians, and other providers of services and

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suppliers and agreements under section 1197 with group health plans and health insurance issuers of health insurance coverage offered in the individual or group market) under which, in the case of a selected drug furnished or administered by such a hospital, physician, or other provider of services or supplier to fair price eligible individuals (who with respect to such drug are described in subparagraph (B) of section 1191(c)(1)), the maximum fair price for the selected drug is provided to such hospitals, physicians, and other providers of services and suppliers (as applicable) with respect to such individuals and providing that such maximum fair price is used for determining cost-sharing under the respective part, plan, or coverage for the selected drug.

''(C) The establishment of procedures (including through agreements and contracts described in subparagraphs (A) and (B)) to ensure that, not later than 90 days after the dispensing of a selected drug to a fair price eligible individual by a pharmacy or mail order service, the pharmacy or mail order service is reim-

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bursed for an amount equal to the difference between—

"(i) the lesser of—

"(I) the wholesale acquisition cost of the drug;

"(II) the national average drug acquisition cost of the drug; and

"(III) any other similar determination of pharmacy acquisition costs of the drug, as determined by the Secretary; and

"(ii) the maximum fair price for the drug.

"(D) The establishment of procedures to ensure that the maximum fair price for a selected drug is applied before—

"(i) any coverage or financial assistance under other health benefit plans or programs that provide coverage or financial assistance for the purchase or provision of prescription drug coverage on behalf of fair price eligible individuals as the Secretary may specify; and

"(ii) any other discounts.

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"(E) The establishment of procedures to enter into appropriate agreements and protocols for the ongoing computation of AIM prices for selected drugs, including, to the extent possible, to compute the AIM price for selected drugs and including by providing that the manufacturer of such a selected drug should provide information for such computation not later than 3 months after the first date of the voluntary negotiation period for such selected drug.

"(F) The establishment of procedures to compute and apply the maximum fair price across different strengths and dosage forms of a selected drug and not based on the specific formulation or package size or package type of the drug.

"(G) The establishment of procedures to negotiate and apply the maximum fair price in a manner that does not include any dispensing or similar fee.

"(H) The establishment of procedures to carry out the provisions of this part, as applicable, with respect to—

"(i) fair price eligible individuals who are enrolled under a prescription drug plan

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under part D of title XVIII or an MA–PD plan under part C of such title;

"(ii) fair price eligible individuals who are enrolled under a group health plan or health insurance coverage offered by a health insurance issuer in the individual or group market with respect to which there is an agreement in effect under section 1197; and

"(iii) fair price eligible individuals who are entitled to benefits under part A of title XVIII or enrolled under part B of such title.

"(I) The establishment of a negotiation process and renegotiation process in accordance with section 1194, including a process for acquiring information described in subsection (d) of such section and determining amounts described in subsection (b) of such section.

"(J) The provision of a reasonable dispute resolution mechanism to resolve disagreements between manufacturers, fair price eligible individuals, and the third party with a contract under subsection (c)(1).

"(2) MONITORING COMPLIANCE.—

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"(A) IN GENERAL.—The Secretary shall monitor compliance by a manufacturer with the terms of an agreement under section 1193, including by establishing a mechanism through which violations of such terms may be reported.

"(B) NOTIFICATION.—If a third party with a contract under subsection (c)(1) determines that the manufacturer is not in compliance with such agreement, the third party shall notify the Secretary of such noncompliance for appropriate enforcement under section 4192 of the Internal Revenue Code of 1986 or section 1198, as applicable.

"(b) COLLECTION OF DATA.—

"(1) FROM PRESCRIPTION DRUG PLANS AND MA–PD PLANS.—The Secretary may collect appropriate data from prescription drug plans under part D of title XVIII and MA–PD plans under part C of such title in a timeframe that allows for maximum fair prices to be provided under this part for selected drugs.

"(2) FROM HEALTH PLANS.—The Secretary may collect appropriate data from group health plans or health insurance issuers offering group or individual health insurance coverage in a timeframe

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that allows for maximum fair prices to be provided under this part for selected drugs.

"(3) COORDINATION OF DATA COLLECTION.—To the extent feasible, as determined by the Secretary, the Secretary shall ensure that data collected pursuant to this subsection is coordinated with, and not duplicative of, other Federal data collection efforts.

"(c) CONTRACT WITH THIRD PARTIES.—

"(1) IN GENERAL.—The Secretary may enter into a contract with 1 or more third parties to administer the requirements established by the Secretary in order to carry out this part. At a minimum, the contract with a third party under the preceding sentence shall require that the third party—

"(A) receive and transmit information between the Secretary, manufacturers, and other individuals or entities the Secretary determines appropriate;

"(B) receive, distribute, or facilitate the distribution of funds of manufacturers to appropriate individuals or entities in order to meet the obligations of manufacturers under agreements under this part;

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"(C) provide adequate and timely information to manufacturers, consistent with the agreement with the manufacturer under this part, as necessary for the manufacturer to fulfill its obligations under this part; and

"(D) permit manufacturers to conduct periodic audits, directly or through contracts, of the data and information used by the third party to determine discounts for applicable drugs of the manufacturer under the program.

"(2) PERFORMANCE REQUIREMENTS.—The Secretary shall establish performance requirements for a third party with a contract under paragraph (1) and safeguards to protect the independence and integrity of the activities carried out by the third party under the program under this part.

"SEC. 1197. VOLUNTARY PARTICIPATION BY OTHER HEALTH PLANS.

"(a) AGREEMENT TO PARTICIPATE UNDER PROGRAM.—

"(1) IN GENERAL.—Subject to paragraph (2), under the program under this part the Secretary shall be treated as having in effect an agreement with a group health plan or health insurance issuer offering group or individual health insurance cov-

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erage (as such terms are defined in section 2791 of the Public Health Service Act), with respect to a price applicability period and a selected drug with respect to such period—

"(A) with respect to such selected drug furnished or dispensed at a pharmacy or by mail order service if coverage is provided under such plan or coverage during such period for such selected drug as so furnished or dispensed; and

"(B) with respect to such selected drug furnished or administered by a hospital, physician, or other provider of services or supplier if coverage is provided under such plan or coverage during such period for such selected drug as so furnished or administered.

"(2) OPTING OUT OF AGREEMENT.—The Secretary shall not be treated as having in effect an agreement under the program under this part with a group health plan or health insurance issuer offering group or individual health insurance coverage with respect to a price applicability period and a selected drug with respect to such period if such a plan or issuer affirmatively elects, through a process

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specified by the Secretary, not to participate under the program with respect to such period and drug.

''(b) PUBLICATION OF ELECTION.—With respect to each price applicability period and each selected drug with respect to such period, the Secretary and the Secretary of Labor and the Secretary of the Treasury, as applicable, shall make public a list of each group health plan and each health insurance issuer offering group or individual health insurance coverage, with respect to which coverage is provided under such plan or coverage for such drug, that has elected under subsection (a) not to participate under the program with respect to such period and drug.

''SEC. 1198. CIVIL MONETARY PENALTY.

''(a) VIOLATIONS RELATING TO OFFERING OF MAXIMUM FAIR PRICE.—Any manufacturer of a selected drug that has entered into an agreement under section 1193, with respect to a plan year during the price applicability period for such drug, that does not provide access to a price that is not more than the maximum fair price (or a lesser price) for such drug for such year—

''(1) to a fair price eligible individual who with respect to such drug is described in subparagraph (A) of section 1191(c)(1) and who is furnished or dispensed such drug during such year; or

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"(2) to a hospital, physician, or other provider of services or supplier with respect to fair price eligible individuals who with respect to such drug is described in subparagraph (B) of such section and is furnished or administered such drug by such hospital, physician, or provider or supplier during such year;

shall be subject to a civil monetary penalty equal to ten times the amount equal to the difference between the price for such drug made available for such year by such manufacturer with respect to such individual or hospital, physician, provider, or supplier and the maximum fair price for such drug for such year.

"(b) VIOLATIONS OF CERTAIN TERMS OF AGREEMENT.—Any manufacturer of a selected drug that has entered into an agreement under section 1193, with respect to a plan year during the price applicability period for such drug, that is in violation of a requirement imposed pursuant to section 1193(a)(6) shall be subject to a civil monetary penalty of not more than $1,000,000 for each such violation.

"(c) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil monetary penalty under this section in the same manner

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as such provisions apply to a penalty or proceeding under section 1128A(a).

"SEC. 1199. MISCELLANEOUS PROVISIONS.

"(a) PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code, shall not apply to data collected under this part.

"(b) LIMITATION ON JUDICIAL REVIEW.—The following shall not be subject to judicial review:

"(1) The selection of drugs for publication under section 1192(a).

"(2) The determination of whether a drug is a negotiation-eligible drug under section 1192(d).

"(3) The determination of the maximum fair price of a selected drug under section 1194.

"(4) The determination of units of a drug for purposes of section 1191(c)(3).

"(c) COORDINATION.—In carrying out this part with respect to group health plans or health insurance coverage offered in the group market that are subject to oversight by the Secretary of Labor or the Secretary of the Treasury, the Secretary of Health and Human Services shall coordinate with such respective Secretary.

"(d) DATA SHARING.—The Secretary shall share with the Secretary of the Treasury such information as

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is necessary to determine the tax imposed by section 4192 of the Internal Revenue Code of 1986.''.

(b) APPLICATION OF MAXIMUM FAIR PRICES AND CONFORMING AMENDMENTS.—

(1) UNDER MEDICARE.—

(A) APPLICATION TO PAYMENTS UNDER PART B.—Section 1847A(b)(1)(B) of the Social Security Act (42 U.S.C. 1395w–3a(b)(1)(B)) is amended by inserting ''or in the case of such a drug or biological that is a selected drug (as defined in section 1192(c)), with respect to a price applicability period (as defined in section 1191(b)(2)), 106 percent of the maximum fair price (as defined in section 1191(c)(2)) applicable for such drug and a plan year during such period'' after ''paragraph (4)''.

(B) EXCEPTION TO PART D NON-INTERFERENCE.—Section 1860D–11(i) of the Social Security Act (42 U.S.C. 1395w–111(i)) is amended by inserting '', except as provided under part E of title XI'' after ''the Secretary''.

(C) APPLICATION AS NEGOTIATED PRICE UNDER PART D.—Section 1860D–2(d)(1) of the Social Security Act (42 U.S.C. 1395w–102(d)(1)) is amended—

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(i) in subparagraph (B), by inserting ", subject to subparagraph (D)," after "negotiated prices"; and

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

"(D) APPLICATION OF MAXIMUM FAIR PRICE FOR SELECTED DRUGS.—In applying this section, in the case of a covered part D drug that is a selected drug (as defined in section 1192(c)), with respect to a price applicability period (as defined in section 1191(b)(2)), the negotiated prices used for payment (as described in this subsection) shall be the maximum fair price (as defined in section 1191(c)(2)) for such drug and for each plan year during such period.".

(D) INFORMATION FROM PRESCRIPTION DRUG PLANS AND MA–PD PLANS REQUIRED.—

(i) PRESCRIPTION DRUG PLANS.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)) is amended by adding at the end the following new paragraph:

"(8) PROVISION OF INFORMATION RELATED TO MAXIMUM FAIR PRICES.—Each contract entered into

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with a PDP sponsor under this part with respect to a prescription drug plan offered by such sponsor shall require the sponsor to provide information to the Secretary as requested by the Secretary in accordance with section 1196(b).''.

(ii) MA–PD PLANS.—Section 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w–27(f)(3)) is amended by adding at the end the following new subparagraph:

''(E) PROVISION OF INFORMATION RELATED TO MAXIMUM FAIR PRICES.—Section 1860D–12(b)(8).''.

(2) UNDER GROUP HEALTH PLANS AND HEALTH INSURANCE COVERAGE.—

(A) PHSA.—Part D of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–111 et seq.) is amended by adding at the end the following new section:

''SEC. 2799A–11. FAIR PRICE NEGOTIATION PROGRAM AND APPLICATION OF MAXIMUM FAIR PRICES.

''(a) IN GENERAL.—In the case of a group health plan or health insurance issuer offering group or individual health insurance coverage that is treated under section 1197 of the Social Security Act as having in effect

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an agreement with the Secretary under the Fair Price Negotiation Program under part E of title XI of such Act, with respect to a price applicability period (as defined in section 1191(b) of such Act) and a selected drug (as defined in section 1192(c) of such Act) with respect to such period with respect to which coverage is provided under such plan or coverage—

''(1) the provisions of such part shall apply—

''(A) if coverage of such selected drug is provided under such plan or coverage if the drug is furnished or dispensed at a pharmacy or by a mail order service, to the plans or coverage offered by such plan or issuer, and to the individuals enrolled under such plans or coverage, during such period, with respect to such selected drug, in the same manner as such provisions apply to prescription drug plans and MA–PD plans, and to individuals enrolled under such prescription drug plans and MA–PD plans during such period; and

''(B) if coverage of such selected drug is provided under such plan or coverage if the drug is furnished or administered by a hospital, physician, or other provider of services or supplier, to the plans or coverage offered by such

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plan or issuers, to the individuals enrolled under such plans or coverage, and to hospitals, physicians, and other providers of services and suppliers during such period, with respect to such drug in the same manner as such provisions apply to the Secretary, to individuals entitled to benefits under part A of title XVIII or enrolled under part B of such title, and to hospitals, physicians, and other providers and suppliers participating under title XVIII during such period;

''(2) the plan or issuer shall apply any cost-sharing responsibilities under such plan or coverage, with respect to such selected drug, by substituting an amount not more than the maximum fair price negotiated under such part E of title XI for such drug in lieu of the drug price upon which the cost-sharing would have otherwise applied, and such cost-sharing responsibilities with respect to such selected drug may not exceed such maximum fair price; and

''(3) the Secretary shall apply the provisions of such part E to such plan, issuer, and coverage, such individuals so enrolled in such plans and coverage, and such hospitals, physicians, and other providers

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and suppliers participating in such plans and coverage.

''(b) NOTIFICATION REGARDING NONPARTICIPATION IN FAIR PRICE NEGOTIATION PROGRAM.—A group health plan or a health insurance issuer offering group or individual health insurance coverage shall publicly disclose in a manner and in accordance with a process specified by the Secretary any election made under section 1197 of the Social Security Act by the plan or issuer to not participate in the Fair Price Negotiation Program under part E of title XI of such Act with respect to a selected drug (as defined in section 1192(c) of such Act) for which coverage is provided under such plan or coverage before the beginning of the plan year for which such election was made.''.

(B) ERISA.—

(i) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181 et seq.) is amended by adding at the end the following new section:

''SEC. 726. FAIR PRICE NEGOTIATION PROGRAM AND APPLICATION OF MAXIMUM FAIR PRICES.

''(a) IN GENERAL.—In the case of a group health plan or health insurance issuer offering group health in-

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surance coverage that is treated under section 1197 of the Social Security Act as having in effect an agreement with the Secretary under the Fair Price Negotiation Program under part E of title XI of such Act, with respect to a price applicability period (as defined in section 1191(b) of such Act) and a selected drug (as defined in section 1192(c) of such Act) with respect to such period with respect to which coverage is provided under such plan or coverage—

"(1) the provisions of such part shall apply, as applicable—

"(A) if coverage of such selected drug is provided under such plan or coverage if the drug is furnished or dispensed at a pharmacy or by a mail order service, to the plans or coverage offered by such plan or issuer, and to the individuals enrolled under such plans or coverage, during such period, with respect to such selected drug, in the same manner as such provisions apply to prescription drug plans and MA–PD plans, and to individuals enrolled under such prescription drug plans and MA–PD plans during such period; and

"(B) if coverage of such selected drug is provided under such plan or coverage if the

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drug is furnished or administered by a hospital, physician, or other provider of services or supplier, to the plans or coverage offered by such plan or issuers, to the individuals enrolled under such plans or coverage, and to hospitals, physicians, and other providers of services and suppliers during such period, with respect to such drug in the same manner as such provisions apply to the Secretary, to individuals entitled to benefits under part A of title XVIII or enrolled under part B of such title, and to hospitals, physicians, and other providers and suppliers participating under title XVIII during such period;

''(2) the plan or issuer shall apply any cost-sharing responsibilities under such plan or coverage, with respect to such selected drug, by substituting an amount not more than the maximum fair price negotiated under such part E of title XI for such drug in lieu of the drug price upon which the cost-sharing would have otherwise applied, and such cost-sharing responsibilities with respect to such selected drug may not exceed such maximum fair price; and

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"(3) the Secretary shall apply the provisions of such part E to such plan, issuer, and coverage, and such individuals so enrolled in such plans.

"(b) NOTIFICATION REGARDING NONPARTICIPATION IN FAIR PRICE NEGOTIATION PROGRAM.—A group health plan or a health insurance issuer offering group health insurance coverage shall publicly disclose in a manner and in accordance with a process specified by the Secretary any election made under section 1197 of the Social Security Act by the plan or issuer to not participate in the Fair Price Negotiation Program under part E of title XI of such Act with respect to a selected drug (as defined in section 1192(c) of such Act) for which coverage is provided under such plan or coverage before the beginning of the plan year for which such election was made.".

(ii) APPLICATION TO RETIREE AND CERTAIN SMALL GROUP HEALTH PLANS.—Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a)) is amended by striking "section 711" and inserting "sections 711 and 726".

(iii) CLERICAL AMENDMENT.—The table of sections for subpart B of part 7 of subtitle B of title I of the Employee Re-

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tirement Income Security Act of 1974 is amended by adding at the end the following:

"Sec. 726. Fair Price Negotiation Program and application of maximum fair prices.".

(C) IRC.—

(i) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 9826. FAIR PRICE NEGOTIATION PROGRAM AND APPLICATION OF MAXIMUM FAIR PRICES.

"(a) IN GENERAL.—In the case of a group health plan that is treated under section 1197 of the Social Security Act as having in effect an agreement with the Secretary under the Fair Price Negotiation Program under part E of title XI of such Act, with respect to a price applicability period (as defined in section 1191(b) of such Act) and a selected drug (as defined in section 1192(c) of such Act) with respect to such period with respect to which coverage is provided under such plan—

"(1) the provisions of such part shall apply, as applicable—

"(A) if coverage of such selected drug is provided under such plan if the drug is furnished or dispensed at a pharmacy or by a mail

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order service, to the plan, and to the individuals enrolled under such plan during such period, with respect to such selected drug, in the same manner as such provisions apply to prescription drug plans and MA–PD plans, and to individuals enrolled under such prescription drug plans and MA–PD plans during such period; and

''(B) if coverage of such selected drug is provided under such plan if the drug is furnished or administered by a hospital, physician, or other provider of services or supplier, to the plan, to the individuals enrolled under such plan, and to hospitals, physicians, and other providers of services and suppliers during such period, with respect to such drug in the same manner as such provisions apply to the Secretary, to individuals entitled to benefits under part A of title XVIII or enrolled under part B of such title, and to hospitals, physicians, and other providers and suppliers participating under title XVIII during such period;

''(2) the plan shall apply any cost-sharing responsibilities under such plan, with respect to such selected drug, by substituting an amount not more

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than the maximum fair price negotiated under such part E of title XI for such drug in lieu of the drug price upon which the cost-sharing would have otherwise applied, and such cost-sharing responsibilities with respect to such selected drug may not exceed such maximum fair price; and

''(3) the Secretary shall apply the provisions of such part E to such plan and such individuals so enrolled in such plan.

''(b) NOTIFICATION REGARDING NONPARTICIPATION IN FAIR PRICE NEGOTIATION PROGRAM.—A group health plan shall publicly disclose in a manner and in accordance with a process specified by the Secretary any election made under section 1197 of the Social Security Act by the plan to not participate in the Fair Price Negotiation Program under part E of title XI of such Act with respect to a selected drug (as defined in section 1192(c) of such Act) for which coverage is provided under such plan before the beginning of the plan year for which such election was made.''.

(ii) APPLICATION TO RETIREE AND CERTAIN SMALL GROUP HEALTH PLANS.—Section 9831(a)(2) of the Internal Revenue Code of 1986 is amended by inserting

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''other than with respect to section 9826,'' before ''any group health plan''.

(iii) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of such Code is amended by adding at the end the following new item:

''Sec. 9826. Fair Price Negotiation Program and application of maximum fair prices.''.

(3) FAIR PRICE NEGOTIATION PROGRAM PRICES INCLUDED IN BEST PRICE AND AMP.—Section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended—

(A) in subsection (c)(1)(C)(ii)—

(i) in subclause (III), by striking at the end ''; and'';

(ii) in subclause (IV), by striking at the end the period and inserting ''; and''; and

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

''(V) in the case of a rebate period and a covered outpatient drug that is a selected drug (as defined in section 1192(c)) during such rebate period, shall be inclusive of the price for such drug made available from the

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manufacturer during the rebate period by reason of application of part E of title XI to any wholesaler, retailer, provider, health maintenance organization, nonprofit entity, or governmental entity within the United States.''; and

(B) in subsection (k)(1)(B), by adding at the end the following new clause:

''(iii) CLARIFICATION.—Notwithstanding clause (i), in the case of a rebate period and a covered outpatient drug that is a selected drug (as defined in section 1192(c)) during such rebate period, any reduction in price paid during the rebate period to the manufacturer for the drug by a wholesaler or retail community pharmacy described in subparagraph (A) by reason of application of part E of title XI shall be included in the average manufacturer price for the covered outpatient drug.''.

(4) FEHBP.—Section 8902 of title 5, United States Code, is amended by adding at the end the following:

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''(p) A contract may not be made or a plan approved under this chapter with any carrier that has affirmatively elected, pursuant to section 1197 of the Social Security Act, not to participate in the Fair Price Negotiation Program established under section 1191 of such Act for any selected drug (as that term is defined in section 1192(c) of such Act).''.

(5) OPTION OF SECRETARY OF VETERANS AFFAIRS TO PURCHASE COVERED DRUGS AT MAXIMUM FAIR PRICES.—Section 8126 of title 38, United States Code, is amended—

(A) in subsection (a)(2), by inserting '', subject to subsection (j),'' after ''may not exceed'';

(B) in subsection (d), in the matter preceding paragraph (1), by inserting '', subject to subsection (j)'' after ''for the procurement of the drug''; and

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

''(j)(1) In the case of a covered drug that is a selected drug, for any year during the price applicability period for such drug, if the Secretary determines that the maximum fair price of such drug for such year is less than the price for such drug otherwise in effect pursuant to this section

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(including after application of any reduction under subsection (a)(2) and any discount under subsection (c)), at the option of the Secretary, in lieu of the maximum price (determined after application of the reduction under subsection (a)(2) and any discount under subsection (c), as applicable) that would be permitted to be charged during such year for such drug pursuant to this section without application of this subsection, the maximum price permitted to be charged during such year for such drug pursuant to this section shall be such maximum fair price for such drug and year.

''(2) For purposes of this subsection:

''(A) The term 'maximum fair price' means, with respect to a selected drug and year during the price applicability period for such drug, the maximum fair price (as defined in section 1191(c)(2) of the Social Security Act) for such drug and year.

''(B) The term 'negotiation eligible drug' has the meaning given such term in section 1192(d)(1) of the Social Security Act.

''(C) The term 'price applicability period' has, with respect to a selected drug, the meaning given such term in section 1191(b)(2) of such Act.

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"(D) The term 'selected drug' means, with respect to a year, a drug that is a selected drug under section 1192(c) of such Act for such year.".

SEC. 139002. SELECTED DRUG MANUFACTURER EXCISE TAX IMPOSED DURING NONCOMPLIANCE PERIODS.

(a) IN GENERAL.—Subchapter E of chapter 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 4192. SELECTED DRUGS DURING NONCOMPLIANCE PERIODS.

"(a) IN GENERAL.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any selected drug during a day described in subsection (b) a tax in an amount such that the applicable percentage is equal to the ratio of—

"(1) such tax, divided by

"(2) the sum of such tax and the price for which so sold.

"(b) NONCOMPLIANCE PERIODS.—A day is described in this subsection with respect to a selected drug if it is a day during one of the following periods:

"(1) The period beginning on the June 16th immediately following the selected drug publication date and ending on the first date during which the

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manufacturer of the drug has in place an agreement described in subsection (a) of section 1193 of the Social Security Act with respect to such drug.

''(2) The period beginning on the April 1st immediately following the June 16th described in paragraph (1) and ending on the first date during which the manufacturer of the drug has agreed to a maximum fair price under such agreement.

''(3) In the case of a selected drug with respect to which the Secretary of Health and Human Services has specified a renegotiation period under such agreement, the period beginning on the first date after the last date of such renegotiation period and ending on the first date during which the manufacturer of the drug has agreed to a renegotiated maximum fair price under such agreement.

''(4) With respect to information that is required to be submitted to the Secretary of Health and Human Services under such agreement, the period beginning on the date on which such Secretary certifies that such information is overdue and ending on the date that such information is so submitted.

''(5) In the case of a selected drug with respect to which a payment is due under subsection (c) of such section 1193, the period beginning on the date

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on which the Secretary of Health and Human Services certifies that such payment is overdue and ending on the date that such payment is made in full.

"(c) APPLICABLE PERCENTAGE.—For purposes of this section, the term 'applicable percentage' means—

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

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

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

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

"(d) SELECTED DRUG.—For purposes of this section—

"(1) IN GENERAL.—The term 'selected drug' means any selected drug (within the meaning of section 1192 of the Social Security Act) which is manufactured or produced in the United States or entered into the United States for consumption, use, or warehousing.

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''(2) UNITED STATES.—The term 'United States' has the meaning given such term by section 4612(a)(4).

''(3) COORDINATION WITH RULES FOR POSSESSIONS OF THE UNITED STATES.—Rules similar to the rules of paragraphs (2) and (4) of section 4132(c) shall apply for purposes of this section.

''(e) OTHER DEFINITIONS.—For purposes of this section, the terms 'selected drug publication date' and 'maximum fair price' have the meaning given such terms in section 1191 of the Social Security Act.

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

(b) NO DEDUCTION FOR EXCISE TAX PAYMENTS.—Section 275 of the Internal Revenue Code of 1986 is amended by adding ''or by section 4192'' before the period at the end of subsection (a)(6).

(c) CONFORMING AMENDMENTS.—

(1) Section 4221(a) of the Internal Revenue Code of 1986 is amended by inserting ''or 4192'' after ''section 4191''.

(2) Section 6416(b)(2) of such Code is amended by inserting ''or 4192'' after ''section 4191''.

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(d) CLERICAL AMENDMENTS.—

(1) The heading of subchapter E of chapter 32 of the Internal Revenue Code of 1986 is amended by striking "**Medical Devices**" and inserting "**Other Medical Products**".

(2) The table of subchapters for chapter 32 of such Code is amended by striking the item relating to subchapter E and inserting the following new item:

"SUBCHAPTER E. OTHER MEDICAL PRODUCTS".

(3) The table of sections for subchapter E of chapter 32 of such Code is amended by adding at the end the following new item:

"Sec. 4192. Selected drugs during noncompliance periods.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after the date of the enactment of this Act.

SEC. 139003. FAIR PRICE NEGOTIATION IMPLEMENTATION FUND.

(a) IN GENERAL.—There is hereby established a Fair Price Negotiation Implementation Fund (referred to in this section as the "Fund"). The Secretary of Health and Human Services may obligate and expend amounts in the Fund to carry out this part and parts 2 and 3 (and the amendments made by such parts).

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(b) FUNDING.—There is authorized to be appropriated, and there is hereby appropriated, out of any monies in the Treasury not otherwise appropriated, to the Fund $3,000,000,000, to remain available until expended, of which—

(1) $600,000,000 shall become available on the date of the enactment of this Act;

(2) $600,000,000 shall become available on October 1, 2023;

(3) $600,000,000 shall become available on October 1, 2024;

(4) $600,000,000 shall become available on October 1, 2025; and

(5) $600,000,000 shall become available on October 1, 2026.

(c) SUPPLEMENT NOT SUPPLANT.—Any amounts appropriated pursuant to this section shall be in addition to any other amounts otherwise appropriated pursuant to any other provision of law.

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PART 2—PRESCRIPTION DRUG INFLATION REBATES

SEC. 139101. MEDICARE PART B REBATE BY MANUFACTURERS.

(a) IN GENERAL.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

''(z) REBATE BY MANUFACTURERS FOR SINGLE SOURCE DRUGS WITH PRICES INCREASING FASTER THAN INFLATION.—

''(1) REQUIREMENTS.—

''(A) SECRETARIAL PROVISION OF INFORMATION.—Not later than 6 months after the end of each calendar quarter beginning on or after July 1, 2023, the Secretary shall, for each part B rebatable drug, report to each manufacturer of such part B rebatable drug the following for such calendar quarter:

''(i) Information on the total number of units of the billing and payment code described in subparagraph (A)(i) of paragraph (3) with respect to such drug and calendar quarter.

''(ii) Information on the amount (if any) of the excess average sales price increase described in subparagraph (A)(ii) of

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such paragraph for such drug and calendar quarter.

"(iii) The rebate amount specified under such paragraph for such part B rebatable drug and calendar quarter.

"(B) MANUFACTURER REQUIREMENT.—For each calendar quarter beginning on or after July 1, 2023, the manufacturer of a part B rebatable drug shall, for such drug, not later than 30 days after the date of receipt from the Secretary of the information described in subparagraph (A) for such calendar quarter, provide to the Secretary a rebate that is equal to the amount specified in paragraph (3) for such drug for such calendar quarter.

"(2) PART B REBATABLE DRUG DEFINED.—

"(A) IN GENERAL.—In this subsection, the term 'part B rebatable drug' means a single source drug or biological (as defined in subparagraph (D) of section 1847A(c)(6)), including a biosimilar biological product (as defined in subparagraph (H) of such section), payable (if such drug were furnished to an individual enrolled under this part) under this part, except

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such term shall not include such a drug or biological—

"(i) if the average total allowed charges under this part as determined by the Secretary for a year per individual that uses such a drug or biological, as determined by the Secretary, are less than, subject to subparagraph (B), $100; or

"(ii) that is a vaccine described in subparagraph (A) or (B) of section 1861(s)(10).

"(B) INCREASE.—The dollar amount applied under subparagraph (A)(i)—

"(i) for 2024, shall be the dollar amount specified under such subparagraph for 2023, increased by the percentage increase 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; and

"(ii) for a subsequent year, shall be the dollar amount specified in this clause (or clause (i)) for the previous year, increased by the percentage increase in the consumer price index for all urban con-

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sumers (United States city average) for the 12-month period ending with June of the previous year.

Any dollar amount specified under this subparagraph that is not a multiple of $10 shall be rounded to the nearest multiple of $10.

''(3) REBATE AMOUNT.—

''(A) IN GENERAL.—For purposes of paragraph (1), the amount specified in this paragraph for a part B rebatable drug assigned to a billing and payment code for a calendar quarter is, subject to subparagraph (B) and paragraph (4), the amount equal to the product of—

''(i) the total number of units, as described in section 1847A(c)(1)(B), with respect to such drug during the calendar quarter; and

''(ii) the amount (if any) by which—

''(I) the payment amount under subparagraph (B) or (C) of section 1847A(b)(1), as applicable, for such part B rebatable drug during the calendar quarter; exceeds

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"(II) the inflation-adjusted payment amount determined under subparagraph (C) for such part B rebatable drug during the calendar quarter.

"(B) EXCLUDED UNITS.—For purposes of subparagraph (A)(i), the Secretary shall exclude from the total number of units with respect to a part B rebatable drug and calendar quarter units of such part B rebatable drug for which payment was made under a State plan under title XIX (or waiver of such plan), as reported by States under section 1927(b)(2)(A) for the most recent rebate period.

"(C) DETERMINATION OF INFLATION-ADJUSTED PAYMENT AMOUNT.—The inflation-adjusted payment amount determined under this subparagraph for a part B rebatable drug for a calendar quarter is—

"(i) the payment amount for the billing and payment code for such drug in the payment amount benchmark quarter (as defined in subparagraph (D)); increased by

"(ii) the percentage by which the rebate period CPI–U (as defined in subpara-

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graph (F)) for the calendar quarter exceeds the benchmark period CPI–U (as defined in subparagraph (E)).

"(D) PAYMENT AMOUNT BENCHMARK QUARTER.—The term 'payment amount benchmark quarter' means the calendar quarter beginning January 1, 2016.

"(E) BENCHMARK PERIOD CPI–U.—The term 'benchmark period CPI–U' means the consumer price index for all urban consumers (United States city average) for July 2015.

"(F) REBATE PERIOD CPI–U.—The term 'rebate period CPI–U' means, with respect to a calendar quarter described in subparagraph (C), the greater of the benchmark period CPI–U and the consumer price index for all urban consumers (United States city average) for the first month of the calendar quarter that is two calendar quarters prior to such described calendar quarter.

"(4) SPECIAL TREATMENT OF CERTAIN DRUGS AND EXEMPTION.—

"(A) SUBSEQUENTLY APPROVED DRUGS.—Subject to subparagraph (B), in the case of a part B rebatable drug first approved or licensed

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by the Food and Drug Administration after July 1, 2015, clause (i) of paragraph (3)(C) shall be applied as if the term 'payment amount benchmark quarter' were defined under paragraph (3)(D) as the third full calendar quarter after the day on which the drug was first marketed and clause (ii) of paragraph (3)(C) shall be applied as if the term 'benchmark period CPI–U' were defined under paragraph (3)(E) as if the reference to 'July 2015' under such paragraph were a reference to 'the first month of the first full calendar quarter after the day on which the drug was first marketed'.

''(B) TIMELINE FOR PROVISION OF REBATES FOR SUBSEQUENTLY APPROVED DRUGS.—In the case of a part B rebatable drug first approved or licensed by the Food and Drug Administration after July 1, 2015, paragraph (1)(B) shall be applied as if the reference to 'July 1, 2023' under such paragraph were a reference to the later of the 6th full calendar quarter after the day on which the drug was first marketed or July 1, 2023.

''(C) EXEMPTION FOR SHORTAGES.—The Secretary may reduce or waive the rebate

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amount under paragraph (1)(B) with respect to a part B rebatable drug that is described as currently in shortage on the shortage list in effect under section 506E of the Federal Food, Drug, and Cosmetic Act or in the case of other exigent circumstances, as determined by the Secretary.

''(D) SELECTED DRUGS.—In the case of a part B rebatable drug that is a selected drug (as defined in section 1192(c)) for a price applicability period (as defined in section 1191(b)(2))—

''(i) for calendar quarters during such period for which a maximum fair price (as defined in section 1191(c)(2)) for such drug has been determined and is applied under part E of title XI, the rebate amount under paragraph (1)(B) shall be waived; and

''(ii) in the case such drug is determined (pursuant to such section 1192(c)) to no longer be a selected drug, for each applicable year beginning after the price applicability period with respect to such drug, clause (i) of paragraph (3)(C) shall

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be applied as if the term 'payment amount benchmark quarter' were defined under paragraph (3)(D) as the calendar quarter beginning January 1 of the last year beginning during such price applicability period with respect to such selected drug and clause (ii) of paragraph (3)(C) shall be applied as if the term 'benchmark period CPI–U' were defined under paragraph (3)(E) as if the reference to 'July 2015' under such paragraph were a reference to the July of the year preceding such last year.

''(5) APPLICATION TO BENEFICIARY COINSURANCE.—In the case of a part B rebatable drug, if the payment amount under this part for a quarter exceeds the inflation adjusted payment for such quarter—

''(A) in computing the amount of any coinsurance applicable under this part to an individual to whom such drug is furnished, the computation of such coinsurance shall be based on the inflation-adjusted payment amount determined under paragraph (3)(C) for such part B rebatable drug; and

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"(B) the amount of such coinsurance is equal to 20 percent of such inflation-adjusted payment amount so determined.

"(6) REBATE DEPOSITS.—Amounts paid as rebates under paragraph (1)(B) shall be deposited into the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

"(7) CIVIL MONEY PENALTY.—If a manufacturer of a part B rebatable drug has failed to comply with the requirements under paragraph (1)(B) for such drug for a calendar quarter, the manufacturer shall be subject to, in accordance with a process established by the Secretary pursuant to regulations, a civil money penalty in an amount equal to at least 125 percent of the amount specified in paragraph (3) for such drug for such calendar quarter. The provisions of section 1128A (other than subsections (a) (with respect to amounts of penalties or additional assessments) and (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(8) APPLICATION TO MULTIPLE SOURCE DRUGS.—The Secretary may, pursuant to rulemaking, apply the provisions of this subsection to

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multiple source drugs (as defined in section 1847A(c)(6)(C)), including, for purposes of determining the rebate amount under paragraph (3), by calculating manufacturer-specific average sales prices for the benchmark period and the rebate period.''.

(b) AMOUNTS PAYABLE; COST-SHARING.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (G), by inserting '', subject to subsection (i)(9),'' after ''the amounts paid'';

(ii) in subparagraph (S), by striking ''with respect to'' and inserting ''subject to subparagraph (DD), with respect to'';

(iii) by striking ''and (DD)'' and inserting ''(EE)''; and

(iv) by inserting before the semicolon at the end the following: '', and (EE) with respect to a part B rebatable drug (as defined in paragraph (2) of section 1834(z)) for which the payment amount for a calendar quarter under paragraph

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(3)(A)(ii)(I) of such section for such quarter exceeds the inflation-adjusted payment under paragraph (3)(A)(ii)(II) of such section for such quarter, the amounts paid shall be the difference between (i) the payment amount under paragraph (3)(A)(ii)(I) of such section for such drug, and (ii) 20 percent of the inflation-adjusted payment amount under paragraph (3)(A)(ii)(II) of such section for such drug''; and

(B) by adding at the end of the flush left matter following paragraph (9), the following:

''For purposes of applying paragraph (1)(EE), subsections (i)(9) and (t)(8)(F), and section 1834(z)(5), the Secretary shall make such estimates and use such data as the Secretary determines appropriate, and may do so by program instruction or otherwise.'';

(2) in subsection (i), by adding at the end the following new paragraph:

''(9) In the case of a part B rebatable drug (as defined in paragraph (2) of section 1834(z)) for which payment under this subsection is not packaged into a payment for a covered OPD service (as defined in subsection (t)(1)(B)) (or group of services) furnished on or after July

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1, 2023, under the system under this subsection, in lieu of calculation of coinsurance and the amount of payment otherwise applicable under this subsection, the provisions of section 1834(z)(5), paragraph (1)(EE) of subsection (a), and the flush left matter following paragraph (9) of subsection (a), shall, as determined appropriate by the Secretary, apply under this subsection in the same manner as such provisions of section 1834(z)(5) and subsection (a) apply under such section and subsection.''; and

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

''(F) PART B REBATABLE DRUGS.—In the case of a part B rebatable drug (as defined in paragraph (2) of section 1834(z)) for which payment under this part is not packaged into a payment for a service furnished on or after July 1, 2023, under the system under this subsection, in lieu of calculation of coinsurance and the amount of payment otherwise applicable under this subsection, the provisions of section 1834(z)(5), paragraph (1)(EE) of subsection (a), and the flush left matter following paragraph (9) of subsection (a), shall, as determined appropriate by the Secretary, apply under this subsection in the same manner as such provi-

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sions of section 1834(z)(5) and subsection (a) apply under such section and subsection.''.

(c) CONFORMING AMENDMENTS.—

(1) TO PART B ASP CALCULATION.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w–3a(c)(3)) is amended by inserting ''or section 1834(z)'' after ''section 1927''.

(2) EXCLUDING PARTS B DRUG INFLATION REBATE FROM BEST PRICE.—Section 1927(c)(1)(C)(ii)(I) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)(ii)(I)) is amended by inserting ''or section 1834(z)'' after ''this section''.

(3) COORDINATION WITH MEDICAID REBATE INFORMATION DISCLOSURE.—Section 1927(b)(3)(D)(i) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(D)(i)) is amended by striking ''or to carry out section 1847B'' and inserting ''to carry out section 1847B or section 1834(z)''.

SEC. 139102. MEDICARE PART D REBATE BY MANUFACTURERS.

(a) IN GENERAL.—Part D of title XVIII of the Social Security Act is amended by inserting after section 1860D–14A (42 U.S.C. 1395w–114a) the following new section:

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"SEC. 1860D–14B. MANUFACTURER REBATE FOR CERTAIN DRUGS WITH PRICES INCREASING FASTER THAN INFLATION.

''(a) REQUIREMENTS.—

''(1) SECRETARIAL PROVISION OF INFORMATION.—Not later than 9 months after the end of each applicable year (as defined in subsection (g)(7)), the Secretary shall, for each part D rebatable drug, report to each manufacturer of such part D rebatable drug the following for such year:

''(A) Information on the amount (if any) of the excess average manufacturer price increase described in subsection (b)(1)(B) for each dosage form and strength with respect to such drug and year.

''(B) The rebate amount specified under subsection (b) for each dosage form and strength with respect to such drug and year.

''(2) MANUFACTURER REQUIREMENTS.—For each applicable year, the manufacturer of a part D rebatable drug, for each dosage form and strength with respect to such drug, not later than 30 days after the date of receipt from the Secretary of the information described in paragraph (1) for such year, shall provide to the Secretary a rebate that is equal to the amount specified in subsection (b) for

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such dosage form and strength with respect to such drug for such year.

"(b) REBATE AMOUNT.—

"(1) IN GENERAL.—

"(A) CALCULATION.—For purposes of this section, the amount specified in this subsection for a dosage form and strength with respect to a part D rebatable drug and applicable year is, subject to subparagraph (B) of this paragraph and subparagraphs (B) and (C) of paragraph (5), the amount equal to the product of—

"(i) the total number of units that are used to calculate the average manufacturer price of such dosage form and strength with respect to such part D rebatable drug, as reported by the manufacturer of such drug under section 1927 for each recent rebate period under such section, with respect to such year, under such section for which such information is available; and

"(ii) the amount (if any) by which—

"(I) the annual manufacturer price (as determined in paragraph (2)) paid for such dosage form and

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strength with respect to such part D rebatable drug for the year; exceeds

"(II) the inflation-adjusted payment amount determined under paragraph (3) for such dosage form and strength with respect to such part D rebatable drug for the year.

"(B) EXCLUDED UNITS.—For purposes of subparagraph (A)(i), the Secretary shall exclude from the total number of units for a dosage form and strength with respect to a part D rebatable drug and the most recent rebate period under section 1927, with respect to an applicable year, for which such information is available, units of each dosage form and strength of such part D rebatable drug, for which payment was made under a State plan under title XIX (or waiver of such plan), as reported by States under section 1927(b)(2)(A) for such rebate period.

"(2) DETERMINATION OF ANNUAL MANUFACTURER PRICE.—The annual manufacturer price determined under this paragraph for a dosage form and strength, with respect to a part D rebatable

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drug and an applicable year, is the sum of the products of—

"(A) the average manufacturer price (as defined in subsection (g)(6)) of such dosage form and strength, as calculated for a unit of such drug, with respect to each of the calendar quarters of such year; and

"(B) the ratio of—

"(i) the total number of units of such dosage form and strength reported for the purpose of calculating average manufacturer price under section 1927 during each such calendar quarter of such year; to

"(ii) the total number of units of such dosage form and strength reported for the purpose of calculating average manufacturer price under section 1927 during such year, as determined by the Secretary.

"(3) DETERMINATION OF INFLATION-ADJUSTED PAYMENT AMOUNT.—The inflation-adjusted payment amount determined under this paragraph for a dosage form and strength with respect to a part D rebatable drug for an applicable year, subject to subparagraphs (A) and (D) of paragraph (5), is—

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"(A) the benchmark year manufacturer price determined under paragraph (4) for such dosage form and strength with respect to such drug and year; increased by

"(B) the percentage by which the applicable year CPI–U (as defined in subsection (g)(5)) for the year exceeds the benchmark period CPI–U (as defined in subsection (g)(4)).

"(4) DETERMINATION OF BENCHMARK YEAR MANUFACTURER PRICE.—The benchmark year manufacturer price determined under this paragraph for a dosage form and strength, with respect to a part D rebatable drug and an applicable year, is the sum of the products of—

"(A) the average manufacturer price (as defined in subsection (g)(6)) of such dosage form and strength, as calculated for a unit of such drug, with respect to each of the calendar quarters of the payment amount benchmark year (as defined in subsection (g)(3)); and

"(B) the ratio of—

"(i) the total number of units of such dosage form and strength dispensed during each such calendar quarter of such payment amount benchmark year; to

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"(ii) the total number of units of such dosage form and strength dispensed during such payment amount benchmark year.

"(5) SPECIAL TREATMENT OF CERTAIN DRUGS AND EXEMPTION.—

"(A) SUBSEQUENTLY APPROVED DRUGS.—In the case of a part D rebatable drug first approved or licensed by the Food and Drug Administration after January 1, 2016, subparagraphs (A) and (B) of paragraph (4) shall be applied as if the term 'payment amount benchmark year' were defined under subsection (g)(3) as the first calendar year beginning after the day on which the drug was first marketed by any manufacturer and subparagraph (B) of paragraph (3) shall be applied as if the term 'benchmark period CPI–U' were defined under subsection (g)(4) as if the reference to 'January 2016' under such subsection were a reference to 'January of the first year beginning after the date on which the drug was first marketed by any manufacturer'.

"(B) EXEMPTION FOR SHORTAGES.—The Secretary may reduce or waive the rebate under paragraph (1) with respect to a part D

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rebatable drug that is described as currently in shortage on the shortage list in effect under section 506E of the Federal Food, Drug, and Cosmetic Act or in the case of other exigent circumstances, as determined by the Secretary.

"(C) TREATMENT OF NEW FORMULATIONS.—

"(i) IN GENERAL.—In the case of a part D rebatable drug that is a line extension of a part D rebatable drug that is an oral solid dosage form, the Secretary shall establish a formula for determining the amount specified in this subsection with respect to such part D rebatable drug and an applicable year with consideration of the original part D rebatable drug.

"(ii) LINE EXTENSION DEFINED.—In this subparagraph, the term 'line extension' means, with respect to a part D rebatable drug, a new formulation of the drug, such as an extended release formulation, but does not include an abuse-deterrent formulation of the drug (as determined by the Secretary), regardless of

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whether such abuse-deterrent formulation is an extended release formulation.

''(D) SELECTED DRUGS.—In the case of a part D rebatable drug that is a selected drug (as defined in section 1192(c)) for a price applicability period (as defined in section 1191(b)(2))—

''(i) for plan years during such period for which a maximum fair price (as defined in section 1191(c)(2)) for such drug has been determined and is applied under part E of title XI, the rebate under subsection (a)(1)(B) shall be waived; and

''(ii) in the case such drug is determined (pursuant to such section 1192(c)) to no longer be a selected drug, for each applicable year beginning after the price applicability period with respect to such drug, subparagraphs (A) and (B) of paragraph (4) shall be applied as if the term 'payment amount benchmark year' were defined under subsection (g)(3) as the last year beginning during such price applicability period with respect to such selected drug and subparagraph (B) of paragraph

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(3) shall be applied as if the term 'benchmark period CPI–U' were defined under subsection (g)(4) as if the reference to 'January 2016' under such subsection were a reference to January of the last year beginning during such price applicability period with respect to such drug.

''(c) REBATE DEPOSITS.—Amounts paid as rebates under subsection (b) shall be deposited into the Medicare Prescription Drug Account in the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

''(d) INFORMATION.—For purposes of carrying out this section, the Secretary shall use information submitted by manufacturers under section 1927(b)(3) and information submitted by States under section 1927(b)(2)(A).

''(e) CIVIL MONEY PENALTY.—If a manufacturer of a part D rebatable drug has failed to comply with the requirement under subsection (a)(1)(B) with respect to such drug for an applicable year, the manufacturer shall be subject to, in accordance with a process established by the Secretary pursuant to regulations, a civil money penalty in an amount equal to 125 percent of the amount specified in subsection (b) for such drug for such year. The provisions of section 1128A (other than subsections (a) (with

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respect to amounts of penalties or additional assessments) and (b)) shall apply to a civil money penalty under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(f) JUDICIAL REVIEW.—There shall be no judicial review of the following:

''(1) The determination of units under this section.

''(2) The determination of whether a drug is a part D rebatable drug under this section.

''(3) The calculation of the rebate amount under this section.

''(g) DEFINITIONS.—In this section:

''(1) PART D REBATABLE DRUG DEFINED.—

''(A) IN GENERAL.—The term 'part D rebatable drug' means a drug or biological that would (without application of this section) be a covered part D drug, except such term shall, with respect to an applicable year, not include such a drug or biological if the average annual total cost under this part for such year per individual who uses such a drug or biological, as determined by the Secretary, is less than, subject to subparagraph (B), $100, as determined by the Secretary using the most recent data

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available or, if data is not available, as estimated by the Secretary.

"(B) INCREASE.—The dollar amount applied under subparagraph (A)—

"(i) for 2024, shall be the dollar amount specified under such subparagraph for 2023, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period beginning with January of 2023; and

"(ii) for a subsequent year, shall be the dollar amount specified in this subparagraph for the previous year, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period beginning with January of the previous year.

Any dollar amount specified under this subparagraph that is not a multiple of $10 shall be rounded to the nearest multiple of $10.

"(2) UNIT DEFINED.—The term 'unit' means, with respect to a part D rebatable drug, the lowest identifiable quantity (such as a capsule or tablet,

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milligram of molecules, or grams) of the part D rebatable drug, including data reported under section 1927.

''(3) PAYMENT AMOUNT BENCHMARK YEAR.—The term 'payment amount benchmark year' means the year beginning January 1, 2016.

''(4) BENCHMARK PERIOD CPI–U.—The term 'benchmark period CPI–U' means the consumer price index for all urban consumers (United States city average) for January 2016.

''(5) APPLICABLE YEAR CPI–U.—The term 'applicable year CPI–U' means, with respect to an applicable year, the consumer price index for all urban consumers (United States city average) for January of such year.

''(6) AVERAGE MANUFACTURER PRICE.—The term 'average manufacturer price' has the meaning, with respect to a part D rebatable drug of a manufacturer, given such term in section 1927(k)(1), with respect to a covered outpatient drug of a manufacturer for a rebate period under section 1927.

''(7) APPLICABLE YEAR.—The term 'applicable year' means a year beginning with 2023.''.

(b) CONFORMING AMENDMENTS.—

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(1) TO PART B ASP CALCULATION.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w–3a(c)(3)), as amended by section 139101(c)(1), is further amended by striking ''section 1927 or section 1834(z)'' and inserting ''section 1927, section 1834(z), or section 1860D–14B''.

(2) EXCLUDING PART D DRUG INFLATION REBATE FROM BEST PRICE.—Section 1927(c)(1)(C)(ii)(I) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)(ii)(I)), as amended by section 139101(c)(2), is further amended by striking ''or section 1834(z)'' and inserting '', section 1834(z), or section 1860D–14B''.

(3) COORDINATION WITH MEDICAID REBATE INFORMATION DISCLOSURE.—Section 1927(b)(3)(D)(i) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(D)(i)), as amended by section 139101(c)(3), is further amended by striking ''or section 1834(z)'' and inserting '', section 1834(z), or section 1860D–14B''.

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PART 3—PART D IMPROVEMENTS AND MAXIMUM OUT-OF-POCKET CAP FOR MEDICARE BENEFICIARIES

SEC. 139201. MEDICARE PART D BENEFIT REDESIGN.

(a) BENEFIT STRUCTURE REDESIGN.—Section 1860D–2(b) of the Social Security Act (42 U.S.C. 1395w–102(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), in the matter preceding clause (i), by inserting ''for a year preceding 2024 and for costs above the annual deductible specified in paragraph (1) and up to the annual out-of-pocket threshold specified in paragraph (4)(B) for 2024 and each subsequent year'' after ''paragraph (3)'';

(B) in subparagraph (C)—

(i) in clause (i), in the matter preceding subclause (I), by inserting ''for a year preceding 2024,'' after ''paragraph (4),''; and

(ii) in clause (ii)(III), by striking ''and each subsequent year'' and inserting ''through 2023''; and

(C) in subparagraph (D)—

(i) in clause (i)—

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(I) in the matter preceding subclause (I), by inserting ''for a year preceding 2024,'' after ''paragraph (4),''; and

(II) in subclause (I)(bb), by striking ''a year after 2018'' and inserting ''each of years 2018 through 2023''; and

(ii) in clause (ii)(V), by striking ''2019 and each subsequent year'' and inserting ''each of years 2019 through 2023'';

(2) in paragraph (3)(A)—

(A) in the matter preceding clause (i), by inserting ''for a year preceding 2024,'' after ''and (4),''; and

(B) in clause (ii), by striking ''for a subsequent year'' and inserting ''for each of years 2007 through 2023''; and

(3) in paragraph (4)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and moving the margin

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of each such redesignated item 2 ems to the right;

(II) in the matter preceding item (aa), as redesignated by subclause (I), by striking ''is equal to the greater of—'' and inserting ''is equal to—

''(I) for a year preceding 2024, the greater of—'';

(III) by striking the period at the end of item (bb), as redesignated by subclause (I), and inserting ''; and''; and

(IV) by adding at the end the following:

''(II) for 2024 and each succeeding year, $0.''; and

(ii) in clause (ii), by striking ''clause (i)(I)'' and inserting ''clause (i)(I)(aa)'';

(B) in subparagraph (B)—

(i) in clause (i)—

(I) in subclause (V), by striking ''or'' at the end;

(II) in subclause (VI)—

(aa) by striking ''for a subsequent year'' and inserting ''for

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each of years 2021 through 2023''; and

(bb) by striking the period at the end and inserting a semicolon; and

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

''(VII) for 2024, is equal to $2,000; or

''(VIII) for a subsequent year, is equal to the amount specified in this subparagraph for the previous year, increased by the annual percentage increase described in paragraph (6) for the year involved.''; and

(ii) in clause (ii), by striking ''clause (i)(II)'' and inserting ''clause (i)'';

(C) in subparagraph (C)(i), by striking ''and for amounts'' and inserting ''and, for a year preceding 2024, for amounts''; and

(D) in subparagraph (E), by striking ''In applying'' and inserting ''For each of years 2011 through 2023, in applying''.

(b) DECREASING REINSURANCE PAYMENT AMOUNT.—Section 1860D–15(b)(1) of the Social Security

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Act (42 U.S.C. 1395w–115(b)(1)) is amended by inserting after ''80 percent'' the following: ''(or, with respect to a coverage year after 2023, 20 percent)''.

(c) MANUFACTURER DISCOUNT PROGRAM.—

(1) IN GENERAL.—Part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.), as amended by section 139102, is further amended by inserting after section 1860D–14B the following new section:

''SEC. 1860D–14C. MANUFACTURER DISCOUNT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish a manufacturer discount program (in this section referred to as the 'program'). Under the program, the Secretary shall enter into agreements described in subsection (b) with manufacturers and provide for the performance of the duties described in subsection (c). The Secretary shall establish a model agreement for use under the program by not later than January 1, 2023, in consultation with manufacturers, and allow for comment on such model agreement.

''(b) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—

''(A) AGREEMENT.—An agreement under this section shall require the manufacturer to provide applicable beneficiaries access to dis-

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counted prices for applicable drugs of the manufacturer that are dispensed on or after January 1, 2024.

"(B) PROVISION OF DISCOUNTED PRICES AT THE POINT-OF-SALE.—The discounted prices described in subparagraph (A) shall be provided to the applicable beneficiary at the pharmacy or by the mail order service at the point-of-sale of an applicable drug.

"(C) TIMING OF AGREEMENT.—

"(i) SPECIAL RULE FOR 2024.—In order for an agreement with a manufacturer to be in effect under this section with respect to the period beginning on January 1, 2024, and ending on December 31, 2024, the manufacturer shall enter into such agreement not later than 30 days after the date of the establishment of a model agreement under subsection (a).

"(ii) 2025 AND SUBSEQUENT YEARS.—In order for an agreement with a manufacturer to be in effect under this section with respect to plan year 2025 or a subsequent plan year, the manufacturer shall enter into such agreement (or such

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agreement shall be renewed under paragraph (4)(A)) not later than January 30 of the preceding year.

"(2) PROVISION OF APPROPRIATE DATA.—Each manufacturer with an agreement in effect under this section shall collect and have available appropriate data, as determined by the Secretary, to ensure that it can demonstrate to the Secretary compliance with the requirements under the program.

"(3) COMPLIANCE WITH REQUIREMENTS FOR ADMINISTRATION OF PROGRAM.—Each manufacturer with an agreement in effect under this section shall comply with requirements imposed by the Secretary or a third party with a contract under subsection (d)(3), as applicable, for purposes of administering the program, including any determination under subparagraph (A) of subsection (c)(1) or procedures established under such subsection (c)(1).

"(4) LENGTH OF AGREEMENT.—

"(A) IN GENERAL.—An agreement under this section shall be effective for an initial period of not less than 12 months and shall be automatically renewed for a period of not less than 1 year unless terminated under subparagraph (B).

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"(B) TERMINATION.—

"(i) BY THE SECRETARY.—The Secretary may provide for termination of an agreement under this section for a knowing and willful violation of the requirements of the agreement or other good cause shown. Such termination shall not be effective earlier than 30 days after the date of notice to the manufacturer of such termination. The Secretary shall provide, upon request, a manufacturer with a hearing concerning such a termination, and such hearing shall take place prior to the effective date of the termination with sufficient time for such effective date to be repealed if the Secretary determines appropriate.

"(ii) BY A MANUFACTURER.—A manufacturer may terminate an agreement under this section for any reason. Any such termination shall be effective, with respect to a plan year—

"(I) if the termination occurs before January 30 of a plan year, as of the day after the end of the plan year; and

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"(II) if the termination occurs on or after January 30 of a plan year, as of the day after the end of the succeeding plan year.

"(iii) EFFECTIVENESS OF TERMINATION.—Any termination under this subparagraph shall not affect discounts for applicable drugs of the manufacturer that are due under the agreement before the effective date of its termination.

"(iv) NOTICE TO THIRD PARTY.—The Secretary shall provide notice of such termination to a third party with a contract under subsection (d)(3) within not less than 30 days before the effective date of such termination.

"(c) DUTIES DESCRIBED.—The duties described in this subsection are the following:

"(1) ADMINISTRATION OF PROGRAM.—Administering the program, including—

"(A) the determination of the amount of the discounted price of an applicable drug of a manufacturer;

"(B) the establishment of procedures under which discounted prices are provided to

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applicable beneficiaries at pharmacies or by mail order service at the point-of-sale of an applicable drug;

"(C) the establishment of procedures to ensure that, not later than the applicable number of calendar days after the dispensing of an applicable drug by a pharmacy or mail order service, the pharmacy or mail order service is reimbursed for an amount equal to the difference between—

"(i) the negotiated price of the applicable drug; and

"(ii) the discounted price of the applicable drug;

"(D) the establishment of procedures to ensure that the discounted price for an applicable drug under this section is applied before any coverage or financial assistance under other health benefit plans or programs that provide coverage or financial assistance for the purchase or provision of prescription drug coverage on behalf of applicable beneficiaries as the Secretary may specify; and

"(E) providing a reasonable dispute resolution mechanism to resolve disagreements be-

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tween manufacturers, applicable beneficiaries, and the third party with a contract under subsection (d)(3).

"(2) MONITORING COMPLIANCE.—

"(A) IN GENERAL.—The Secretary shall monitor compliance by a manufacturer with the terms of an agreement under this section.

"(B) NOTIFICATION.—If a third party with a contract under subsection (d)(3) determines that the manufacturer is not in compliance with such agreement, the third party shall notify the Secretary of such noncompliance for appropriate enforcement under subsection (e).

"(3) COLLECTION OF DATA FROM PRESCRIPTION DRUG PLANS AND MA–PD PLANS.—The Secretary may collect appropriate data from prescription drug plans and MA–PD plans in a timeframe that allows for discounted prices to be provided for applicable drugs under this section.

"(d) ADMINISTRATION.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide for the implementation of this section, including the performance of the duties described in subsection (c).

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"(2) LIMITATION.—In providing for the implementation of this section, the Secretary shall not receive or distribute any funds of a manufacturer under the program.

"(3) CONTRACT WITH THIRD PARTIES.—The Secretary shall enter into a contract with 1 or more third parties to administer the requirements established by the Secretary in order to carry out this section. At a minimum, the contract with a third party under the preceding sentence shall require that the third party—

"(A) receive and transmit information between the Secretary, manufacturers, and other individuals or entities the Secretary determines appropriate;

"(B) receive, distribute, or facilitate the distribution of funds of manufacturers to appropriate individuals or entities in order to meet the obligations of manufacturers under agreements under this section;

"(C) provide adequate and timely information to manufacturers, consistent with the agreement with the manufacturer under this section, as necessary for the manufacturer to fulfill its obligations under this section; and

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"(D) permit manufacturers to conduct periodic audits, directly or through contracts, of the data and information used by the third party to determine discounts for applicable drugs of the manufacturer under the program.

"(4) PERFORMANCE REQUIREMENTS.—The Secretary shall establish performance requirements for a third party with a contract under paragraph (3) and safeguards to protect the independence and integrity of the activities carried out by the third party under the program under this section.

"(5) IMPLEMENTATION.—The Secretary may implement the program under this section by program instruction or otherwise.

"(6) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to the program under this section.

"(e) ENFORCEMENT.—

"(1) AUDITS.—Each manufacturer with an agreement in effect under this section shall be subject to periodic audit by the Secretary.

"(2) CIVIL MONEY PENALTY.—

"(A) IN GENERAL.—The Secretary may impose a civil money penalty on a manufacturer that fails to provide applicable beneficiaries dis-

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counts for applicable drugs of the manufacturer in accordance with such agreement for each such failure in an amount the Secretary determines is equal to the sum of—

"(i) the amount that the manufacturer would have paid with respect to such discounts under the agreement, which will then be used to pay the discounts which the manufacturer had failed to provide; and

"(ii) 25 percent of such amount.

"(B) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(f) CLARIFICATION REGARDING AVAILABILITY OF OTHER COVERED PART D DRUGS.—Nothing in this section shall prevent an applicable beneficiary from purchasing a covered part D drug that is not an applicable drug (including a generic drug or a drug that is not on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in).

"(g) DEFINITIONS.—In this section:

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"(1) APPLICABLE BENEFICIARY.—The term 'applicable beneficiary' means an individual who, on the date of dispensing a covered part D drug—

"(A) is enrolled in a prescription drug plan or an MA–PD plan;

"(B) is not enrolled in a qualified retiree prescription drug plan; and

"(C) has incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that exceed the annual deductible with respect to such individual for such year, as specified in section 1860D–2(b)(1), section 1860D–14(a)(1)(B), or section 1860D–14(a)(2)(B), as applicable.

"(2) APPLICABLE DRUG.—The term 'applicable drug', with respect to an applicable beneficiary—

"(A) means a covered part D drug—

"(i) approved under a new drug application under section 505(c) of the Federal Food, Drug, and Cosmetic Act or, in the case of a biologic product, licensed under section 351 of the Public Health Service Act; and

"(ii)(I) if the PDP sponsor of the prescription drug plan or the MA organization

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offering the MA–PD plan uses a formulary, which is on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in;

"(II) if the PDP sponsor of the prescription drug plan or the MA organization offering the MA–PD plan does not use a formulary, for which benefits are available under the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in; or

"(III) is provided through an exception or appeal; and

"(B) does not include a selected drug (as defined in section 1192(c)) during a price applicability period (as defined in section 1191(b)(2)) with respect to such drug.

"(3) APPLICABLE NUMBER OF CALENDAR DAYS.—The term 'applicable number of calendar days' means—

"(A) with respect to claims for reimbursement submitted electronically, 14 days; and

"(B) with respect to claims for reimbursement submitted otherwise, 30 days.

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"(4) DISCOUNTED PRICE.—

"(A) IN GENERAL.—The term 'discounted price' means, with respect to an applicable drug of a manufacturer dispensed during a year to an applicable beneficiary—

"(i) who has not incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year, 90 percent of the negotiated price of such drug; and

"(ii) who has incurred such costs, as so determined, in the year that are equal to or exceed such threshold for the year, 70 percent of the negotiated price of such drug.

"(B) CLARIFICATION.—Nothing in this section shall be construed as affecting the responsibility of an applicable beneficiary for payment of a dispensing fee for an applicable drug.

"(C) SPECIAL CASE FOR CERTAIN CLAIMS.—

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"(i) CLAIMS SPANNING DEDUCTIBLE.—In the case where the entire amount of the negotiated price of an individual claim for an applicable drug with respect to an applicable beneficiary does not fall above the annual deductible specified in section 1860D–2(b)(1) for the year, the manufacturer of the applicable drug shall provide the discounted price under this section on only the portion of the negotiated price of the applicable drug that falls above such annual deductible.

"(ii) CLAIMS SPANNING OUT-OF-POCKET THRESHOLD.—In the case where the entire amount of the negotiated price of an individual claim for an applicable drug with respect to an applicable beneficiary does not fall entirely below or entirely above the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year, the manufacturer of the applicable drug shall provide the discounted price—

"(I) in accordance with subparagraph (A)(i) on the portion of the ne-

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gotiated price of the applicable drug that falls below such threshold; and

"(II) in accordance with subparagraph (A)(ii) on the portion of such price of such drug that falls at or above such threshold.

"(5) MANUFACTURER.—The term 'manufacturer' means any entity which is engaged in the production, preparation, propagation, compounding, conversion, or processing of prescription drug products, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis. Such term does not include a wholesale distributor of drugs or a retail pharmacy licensed under State law.

"(6) NEGOTIATED PRICE.—The term 'negotiated price' has the meaning given such term in section 423.100 of title 42, Code of Federal Regulations (or any successor regulation), except that, with respect to an applicable drug, such negotiated price shall not include any dispensing fee for the applicable drug.

"(7) QUALIFIED RETIREE PRESCRIPTION DRUG PLAN.—The term 'qualified retiree prescription drug

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plan' has the meaning given such term in section 1860D–22(a)(2).''.

(2) SUNSET OF MEDICARE COVERAGE GAP DISCOUNT PROGRAM.—Section 1860D–14A of the Social Security Act (42 U.S.C. 1395–114a) is amended—

(A) in subsection (a), in the first sentence, by striking ''The Secretary'' and inserting ''Subject to subsection (h), the Secretary''; and

(B) by adding at the end the following new subsection:

''(h) SUNSET OF PROGRAM.—

''(1) IN GENERAL.—The program shall not apply with respect to applicable drugs dispensed on or after January 1, 2024, and, subject to paragraph (2), agreements under this section shall be terminated as of such date.

''(2) CONTINUED APPLICATION FOR APPLICABLE DRUGS DISPENSED PRIOR TO SUNSET.—The provisions of this section (including all responsibilities and duties) shall continue to apply after January 1, 2024, with respect to applicable drugs dispensed prior to such date.''.

(3) INCLUSION OF ACTUARIAL VALUE OF MANUFACTURER DISCOUNTS IN BIDS.—Section 1860D–11

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of the Social Security Act (42 U.S.C. 1395w–111) is amended—

(A) in subsection (b)(2)(C)(iii)—

(i) by striking ''assumptions regarding the reinsurance'' and inserting ''assumptions regarding—

''(I) the reinsurance''; and

(ii) by adding at the end the following:

''(II) for 2024 and each subsequent year, the manufacturer discounts provided under section 1860D–14C subtracted from the actuarial value to produce such bid; and''; and

(B) in subsection (c)(1)(C)—

(i) by striking ''an actuarial valuation of the reinsurance'' and inserting ''an actuarial valuation of—

''(i) the reinsurance'';

(ii) in clause (i), as inserted by clause (i) of this subparagraph, by adding ''and'' at the end; and

(iii) by adding at the end the following:

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"(ii) for 2024 and each subsequent year, the manufacturer discounts provided under section 1860D–14C;".

(d) CONFORMING AMENDMENTS.—

(1) Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–102) is amended—

(A) in subsection (a)(2)(A)(i)(I), by striking ", or an increase in the initial" and inserting "or, for a year preceding 2024, an increase in the initial";

(B) in subsection (c)(1)(C)—

(i) in the subparagraph heading, by striking "AT INITIAL COVERAGE LIMIT"; and

(ii) by inserting "for a year preceding 2024 or the annual out-of-pocket threshold specified in subsection (b)(4)(B) for the year for 2024 and each subsequent year" after "subsection (b)(3) for the year" each place it appears; and

(C) in subsection (d)(1)(A), by striking "or an initial" and inserting "or, for a year preceding 2024, an initial".

(2) Section 1860D–4(a)(4)(B)(i) of the Social Security Act (42 U.S.C. 1395w–104(a)(4)(B)(i)) is

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amended by striking ''the initial'' and inserting ''for a year preceding 2024, the initial''.

(3) Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking ''The continuation'' and inserting ''For a year preceding 2024, the continuation'';

(ii) in subparagraph (D)(iii), by striking ''1860D–2(b)(4)(A)(i)(I)'' and inserting ''1860D–2(b)(4)(A)(i)(I)(aa)''; and

(iii) in subparagraph (E), by striking ''The elimination'' and inserting ''For a year preceding 2024, the elimination''; and

(B) in paragraph (2)—

(i) in subparagraph (C), by striking ''The continuation'' and inserting ''For a year preceding 2024, the continuation''; and

(ii) in subparagraph (E), by striking ''1860D–2(b)(4)(A)(i)(I)'' and inserting ''1860D–2(b)(4)(A)(i)(I)(aa)''.

(4) Section 1860D–21(d)(7) of the Social Security Act (42 U.S.C. 1395w–131(d)(7)) is amended

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by striking ''section 1860D–2(b)(4)(B)(i)'' and inserting ''section 1860D–2(b)(4)(C)(i)''.

(5) Section 1860D–22(a)(2)(A) of the Social Security Act (42 U.S.C. 1395w–132(a)(2)(A)) is amended—

(A) by striking ''the value of any discount'' and inserting the following: ''the value of—

''(i) for years prior to 2024, any discount'';

(B) in clause (i), as inserted by subparagraph (A) of this paragraph, by striking the period at the end and inserting ''; and''; and

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

''(ii) for 2024 and each subsequent year, any discount provided pursuant to section 1860D–14C.''.

(6) Section 1860D–41(a)(6) of the Social Security Act (42 U.S.C. 1395w–151(a)(6)) is amended—

(A) by inserting ''for a year before 2024'' after ''1860D–2(b)(3)''; and

(B) by inserting ''for such year'' before the period.

(7) Section 1860D–43 of the Social Security Act (42 U.S.C. 1395w–153) is amended—

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(A) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

''(1) participate in—

''(A) for 2011 through 2023, the Medicare coverage gap discount program under section 1860D–14A; and

''(B) for 2024 and each subsequent year, the manufacturer discount program under section 1860D–14C;'';

(ii) by striking paragraph (2) and inserting the following:

''(2) have entered into and have in effect—

''(A) for 2011 through 2023, an agreement described in subsection (b) of section 1860D–14A with the Secretary; and

''(B) for 2024 and each subsequent year, an agreement described in subsection (b) of section 1860D–14C with the Secretary; and''; and

(iii) by striking paragraph (3) and inserting the following:

''(3) have entered into and have in effect, under terms and conditions specified by the Secretary—

''(A) for 2011 through 2023, a contract with a third party that the Secretary has en-

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tered into a contract with under subsection (d)(3) of section 1860D–14A; and

"(B) for 2024 and each subsequent year, a contract with a third party that the Secretary has entered into a contract with under subsection (d)(3) of section 1860D–14C."; and

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

"(b) EFFECTIVE DATE.—Paragraphs (1)(A), (2)(A), and (3)(A) of subsection (a) shall apply to covered part D drugs dispensed under this part on or after January 1, 2011, and before January 1, 2024, and paragraphs (1)(B), (2)(B), and (3)(B) of such subsection shall apply to covered part D drugs dispensed under this part on or after January 1, 2024.".

(8) Section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended—

(A) in subsection (c)(1)(C)(i)(VI), by inserting before the period at the end the following: "or under the manufacturer discount program under section 1860D–14C"; and

(B) in subsection (k)(1)(B)(i)(V), by inserting before the period at the end the following: "or under section 1860D–14C".

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(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan year 2024 and subsequent plan years.

SEC. 139202. ALLOWING CERTAIN ENROLLEES OF PRESCRIPTION DRUG PLANS AND MA–PD PLANS UNDER MEDICARE PROGRAM TO SPREAD OUT COST-SHARING UNDER CERTAIN CIRCUMSTANCES.

Section 1860D–2(b)(2) of the Social Security Act (42 U.S.C. 1395w–102(b)(2)), as amended by section 139201, is further amended—

(1) in subparagraph (A), by striking ''Subject to subparagraphs (C) and (D)'' and inserting ''Subject to subparagraphs (C), (D), and (E)''; and

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

''(E) ENROLLEE OPTION REGARDING SPREADING COST-SHARING.—The Secretary shall establish by regulation a process under which, with respect to plan year 2024 and subsequent plan years, a prescription drug plan or an MA–PD plan shall, in the case of a part D eligible individual enrolled with such plan for such plan year who is not a subsidy eligible individual (as defined in section 1860D–14(a)(3))

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and with respect to whom the plan projects that the dispensing of the first fill of a covered part D drug to such individual will result in the individual incurring costs that are equal to or above the annual out-of-pocket threshold specified in paragraph (4)(B) for such plan year, provide such individual with the option to make the coinsurance payment required under subparagraph (A) (for the portion of such costs that are not above such annual out-of-pocket threshold) in the form of periodic installments over the remainder of such plan year.''.

PART 4—REPEAL OF CERTAIN PRESCRIPTION DRUG REBATE RULE

SEC. 139301. PROHIBITING IMPLEMENTATION OF RULE RELATING TO ELIMINATING THE ANTI-KICKBACK STATUTE SAFE HARBOR PROTECTION FOR PRESCRIPTION DRUG REBATES.

Beginning January 1, 2026, the Secretary of Health and Human Services shall not implement, administer, or enforce the provisions of the final rule published by the Office of the Inspector General of the Department of Health and Human Services on November 30, 2020, and titled ''Fraud and Abuse; Removal of Safe Harbor Protection for Rebates Involving Prescription Pharmaceuticals

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and Creation of New Safe Harbor Protection for Certain Point-of-Sale Reductions in Price on Prescription Pharmaceuticals and Certain Pharmacy Benefit Manager Service Fees'' (85 Fed. Reg. 76666).

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Union Calendar No. 94

117TH CONGRESS
1ST SESSION

H. R. 5376

[Report No. 117–130]

A BILL

To provide for reconciliation pursuant to title II of S. Con. Res. 14.

SEPTEMBER 27, 2021

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

MO-REP-21-1608-E-003529

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Unable to Process

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AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

117TH CONGRESS
1ST SESSION

S. 3011

To amend title VI of the Social Security Act to allow States and local governments to use coronavirus relief funds provided under the American Rescue Plan Act for infrastructure projects, improve the Local Assistance and Tribal Consistency Fund, provide Tribal governments with more time to use Coronavirus Relief Fund payments, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 19, 2021

Mr. CORNYN (for himself, Mr. PADILLA, Mr. WYDEN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. KELLY, Mr. KENNEDY, and Mrs. SHAHEEN) introduced the following bill; which was read twice, considered, read the third time, and passed

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A BILL

To amend title VI of the Social Security Act to allow States and local governments to use coronavirus relief funds provided under the American Rescue Plan Act for infrastructure projects, improve the Local Assistance and Tribal Consistency Fund, provide Tribal governments with more time to use Coronavirus Relief Fund payments, and for other purposes.

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

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SECTION 1. SHORT TITLE.

This Act may be cited as the ''State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act''.

SEC. 2. AUTHORITY TO USE CORONAVIRUS RELIEF FUNDS FOR INFRASTRUCTURE PROJECTS.

(a) IN GENERAL.—Title VI of the Social Security Act (42 U.S.C. 801 et seq.), as amended by section 40909 of the Infrastructure Investment and Jobs Act, is amended—

(1) in section 602—

(A) in subsection (a)(1), by inserting ''(except as provided in subsection (c)(5))'' after ''December 31, 2024''; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''paragraph (3)'' and inserting ''paragraphs (3), (4), and (5)'';

(II) by amending subparagraph (C) to read as follows:

''(C) for the provision of government services up to an amount equal to the greater of—

''(i) the amount of the reduction in revenue of such State, territory, or Tribal government due to the COVID–19 public

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health emergency relative to revenues collected in the most recent full fiscal year of the State, territory, or Tribal government prior to the emergency; or

''(ii) $10,000,000;'';

(III) in subparagraph (D), by striking the period at the end and inserting ''; or''; and

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

''(E) to provide emergency relief from natural disasters or the negative economic impacts of natural disasters, including temporary emergency housing, food assistance, financial assistance for lost wages, or other immediate needs.''; and

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

''(5) AUTHORITY TO USE FUNDS FOR CERTAIN INFRASTRUCTURE PROJECTS.—

''(A) IN GENERAL.—Subject to subparagraph (C), notwithstanding any other provision of law, a State, territory, or Tribal government receiving a payment under this section may use funds provided under such payment for projects

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described in subparagraph (B), including, to the extent consistent with guidance or rules issued by the Secretary or the head of a Federal agency to which the Secretary has delegated authority pursuant to subparagraph (C)(iv)—

"(i) in the case of a project eligible under section 117 of title 23, United States Code, or section 5309 or 6701 of title 49, United States Code, to satisfy a non-Federal share requirement applicable to such a project; and

"(ii) in the case of a project eligible for credit assistance under the TIFIA program under chapter 6 of title 23, United States Code—

"(I) to satisfy a non-Federal share requirement applicable to such a project; and

"(II) to repay a loan provided under such program.

"(B) PROJECTS DESCRIBED.—A project referred to in subparagraph (A) is any of the following:

"(i) A project eligible under section 117 of title 23, United States Code.

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"(ii) A project eligible under section 119 of title 23, United States Code.

"(iii) A project eligible under section 124 of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act.

"(iv) A project eligible under section 133 of title 23, United States Code.

"(v) An activity to carry out section 134 of title 23, United States Code.

"(vi) A project eligible under section 148 of title 23, United States Code.

"(vii) A project eligible under section 149 of title 23, United States Code.

"(viii) A project eligible under section 151(f) of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act.

"(ix) A project eligible under section 165 of title 23, United States Code.

"(x) A project eligible under section 167 of title 23, United States Code.

"(xi) A project eligible under section 173 of title 23, United States Code, as

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added by the Infrastructure Investment and Jobs Act.

"(xii) A project eligible under section 175 of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act.

"(xiii) A project eligible under section 176 of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act.

"(xiv) A project eligible under section 202 of title 23, United States Code.

"(xv) A project eligible under section 203 of title 23, United States Code.

"(xvi) A project eligible under section 204 of title 23, United States Code.

"(xvii) A project eligible under the program for national infrastructure investments (commonly known as the 'Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program').

"(xviii) A project eligible for credit assistance under the TIFIA program under chapter 6 of title 23, United States Code.

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"(xix) A project that furthers the completion of a designated route of the Appalachian Development Highway System under section 14501 of title 40, United States Code.

"(xx) A project eligible under section 5307 of title 49, United States Code.

"(xxi) A project eligible under section 5309 of title 49, United States Code.

"(xxii) A project eligible under section 5311 of title 49, United States Code.

"(xxiii) A project eligible under section 5337 of title 49, United States Code.

"(xxiv) A project eligible under section 5339 of title 49, United States Code.

"(xxv) A project eligible under section 6703 of title 49, United States Code, as added by the Infrastructure Investment and Jobs Act.

"(xxvi) A project eligible under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

"(xxvii) A project eligible under the bridge replacement, rehabilitation, preser-

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vation, protection, and construction program under paragraph (1) under the heading 'HIGHWAY INFRASTRUCTURE PROGRAM' under the heading 'FEDERAL HIGHWAY ADMINISTRATION' under the heading 'DEPARTMENT OF TRANSPORTATION' under title VIII of division J of the Infrastructure Investment and Jobs Act.

''(C) LIMITATIONS; APPLICATION OF REQUIREMENTS.—

''(i) LIMITATION ON AMOUNTS TO BE USED FOR INFRASTRUCTURE PROJECTS.—

''(I) IN GENERAL.—The total amount that a State, territory, or Tribal government may use from a payment made under this section for uses described in subparagraph (A) shall not exceed the greater of—

''(aa) $10,000,000; and

''(bb) 30 percent of such payment.

''(II) RULE OF APPLICATION.—The spending limitation under subclause (I) shall not apply to any use of funds permitted under paragraph

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(1), and any such use of funds shall be disregarded for purposes of applying such spending limitation.

"(ii) LIMITATION ON OPERATING EXPENSES.—Funds provided under a payment made under this section shall not be used for operating expenses of a project described in clauses (xx) through (xxiv) of subparagraph (B).

"(iii) APPLICATION OF REQUIREMENTS.—Except as otherwise determined by the Secretary or the head of a Federal agency to which the Secretary has delegated authority pursuant to clause (iv) or provided in this section—

"(I) the requirements of section 60102 of the Infrastructure Investment and Jobs Act shall apply to funds provided under a payment made under this section that are used pursuant to subparagraph (A) for a project described in clause (xxvi) of subparagraph (B) that relates to broadband infrastructure;

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"(II) the requirements of titles 23, 40, and 49 of the United States Code, title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et. seq) shall apply to funds provided under a payment made under this section that are used for projects described in subparagraph (B); and

"(III) a State government receiving a payment under this section may use funds provided under such payment for projects described in clauses (i) through (xxvii) of subparagraph (B), as applicable, that—

"(aa) demonstrate progress in achieving a state of good repair as required by the State's asset management plan under section 119(e) of title 23, United States Code; and

"(bb) support the achievement of 1 or more performance

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targets of the State established under section 150 of title 23, United States Code.

''(iv) OVERSIGHT.—The Secretary may delegate oversight and administration of the requirements described in clause (iii) to the appropriate Federal agency.

''(v) SUPPLEMENT, NOT SUPPLANT.—Amounts from a payment made under this section that are used by a State, territory, or Tribal government for uses described in subparagraph (A) shall supplement, and not supplant, other Federal, State, territorial, Tribal, and local government funds (as applicable) otherwise available for such uses.

''(D) REPORTS.—The Secretary, in consultation with the Secretary of Transportation, shall provide periodic reports on the use of funds by States, territories, and Tribal governments under subparagraph (A).

''(E) AVAILABILITY.—Funds provided under a payment made under this section to a State, territory, or Tribal government shall remain available for obligation for a use described

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in subparagraph (A) through December 31, 2024, except that no amount of such funds may be expended after September 30, 2026.''; and

(2) in subsection 603—

(A) in subsection (a), by inserting ''(except as provided in subsection (c)(6))'' after ''December 31, 2024''; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), (5), and (6)'';

(II) by amending subparagraph (C) to read as follows:

''(C) for the provision of government services up to an amount equal to the greater of—

''(i) the amount of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local

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government, or county to the emergency; or

"(ii) $10,000,000;";

(III) in subparagraph (D), by striking the period at the end and inserting "; or"; and

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

"(E) to provide emergency relief from natural disasters or the negative economic impacts of natural disasters, including temporary emergency housing, food assistance, financial assistance for lost wages, or other immediate needs."; and

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

"(6) AUTHORITY TO USE FUNDS FOR CERTAIN INFRASTRUCTURE PROJECTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), notwithstanding any other provision of law, a metropolitan city, nonentitlement unit of local government, or county receiving a payment under this section may use funds provided under such payment for projects described in subparagraph (B) of section 602(c)(5), includ-

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ing, to the extent consistent with guidance or rules issued by the Secretary or the head of a Federal agency to which the Secretary has delegated authority pursuant to subparagraph (B)(iv)—

"(i) in the case of a project eligible under section 117 of title 23, United States Code, or section 5309 or 6701 of title 49, United States Code, to satisfy a non-Federal share requirement applicable to such a project; and

"(ii) in the case of a project eligible for credit assistance under the TIFIA program under chapter 6 of title 23, United States Code—

"(I) to satisfy a non-Federal share requirement applicable to such a project; and

"(II) to repay a loan provided under such program.

"(B) LIMITATIONS; APPLICATION OF REQUIREMENTS.—

"(i) LIMITATION ON AMOUNTS TO BE USED FOR INFRASTRUCTURE PROJECTS.—

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"(I) IN GENERAL.—The total amount that a metropolitan city, non-entitlement unit of local government, or county may use from a payment made under this section for uses described in subparagraph (A) shall not exceed the greater of—

"(aa) $10,000,000; and

"(bb) 30 percent of such payment.

"(II) RULE OF APPLICATION.—The spending limitation under subclause (I) shall not apply to any use of funds permitted under paragraph (1), and any such use of funds shall be disregarded for purposes of applying such spending limitation.

"(ii) LIMITATION ON OPERATING EXPENSES.—Funds provided under a payment made under this section shall not be used for operating expenses of a project described in clauses (xx) through (xxiv) of section 602(c)(5)(B).

"(iii) APPLICATION OF REQUIREMENTS.—Except as otherwise determined

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by the Secretary or the head of a Federal agency to which the Secretary has delegated authority pursuant to clause (iv) or provided in this section—

"(I) the requirements of section 60102 of the Infrastructure Investment and Jobs Act shall apply to funds provided under a payment made under this section that are used pursuant to subparagraph (A) for a project described in clause (xxvi) of section 602(c)(5)(B) that relates to broadband infrastructure; and

"(II) the requirements of titles 23, 40, and 49 of the United States Code, title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et. seq) shall apply to funds provided under a payment made under this section that are used for projects described in section 602(c)(5)(B).

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"(iv) OVERSIGHT.—The Secretary may delegate oversight and administration of the requirements described in clause (iii) to the appropriate Federal agency.

"(v) SUPPLEMENT, NOT SUPPLANT.—Amounts from a payment made under this section that are used by a metropolitan city, nonentitlement unit of local government, or county for uses described in subparagraph (A) shall supplement, and not supplant, other Federal, State, territorial, Tribal, and local government funds (as applicable) otherwise available for such uses.

"(C) REPORTS.—The Secretary, in consultation with the Secretary of Transportation, shall provide periodic reports on the use of funds by metropolitan cities, nonentitlement units of local government, or counties under subparagraph (A).

"(D) AVAILABILITY.—Funds provided under a payment made under this section to a metropolitan city, nonentitlement unit of local government, or county shall remain available for obligation for a use described in subparagraph (A) through December 31, 2024, except

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that no amount of such funds may be expended after September 30, 2026.''.

(b) TECHNICAL AMENDMENTS.—Sections 602(c)(3) and 603(c)(3) of title VI of the Social Security Act (42 U.S.C. 802(c)(3), 803(c)(3)) are each amended by striking ''paragraph (17) of''.

(c) GUIDANCE AND EFFECTIVE DATE.—

(1) GUIDANCE OR RULE.—Within 60 days of the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Transportation, shall issue guidance or promulgate a rule to carry out the amendments made by this section, including updating reporting requirements on the use of funds under this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the issuance of guidance or the promulgation of a rule described in paragraph (1).

(d) DEPARTMENT OF THE TREASURY ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the unobligated balances from amounts made available to the Secretary of the Treasury (referred to in this subsection as the ''Secretary'') for administrative expenses pursuant to the

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provisions specified in paragraph (2) shall be available to the Secretary (in addition to any other appropriations provided for such purpose) for any administrative expenses of the Department of the Treasury determined by the Secretary to be necessary to respond to the coronavirus emergency, including any expenses necessary to implement any provision of—

(A) the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136);

(B) division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260);

(C) the American Rescue Plan Act (Public Law 117–2); or

(D) title VI of the Social Security Act (42 U.S.C. 801 et seq.).

(2) PROVISIONS SPECIFIED.—The provisions specified in this paragraph are the following:

(A) Sections 4003(f) and 4112(b) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).

(B) Section 421(f)(2) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

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(C) Sections 3201(a)(2)(B), 3206(d)(1)(A), and 7301(b)(5) of the American Rescue Plan Act of 2021 (Public Law 117–2).

(D) Section 602(a)(2) of the Social Security Act (42 U.S.C. 802(a)(2)).

SEC. 3. LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND.

Section 605 of the Social Security Act (42 U.S.C. 805) is amended to read as follows:

"SEC. 605. LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND.

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $2,000,000,000 to remain available until September 30, 2023, with amounts to be obligated for each of fiscal years 2022 and 2023 in accordance with subsection (b), for making payments under this section to eligible revenue sharing recipients, eligible Tribal governments, and territories.

''(b) AUTHORITY TO MAKE PAYMENTS.—

''(1) ALLOCATIONS AND PAYMENTS TO ELIGIBLE REVENUE SHARING RECIPIENTS.—

''(A) ALLOCATIONS TO REVENUE SHARING COUNTIES.—For each of fiscal years 2022 and

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2023, the Secretary shall reserve $742,500,000 of the total amount appropriated under subsection (a) to allocate to each revenue sharing county and, except as provided in subparagraph (B), pay to each revenue sharing county that is an eligible revenue sharing county amounts that are determined by the Secretary taking into account the amount of entitlement land in each revenue sharing county and the economic conditions of each revenue sharing county, using such measurements of poverty, household income, and unemployment over the most recent 20-year period as of September 30, 2021, to the extent data are available, as well as other economic indicators the Secretary determines appropriate.

''(B) SPECIAL ALLOCATION RULES.—

''(i) REVENUE SHARING COUNTIES WITH LIMITED GOVERNMENT FUNCTIONS.—In the case of an amount allocated to a revenue sharing county under subparagraph (A) that is a county with limited government functions, the Secretary shall allocate and pay such amount to each eligible revenue sharing local gov-

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ernment within such county with limited government functions in an amount determined by the Secretary taking into account the amount of entitlement land in each eligible revenue sharing local government and the population of such eligible revenue sharing local government relative to the total population of such county with limited government functions.

''(ii) ELIGIBLE REVENUE SHARING COUNTY IN ALASKA.—In the case of the eligible revenue sharing county described in subparagraph (f)(3)(C), the Secretary shall pay the amount allocated to such eligible revenue sharing county to the State of Alaska. The State of Alaska shall distribute such payment to home rule cities and general law cities (as such cities are defined by the State) located within the boundaries of the eligible revenue sharing county for which the payment was received.

''(C) PRO RATA ADJUSTMENT AUTHORITY.—The amounts otherwise determined for allocation and payment under subparagraphs (A)

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and (B) may be adjusted by the Secretary on a pro rata basis to the extent necessary to ensure that all available funds are allocated and paid to eligible revenue sharing recipients in accordance with the requirements specified in each such subparagraph.

''(2) ALLOCATIONS AND PAYMENTS TO ELIGIBLE TRIBAL GOVERNMENTS.—For each of fiscal years 2022 and 2023, the Secretary shall reserve $250,000,000 of the total amount appropriated under subsection (a) to allocate and pay to eligible Tribal governments in amounts that are determined by the Secretary taking into account economic conditions of each eligible Tribe.

''(3) ALLOCATIONS AND PAYMENTS TO TERRITORIES.—For each of fiscal years 2022 and 2023, the Secretary shall reserve $7,500,000 of the total amount appropriated under subsection (a) to allocate and pay to each territory an amount which bears the same proportion to the amount reserved in this paragraph as the population of such territory bears to the total population of all such territories.

''(c) USE OF PAYMENTS.—An eligible revenue sharing recipient, an eligible Tribal government, or a territory may use funds provided under a payment made under this

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section for any governmental purpose other than a lobbying activity.

''(d) REPORTING REQUIREMENT.—Any eligible revenue sharing recipient and any territory receiving a payment under this section shall provide to the Secretary periodic reports providing a detailed accounting of the uses of fund by such eligible revenue sharing recipient or territory, as applicable, and such other information as the Secretary may require for the administration of this section.

''(e) RECOUPMENT.—Any eligible revenue sharing recipient or any territory that has failed to submit a report required under subsection (d) or failed to comply with subsection (c), shall be required to repay to the Secretary an amount equal to—

''(1) in the case of a failure to comply with subsection (c), the amount of funds used in violation of such subsection; and

''(2) in the case of a failure to submit a report required under subsection (d), such amount as the Secretary determines appropriate, but not to exceed 5 percent of the amount paid to the eligible revenue sharing recipient or the territory under this section for all fiscal years.

''(f) DEFINITIONS.—In this section:

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"(1) COUNTY.—The term 'county' means a county, parish, or other equivalent county division (as defined by the Bureau of the Census) in 1 of the 50 States.

"(2) COUNTY WITH LIMITED GOVERNMENT FUNCTIONS.—The term 'county with limited government functions' means a county in which entitlement land is located that is not an eligible revenue sharing county.

"(3) ELIGIBLE REVENUE SHARING COUNTY.—The term 'eligible revenue sharing county' means—

"(A) a unit of general local government (as defined in section 6901(2) of title 31, United States Code) that is a county in which entitlement land is located and which is eligible for a payment under section 6902(a) of title 31, United States Code;

"(B) the District of Columbia; or

"(C) the combined area in Alaska that is within the boundaries of a census area used by the Secretary of Commerce in the decennial census, but that is not included within the boundary of a unit of general local government described in subparagraph (A).

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"(4) ELIGIBLE REVENUE SHARING LOCAL GOVERNMENT.—The term 'eligible revenue sharing local government' means a unit of general local government (as defined in section 6901(2) of title 31, United States Code) in which entitlement land is located that is not a county or territory and which is eligible for a payment under section 6902(a) of title 31, United States Code.

"(5) ELIGIBLE REVENUE SHARING RECIPIENTS.—The term 'eligible revenue sharing recipients' means, collectively, eligible revenue sharing counties and eligible revenue sharing local governments.

"(6) ELIGIBLE TRIBAL GOVERNMENT.—The term 'eligible Tribal government' means the recognized governing body of an eligible Tribe.

"(7) ELIGIBLE TRIBE.—The term 'eligible Tribe' means any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of March 11, 2021, pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

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''(8) ENTITLEMENT LAND.—The term 'entitlement land' has the meaning given to such term in section 6901(1) of title 31, United States Code.

''(9) REVENUE SHARING COUNTY.—The term 'revenue sharing county' means—

''(A) an eligible revenue sharing county; or

''(B) a county with limited government functions.

''(10) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(11) TERRITORY.—The term 'territory' means—

''(A) the Commonwealth of Puerto Rico;

''(B) the United States Virgin Islands;

''(C) Guam;

''(D) the Commonwealth of the Northern Mariana Islands; or

''(E) American Samoa.''.

SEC. 4. EXTENSION OF AVAILABILITY OF CORONAVIRUS RELIEF FUND PAYMENTS TO TRIBAL GOVERNMENTS.

Section 601(d)(3) of the Social Security Act (42 U.S.C. 801(d)(3)) is amended by inserting ''(or, in the case of costs incurred by a Tribal government, during the

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period that begins on March 1, 2020, and ends on December 31, 2022)'' before the period.

SEC. 5. RESCISSION OF CORONAVIRUS RELIEF AND RECOVERY FUNDS DECLINED BY STATES, TERRITORIES, OR OTHER GOVERNMENTAL ENTITIES.

Title VI of the Social Security Act (42 U.S.C. 801 et seq.) is amended by adding at the end the following new section:

''SEC. 606. RESCISSION OF FUNDS DECLINED BY STATES, TERRITORIES, OR OTHER GOVERNMENTAL ENTITIES.

''(a) RESCISSION.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), if a State, territory, or other governmental entity provides notice to the Secretary of the Treasury in the manner provided by the Secretary of the Treasury that the State, territory, or other governmental entity intends to decline all or a portion of the amounts that are to be awarded to the State, territory, or other governmental entity from funds appropriated under this title, an amount equal to the unaccepted amounts or portion of such amounts allocated by the Secretary of the Treasury as of the date of such notice that would have been awarded to

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the State, territory, or other governmental entity shall be rescinded from the applicable appropriation account.

''(2) EXCLUSION.—Paragraph (1) shall not apply with respect to funds that are to be paid to a State under section 603 for distribution to nonentitlement units of local government.

''(3) RULES OF CONSTRUCTION.—Paragraph (1) shall not be construed as—

''(A) preventing a sub-State governmental entity, including a nonentitlement unit of local government, from notifying the Secretary of the Treasury that the sub-State governmental entity intends to decline all or a portion of the amounts that a State may distribute to the entity from funds appropriated under this title; or

''(B) allowing a State to prohibit or otherwise prevent a sub-State governmental entity from providing such a notice.

''(b) USE FOR DEFICIT REDUCTION.—Amounts rescinded under subsection (a) shall be deposited in the general fund of the Treasury for the sole purpose of deficit reduction.

''(c) STATE OR OTHER GOVERNMENTAL ENTITY DEFINED.—In this section, the term 'State, territory, or

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other governmental entity' means any entity to which a payment may be made directly to the entity under this title other than a Tribal government, as defined in sections 601(g), 602(g), and 604(d), and an eligible Tribal government, as defined in section 605(f).''.

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Unable to Process

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Thu, Apr 1, 1:25 PM

How did your redistricting committee go today?

Wed, Apr 7, 6:59 PM

Can I call u back? I'm picking up Senator at the airport

No problem!

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Mon, Mar 1, 4:12 PM

I got vice chair of redistricting for the House!

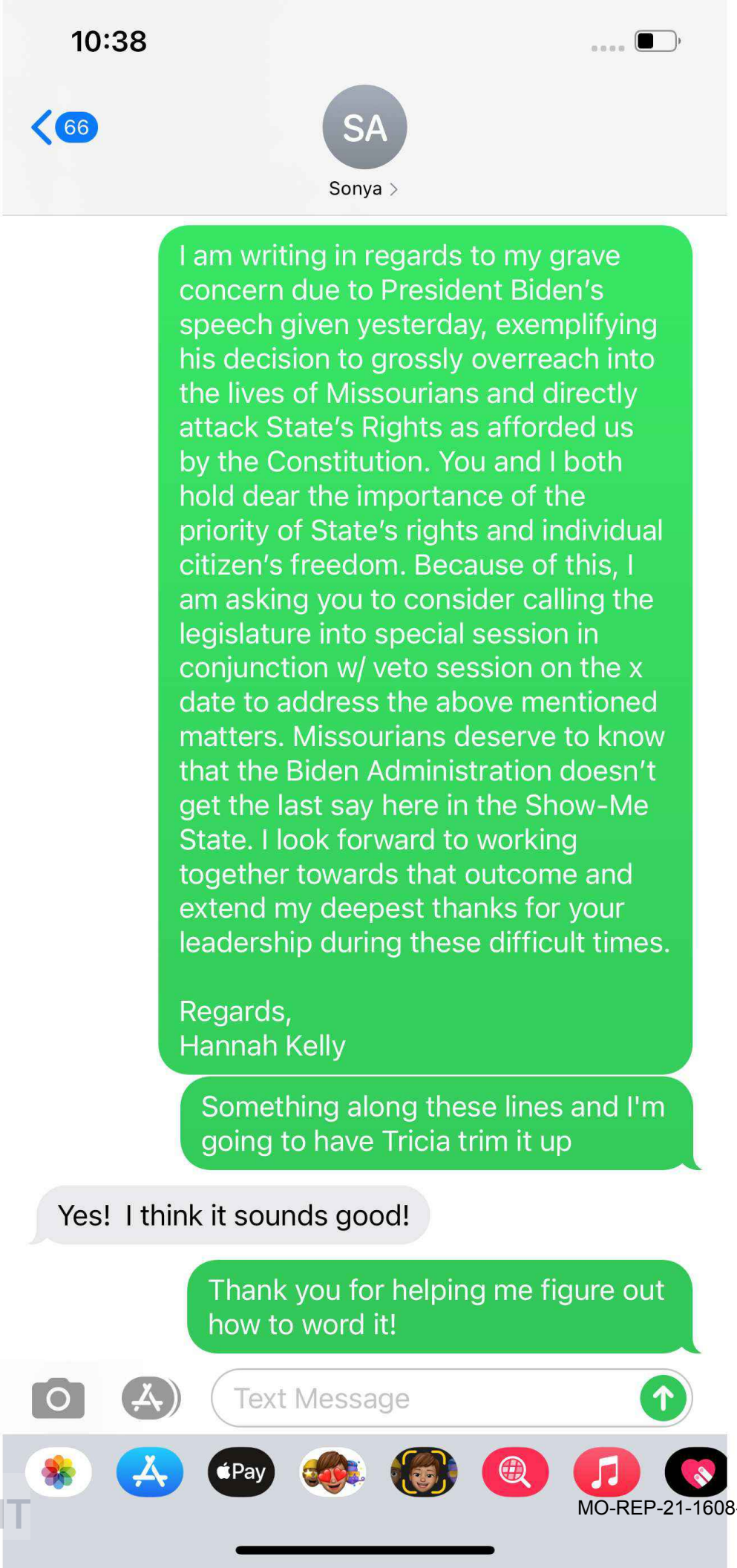
Fantastic!!!

So excited:)

And very very thankful

I am very proud of you that's a very big deal

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From: Wheeler, Will (Blunt) <Will_Wheeler@blunt.senate.gov>
Sent: Monday, November 29, 2021 12:29 PM EST
To: Wheeler, Will (Blunt) <Will_Wheeler@blunt.senate.gov>
Subject: Update: CMS Vaccine Mandate
Attachment(s): "CMS Injunction.pdf"

Happy Monday!

If you're receiving this e-mail I thought you would like to receive this information. Early this morning the Eastern District of Missouri has placed a preliminary injunction in place on the CMS Interim Final Rule regarding health care staff vaccination. In the decision the court ruled that CMS would need a clear authorization from Congress to empower CMS with this mandate. This ruling orders CMS to cease implementation of in the Interim Final Rule to any Medicare and Medicaid providers within Alaska, Arkansas, Iowa, Kansas, Missouri, Nebraska, New Hampshire, North Dakota, South Dakota, and Wyoming.

For CMS to enforce the rule they would need a clear act of Congress (Would need 60 votes in Senate) or for a trial on the merits of this action or a further order of the courts. I've attached a PDF of the ruling of the court to this e-mail. If you have any further questions don't hesitate to reach out.

Will Wheeler
Field Representative – Senator Roy Blunt
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Cell: (417) 413-9996

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

STATE OF MISSOURI, *et al.*,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 4:21-cv-01329-MTS
	)	
JOSEPH R. BIDEN, JR., *in his official capacity as the President of the United States of America, et al.*,	)	
	)	
Defendants.	)	

MEMORANDUM AND ORDER

I. INTRODUCTION

This case concerns the Centers for Medicare and Medicaid Services' ("CMS") federal vaccine mandate on a wide range of healthcare facilities. On November 5, 2021, CMS issued an Interim Final Rule with Comment Period ("IFC") entitled "Medicare and Medicaid Programs; Omnibus COVID-19 Health Care Staff Vaccination" (the "mandate"), 86 Fed. Reg. 61,555 (Nov. 5, 2021), revising the "requirements that most Medicare- and Medicaid-certified providers and suppliers must meet to participate in the Medicare and Medicaid programs." 86 Fed. Reg. 61,555–601. Specifically, the mandate requires nearly every employee, volunteer, and third-party contractor working[1] at fifteen[2] categories of healthcare facilities to be vaccinated against SARS-

[1] The mandate applies to a wide-range of people working at the facilities, including, employees, trainees, students, volunteers, or *contractors*, who provide any care, treatment, or *other* services for the facility. 86 Fed. Reg. at 61,570 (emphasis added).

[2] The CMS vaccine mandate covers fifteen categories of Medicare- and Medicaid-certified providers and suppliers: (1) Ambulatory Surgical Centers (ASCs); (2) Hospices; (3) Psychiatric residential treatment facilities (PRTFs); (4) Programs of All-Inclusive Care for the Elderly (PACE); (5) Hospitals (acute care hospitals, psychiatric hospitals, long term care hospitals, children's hospitals, hospital swing beds, transplant centers, cancer hospitals, and rehabilitation hospitals); (6) Long Term Care (LTC) Facilities, generally referred to as nursing homes; (7) Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs-IID); (8) Home Health Agencies (HHAs); (9) Comprehensive Outpatient Rehabilitation Facilities (CORFs); (10) Critical Access Hospitals (CAHs); (11) Clinics,

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CoV-2 ("COVID") and to have received at least a first dose of the vaccine prior to December 6, 2021. *See id.* at 61,573. On November 10, 2021, Plaintiffs, the States of Missouri, Nebraska, Arkansas, Kansas, Iowa, Wyoming, Alaska, South Dakota, North Dakota, and New Hampshire (collectively, "Plaintiffs") filed a Complaint challenging the mandate. Doc. [1]. The Complaint seeks preliminary and permanent injunctive and declaratory relief. On November 12, 2021, Plaintiffs filed a motion for a preliminary injunction, Doc. [6], requesting that this Court issue a preliminary injunction enjoining Defendants from imposing the mandate.

Having fully reviewed the administrative record and submitted material, the Court finds that a preliminary injunction is warranted here.

II. DISCUSSION

A. The Court has jurisdiction.

Defendants argue that this Court "lacks jurisdiction" over Plaintiffs' claims because "Congress has withdrawn federal-question jurisdiction over claims like this one that arise under the Medicare statute," citing 42 U.S.C. § 405(h), as incorporated by 42 U.S.C. § 1395ii. Doc. [23] at 15–19. The Court does not agree. As Defendants readily concede, "State governments" such as the Plaintiff States are neither "institution[s]" nor "agenc[ies]" "dissatisfied" with the Secretary's determination regarding eligibility or receipt of benefits under 42 U.S.C. § 1395cc(h)(1) and, therefore, "the States[3] themselves could not use that statute's vehicle for judicial review." *Id.* at 19; *see Shalala v. Ill. Council on Long Term Care, Inc.*, 529 U.S. 1, 16 (2000) (explaining that § 405(h) does not apply if application "would mean no review at all"). In

rehabilitation agencies, and public health agencies as providers of outpatient physical therapy and speech-language pathology services; (12) Community Mental Health Centers (CMHCs); (13) Home Infusion Therapy (HIT) suppliers; (14) Rural Health Clinics (RHCs)/Federally Qualified Health Centers (FQHCs); and (15) End-Stage Renal Disease (ESRD) Facilities. 86 Fed. Reg. at 61,569–70.

[3] The Plaintiff States bring their claims in a number of capacities: sovereign, quasi-sovereign/*parens patriae*, and proprietary. *See, e.g.*, Doc. [1] ¶¶ 5, 7, 9.

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addition, Plaintiffs' claims that arise under the Medicaid Act—as opposed to the Medicare Act—are not subject to the § 405(h)'s jurisdictional bar. *See Avon Nursing & Rehab. v. Becerra*, 995 F.3d 305, 311 (2d Cir. 2021) ("Unlike the Medicare Act, the Medicaid Act does not incorporate the Social Security Act's claim-channeling and jurisdiction-stripping provisions, 42 U.S.C. § 405(g) and (h). Federal courts thus have jurisdiction over claims arising under the Medicaid Act pursuant to 28 U.S.C. § 1331."). Thus, all aspects of the mandate that purport to change a Medicaid regulation are clearly not barred, even under Defendants' arguments. Nonetheless, the Court finds that it has jurisdiction over claims arising under both Medicare and Medicaid.

B. **A preliminary injunction is warranted here.**

Plaintiffs seek a preliminary injunction of the mandate's enforcement pending a full judicial review of the mandate's legality. The Court addresses their request today. Whether a court should issue a preliminary injunction involves consideration of (1) the threat of irreparable harm to the movant; (2) the state of the balance between this harm and the injury that granting the injunction will inflict on other parties litigant; (3) the probability that movant will succeed on the merits; and (4) the public interest. *Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 113 (8th Cir. 1981). "While no single factor is determinative, the probability of success factor is the most significant." *Home Instead, Inc. v. Florance*, 721 F.3d 494, 497 (8th Cir. 2013) (internal quotations and citations omitted).

Each of these factors favors a preliminary injunction here.

a. Plaintiffs demonstrate a likelihood of success on the merits.

i. **Congress did not grant CMS authority to mandate the vaccine.**

Plaintiffs are likely to succeed in their argument that Congress has not provided CMS the authority to enact the regulation at issue here. "[A]n agency literally has no power to act, let alone

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pre-empt[4] the validly enacted legislation of a sovereign State, unless and until Congress confers power upon it." *La. Pub. Serv. Comm'n v. FCC*, 476 U.S. 355, 357 (1986). While the Court agrees Congress has authorized the Secretary of Health and Human Services (the "Secretary") *general* authority to enact regulations for the "administration" of Medicare and Medicaid and the "health and safety" of recipients, the nature and breadth of the CMS mandate requires clear authorization from Congress—and Congressed has provided none.[5] *See Ala. Ass'n of Realtors v. Dep't of Health & Hum. Servs.*, 141 S. Ct. 2485, 2486 (2021) ("It would be one thing if Congress had specifically authorized the action that the CDC has taken. But that has not happened."). Courts have long required Congress to speak clearly when providing agency authorization if it (1) intends for an agency to exercise powers of vast economic and political significance; (2) if the authority would significantly alter the balance between federal and state power; or (3) if an administrative interpretation of a statute invokes the outer limits of Congress' power. Any one of those fundamental principles would require clear congressional authorization for this mandate, but here, all three are present. Even in exigency, the Secretary cannot "bring about an enormous and

[4] CMS intends for the mandate to preempt any arguably inconsistent state and local laws regarding vaccination. *See, e.g.*, 86 Fed. Reg. at 61,568 ("We intend . . . that this nationwide regulation preempts inconsistent State and local laws applied to Medicare- and Medicaid-certified providers and suppliers.").

[5] The Court notes that Congress has provided the Secretary of Health and Human Services (the "Secretary") authority to enact regulations "necessary to the efficient administration" of the Social Security Act and regulations "necessary to carry out the administration of" of Medicare. 42 U.S.C. §§ 1302(a), 1395hh(a)(1). Among the regulations the Secretary may promulgate under its power of "administration" is the setting of things like "standards," "criteria," or "requirements" for specific facilities. *See, e.g.*, *Id.* at § 1396d(h)(1)(B)(i) (governing Psychiatric Residential Treatment Facilities ("PRTFs") and mentioning "standards as may be prescribed in regulations by the Secretary"); *Id.* at § 1395i–4(e) (governing Critical Access Hospitals ("CAHs") and mentioning "criteria as the Secretary may require"); *Id.* at § 1395rr(b)(1)(A) (governing End-Stage Renal Disease ("ESRD") facilities and mentioning "requirements as the Secretary shall by regulation prescribe"). For some facilities, Congress has authorized the Secretary to set rules or conditions necessary to, or that will ensure, the "health and safety" of recipients of services. *See, e.g.*, *Id.* at § 1395i–3(d)(4)(B) (addressing LTC facilities and mentioning "requirements relating to the health, safety, and well-being of residents . . . as the Secretary may find necessary"); *Id.* at § 1395x(e)(9) (addressing hospitals and mentioning "requirements as the Secretary finds necessary in the interest of the health and safety of individuals who are furnished services"). However, the Court need not decide whether those regulations are properly interpreted by CMS to confer it authority to issue the vaccine mandate that it has. Instead, and irrespective of that determination, the Court's inquiry focuses on whether Congress specifically authorized such action, for reasons discussed above.

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transformative expansion in [his] regulatory authority without clear congressional authorization." *See Util. Air Reg. Grp. v. EPA*, 573 U.S. 302, 324 (2014).

1. ***Given the vast economic and political significance of this vaccine mandate, only a clear authorization from Congress would empower CMS to act.***

First, Congress must "speak clearly when authorizing an agency to exercise powers of 'vast economic and political significance.'" *Ala. Ass'n of Realtors*, 141 S. Ct. at 2489 (quoting *Util. Air Reg.*, 573 U.S. at 324). The mandate's economic cost is overwhelming. CMS estimates that compliance with the Mandate—just in the first year—is around 1.38 billion dollars. 86 Fed. Reg. at 61,613. Those costs, though, do not take into account the economic significance this mandate has from the effects on facilities closing or limiting services and a significant exodus of employees that choose not to receive a vaccination.[6] Likewise, the political significance of a mandatory coronavirus vaccine is hard to understate, especially when forced by the heavy hand of the federal government. Indeed, it would be difficult to identify many other issues that currently have more political significance at this time. Had Congress wished to assign this question fraught with deep economic and political significance to CMS, "it surely would have done so expressly." *See King v. Burwell*, 576 U.S. 473, 486 (2015). "It is especially unlikely that Congress would have delegated this decision to [CMS], which has no expertise in crafting" vaccine mandates. *Id.*

2. ***Because this mandate significantly alters the balance between federal and state power, only a clear authorization from Congress would empower CMS.***

Second, Congress must use "exceedingly clear language if it wishes to significantly alter the balance between federal and state power." *Ala. Ass'n of Realtors*, 141 S. Ct. at 2489 (quoting

[6] Medicare and Medicaid programs "touch[] the lives of nearly all Americans" and are two of the "largest federal program[s]" in the country. *Azar v. Allina Health Servs.*, 139 S. Ct. 1804, 1808 (2019). Even "minor changes" to the way those programs are administered "can impact millions of people and billions of dollars in ways that are not always easy for regulators to anticipate." *Id.* at 1816.

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United States Forest Service v. Cowpasture River Preservation Assn., 140 S. Ct. 1837, 1850 (2020)); *see also United States v. Bass*, 404 U.S. 336, 349 (1971). The regulation at issue alters that balance because it requires vaccination, which CMS has never attempted to do, for millions of individuals who would otherwise be outside the reach of the federal government. This concern is "heightened" since CMS's "administrative interpretation alters the federal-state framework by permitting federal encroachment upon a traditional state power." *Solid Waste Agency of N. Cook Cty. v. U.S. Army Corps of Engineers*, 531 U.S. 159, 173 (2001). It has long been the states' power to legislate health—including vaccination. *Gibbons v. Ogden*, 22 U.S. 1, 203 (1824) (noting "health laws of every description" belong to the states); *BST Holdings, L.L.C. v. Occupational Safety & Health Admin.*, 17 F.4th 604, ---, 2021 WL 5279381, at *7 (5th Cir. 2021) (citing *Zucht v. King*, 260 U.S. 174, 176 (1922) (noting that precedent had long "settled that it is within the police power of a state to provide for compulsory vaccination")). Sometimes "the most telling indication of [a] severe constitutional problem . . . is the lack of historical precedent" for an agency's action. *Nat'l Fed'n of Indep. Bus. v. Sebelius*, 567 U.S. 519, 549 (2012). With such a history of exclusive state power, the Court is far from certain that Congress intended the *Center for Medicare and Medicaid Services* to require mandatory vaccinations for millions of Americans. *See Bond v. United States*, 572 U.S. 844, 858 (2014) (noting "it is incumbent upon the federal courts to be certain of Congress' intent before finding that federal law overrides the usual constitutional balance of federal and state powers" (internal quotations omitted)).

Truly, the impact of this mandate reaches far beyond COVID.[7] CMS seeks to overtake an area of traditional state authority by imposing an unprecedented demand to federally dictate the

[7] Of course, this situation is novel and messy in that COVID has created a "unique pandemic scenario," 86 Fed. Reg. at 61,568, but equally problematic is that it remains unclear that COVID-19—however tragic and devastating the pandemic has been—poses the kind of grave danger that justifies the federal government trampling on sovereign state

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private medical decisions of millions of Americans. Such action challenges traditional notions of federalism, as discussed above. "The independent power of the States [] serves as a check on the power of the Federal Government: by denying any one government complete jurisdiction over all the concerns of public life, federalism protects the liberty of the individual from arbitrary power." *NFIB*, 567 U.S. at 536 (quoting *Bond v. United States*, 564 U.S. 211, 222 (2011)). This is especially true, since "a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front." *Gregory v. Ashcroft*, 501 U.S. 452, 458 (1991).

3. ***In the absence of a clear indication that Congress intended for CMS to invoke such significant authority, the Court will not infer congressional intent.***

Third, "[w]here an administrative interpretation of a statute invokes the outer limits of Congress' power," Congress must provide "a clear indication that [it] intended that result." *Solid Waste*, 531 U.S. at 172. This "requirement" stems from the "prudential desire not to needlessly reach constitutional issues."[8] *Id.* And this requirement is "heightened" here since CMS's claim "alters the federal-state framework by permitting federal encroachment upon a traditional state power." *Id.* Whether Congress itself could impose the vaccination requirement is a tough question, cf. *BST Holdings*, 17 F.4th at ---, 2021 WL 5279381, at *7 (Duncan, J., concurring), one that CMS would force to its crisis. But even if Congress has the power to mandate the vaccine

rights. Regardless, disrupting this balance of power must have been expressly authorized by Congress, and as discussed, Congress has not.

[8] A court—especially a district court—should be reluctant to opine on an unsettled constitutional issue when the court can resolve a case on an alternative ground. *See Xiong v. Lynch*, 836 F.3d 948, 950 (8th Cir. 2016) (quoting *Lyng v. Nw. Indian Cemetery Protective Ass'n*, 485 U.S. 439, 445, 108 (1988)) ("A fundamental and longstanding principle of judicial restraint requires that courts avoid reaching constitutional questions in advance of the necessity of deciding them."). And, at the very least, the Court should "pause to consider the implications of the [State's] arguments" when confronted with such new conceptions of federal power. *Nat'l Fed'n of Indep. Bus. v. Sebelius*, 567 U.S. 519, 550 (2012) (quoting *Lopez*,115 S. Ct. at 1624).

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and the authority to delegate such a mandate to CMS—topics on which the Court does not opine today—the lack of congressional intent for this monumental policy decision speaks volumes.

In conclusion, even if Congress's statutory language was susceptible to CMS's exceedingly broad reading—which it is most likely not—Congress did not clearly authorize CMS to enact the this politically and economically vast, federalism-altering, and boundary-pushing mandate, which Supreme Court precedent requires.

ii. **CMS improperly bypassed notice and comment requirements.**

Even if CMS has the authority to implement the vaccine mandate—which the Court finds is unlikely, as discussed above—the mandate is likely an unlawful promulgation of regulations. Both the Administrative Procedure Act ("APA") and the Social Security Act ordinarily require notice and a comment period before a rule like this one takes effect.[9] 5 U.S.C. § 553; 42 U.S.C. § 1395hh(b)(1). Failure to allow notice and comment, where required, is grounds for invalidating the rule. *Iowa League of Cities v. EPA*, 711 F.3d 844, 876 (8th Cir. 2013) (vacating a rule based on an administrative agency's failure to abide by the APA's notice and comment procedure). The notice and comment requirements do not apply if "good cause" establishes that they "are impracticable, unnecessary, or contrary to the public interest" under the circumstances. 5 U.S.C. § 553(b)(B). The exception is read narrowly and only used in "rare" circumstances. *Nw. Airlines, Inc. v. Goldschmidt*, 645 F.2d 1309, 1321 (8th Cir. 1981) (noting that the good cause exception should be "narrowly construed and only reluctantly countenanced"); *Nat. Res. Def. Council, Inc. v. EPA*, 683 F.2d 752, 764 (3d Cir. 1982) (noting "circumstances justifying reliance on [the good cause] exception are indeed rare and will be accepted only after the court has examined closely proffered rationales justifying the elimination of public procedures" (internal quotations omitted)).

[9] The parties do not dispute that the notice and comment requirements applied to the mandate. 86 Fed. Reg. at 61,583.

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CMS concedes it did not follow these requirements but attempts to justify its omission under the "good cause" exception. 86 Fed. Reg. at 61,583. Here, Plaintiffs are likely to succeed in their argument that CMS unlawfully bypassed the APA's notice and comment requirements.

1. ***CMS's own delay undermines its "emergency" justification for bypassing notice and comment requirements.***

Use of the "good cause" exception is "limited to emergency situations" and is "necessarily fact-or context-dependent." *Thrift Depositors of Am., Inc. v. Off. of Thrift Supervision*, 862 F. Supp. 586, 591 (D.D.C. 1994). Here, CMS's delay in requiring mandatory vaccination undermines its contention that COVID is an emergency such that it has the "good cause" necessary to dispense with notice and comment requirements. In justifying the good cause exception, CMS stated that "[t]he data showing the vital importance of vaccination" indicates that it "cannot delay taking this action" to protect peoples' health and safety. 86 Fed. Reg. at 61,583. Yet, CMS's good cause claim is undermined by its *own* delay in promulgating the mandate. *See United States v. Brewer*, 766 F.3d 884, 890 (8th Cir. 2014) ("[C]oncern for public safety further is undermined by [the Attorney General's] own seven-month delay in promulgating the Interim Rule."); *Chamber of Com. v. United States Dep't of Homeland Sec.*, 504 F. Supp. 3d 1077, 1089 (N.D. Cal. 2020) (finding an agency's six-month delay in promulgating rules relating to COVID precluded presumption of urgency); *Nat. Res. Def. Council v. Nat'l Highway Traffic Safety Admin.*, 894 F.3d 95, 115 (2nd Cir. 2018) ("Good cause cannot arise as a result of the agency's own delay, because otherwise, an agency unwilling to provide notice or an opportunity to comment could simply wait until the eve of a statutory, judicial, or administrative deadline, then raise up the 'good cause' banner and promulgate rules without following APA procedures." (internal quotations and

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alterations omitted)). The CMS mandate was announced nearly two months[10] before the agency released it, and the mandate itself prominently features yet another one-month delay. Moreover, two vaccines were authorized under Emergency Use Authorization ("EUA")[11] more than ten months before the CMS mandate took effect, and one vaccine was fully licensed by the FDA well over two months before.[12] It is also worth mentioning that since the onset of COVID, CMS has issued five IFC mandates, such as the one here; the most recent on May 13, 2021. 86 Fed. Reg. at 61,561. One could query how an "emergency" could prompt such a slow response; such delay hardly suggests a situation so dire that CMS may dispense with notice and comment requirements[13] and the important purposes they serve.

The COVID pandemic is an event beyond CMS's control, yet it was completely within its control to act earlier than it did. *See* 86 Fed. Reg. at 61,583 ("CMS initially chose, among other actions, to encourage rather than mandate vaccination[.]"); *see id.* (explaining CMS had authority to impose vaccination requirements even when the only vaccines available were those authorized under EUAs in December 2020). The mere desire or need to have the mandate does not suffice for good cause. *Nat'l Ass'n of Farmworkers Orgs. v. Marshall*, 628 F.2d 604, 621 (D.C. Cir. 1980) ("[G]ood cause to suspend notice and comment must be supported by more than the bare need to have regulations."); *United States v. Cain*, 583 F.3d 408, 421 (6th Cir. 2009) ("A desire to provide

[10] On September 9, 2021, the President announced his intention to promulgate federal vaccinate mandates, including the CMS vaccine mandate challenged here.

[11] The FDA issued vaccines under Emergency Use Authorization ("EUA") for two COVID vaccines on December 11, 2020 and December 18, 2020. According to CMS, the agency *could have* imposed a vaccine requirement, even when the only vaccines available are those authorized under EUAs. *See* 86 Fed. Reg. at 61,583.

[12] On August 23, 2021, the FDA licensed the first COVID vaccine.

[13] The Court also takes note that CMS reviewed several communications from stakeholders in *favor* of the mandate. Thus, CMS apparently found it quite possible to consult with the interested parties it selected. *See, e.g.*, 86 Fed. Reg. at 61,565.

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immediate guidance, without more, does not suffice for good cause."). And good cause is not automatically created based on an agency's conclusion that bypassing the notice and comment requirements is necessary to protect public safety.[14] *See Brewer*, 766 F.3d at 889 (finding agency's stated reason of "protecting the public safety" was insufficient to waive notice and comment requirement); *Sorenson Commc'ns Inc. v. FCC*, 755 F.3d 702, 706 (D.C. Cir. 2014) ("To accord deference to an agency's invocation of good cause would be to run afoul of congressional intent."). COVID cannot be a compelling justification forever, *Does 1-3 v. Mills*, --- S. Ct. ---, 2021 WL 5027177, at *3 (U.S. Oct. 29, 2021) (Gorsuch, J., dissenting), and CMS's evidence shows COVID no longer poses the dire emergency it once did. *See, e.g.*, 86 Fed. Reg. at 61,583 (noting "newly reported COVID-19 cases, hospitalizations, and deaths have begun to trend downward at a national level"). Notably, today, there are three widely distributed vaccines. Additionally, there are several therapeutics and treatments, and as CMS states, more are on the horizon. *See, e.g.*, *id.* at 61,609. Thus, CMS's purported "emergency"[15]—one that the entire globe has now endured for nearly two years, and to which CMS itself demonstrated ease in responding to—is unavailing. *United States v. Reynolds*, 710 F.3d 498, 512–13 (3rd Cir. 2013) ("Most, if not all, laws passed . . . are designed to eliminate some real or perceived harm. If the mere assertion that such harm will continue while

[14] Other circuits, like the Eighth, have held that protecting the public, without more, is insufficient to waive procedural requirements. *United States v. Reynolds*, 710 F.3d 498, 509 (3rd Cir. 2013); *United States v. Johnson*, 632 F.3d 912, 928 (5th Cir. 2011); *United States v. Valverde*, 628 F.3d 1159, 1168 (9th Cir. 2010); *United States v. Cain*, 583 F.3d 408, 421–24 (6th Cir. 2009).

[15] CMS also asserted that there is an "emergency" *now* (such that CMS must immediately implement the mandate) because "the 2021–2022 influenza season" will soon begin. 86 Fed. Reg. at 61,584. CMS offered this justification while simultaneously admitting that "the intensity of the upcoming 2021-2022 influenza season cannot be predicted" and that "influenza activity during the 2020-2021 season was low throughout the U.S." *Id.* For a "risk of future harm" to "justify a finding of good cause," the "risk must be more substantial than a mere possibility." *Brewer*, 766 F.3d at 890. Thus, CMS did not find a concrete "threat" to remedy but rather speculated as to a mere possibility of harm, and there is a "difference between addressing present legal uncertainty and addressing the possibility of future legal uncertainty." *Id.* Notably, CMS did not mandate flu vaccines, despite mentioning that the flu has been daunting the healthcare system, that recent studies show approximately half of healthcare workers refuse the flu vaccine, *id.* at 61,568, and that CMS has evidence that influenza vaccination of health care staff is directly associated with declines in nosocomial influenza in hospitalized patients and nursing home residents. *Id.* at 61,557.

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an agency gives notice and receives comments were enough to establish good cause, then notice and comment would always have to give way.").

2. ***CMS failed to meet its "good cause" burden, especially in light of the unprecedented, controversial, and health-related nature of the mandate.***

CMS also failed to meet its burden based on the unprecedented, controversial, and health-related nature of the mandate. *Alcaraz v. Block*, 746 F.2d 593, 612 (9th Cir. 1984) (holding that the inquiry into an agency invoking "good cause proceeds case-by-case, sensitive to the totality of the factors at play"). CMS had the burden "to establish that notice and comment need not be provided." *Nat. Res. Def. Council*, 894 F.3d at 113–14. In a situation like here, where there is significant and known opposition to the mandate, "good cause" is even more important than usual. *See, e.g.*, *Asbestos Information Ass'n of N. Am. v. Occupational Safety & Health Admin.*, 727 F.2d 415, 426 (5th Cir. 1984) (explaining that rules "may be more uncritically accepted after public scrutiny, through notice-and-comment rulemaking, especially when the conclusions it suggests are controversial"). The fact that this mandate effects issues relating to health[16] increases the importance even further. *See Nat'l Ass'n of Farmworkers*, 628 F.2d at 621 ("Especially in the context of health risks, notice and comment procedures assure the dialogue necessary to the creation of reasonable rules."); *Cmty. Nutrition Inst. v. Butz*, 420 F. Supp. 751, 754 (D.D.C. 1976) (noting that "when a health-related standard such as this is involved, the good cause exemption may not be used to circumvent the legal requirements designed to protect the public"). Accordingly, CMS's argument that undertaking normal notice and comment requirements would be "contrary to the public interest" based on delaying the mandate, *id.* at 61,586, is unavailing in light of the circumstances. *Alcaraz*, 746 F.2d at 612. Rather, these requirements "serve the public

[16] CMS acknowledges that "[s]erious adverse reactions [] have been reported following COVID-19 vaccines." 86 Fed. Reg. at 61,565.

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interest by providing a forum for the robust debate of competing and frequently complicated policy considerations having far-reaching implications and, in so doing, foster reasoned decision making." *Id.* They are far from "mere formalities." *Id.*

Moreover, the failure to take and respond to comments feeds into the very vaccine hesitancy CMS acknowledges is so daunting. 86 Fed. Reg. at 61,559, 61,568. Besides fostering reasoned decision making, notice and comment "provide a 'surrogate political process' that takes some of the sting out of the inherently undemocratic and unaccountable rulemaking process." *Dep't of Homeland Sec. v. Regents of the Univ. of Cal.*, 140 S. Ct. 1891, 1929 n.13 (Thomas, J., dissenting). Requiring already hesitant individuals to get the vaccine—without giving them an opportunity to be heard—undermines the democratic process that the APA's procedural safeguards are intended to protect and exacerbates the underlying hesitancy problem. *Batterton v. Marshall*, 648 F.2d 694, 703 (D.C. Cir. 1980) (according notice and comment great importance because it "reintroduce[s] public participation and fairness to affected parties after governmental authority has been delegated to unrepresentative agencies"). Far from being "good cause" for circumventing the normal rulemaking requirements, the unprecedented and controversial mandate affecting personal health constitutes a compelling reason to utilize those procedures, and CMS failed to provide the good cause necessary to overcome these factors.

In conclusion, because CMS's "emergency" does not justify use of the "good cause" exception, see *Thrift*, 862 F. Supp. at 591, and the unprecedented, controversial, and health-related mandate requires more good cause than CMS provided, *Alcaraz*, 746 F.2d at 612, Plaintiffs are likely to succeed in establishing that CMS improperly invoked the 5 U.S.C. § 553(b)(B) "good cause" exception.

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iii. **The mandate is arbitrary and capricious.**

Finally, Plaintiffs are likely to succeed in establishing that the CMS vaccine mandate is arbitrary or capricious. Under the APA, a court must "hold unlawful and set aside agency action" that is "arbitrary" or "capricious." 5 U.S.C. § 706(2)(A). The APA's arbitrary-and-capricious standard requires that agency action be reasonable and reasonably explained. *Fed. Commc'ns Comm'n v. Prometheus Radio Project*, 141 S. Ct. 1150, 1158 (2021) ("A court simply ensures that the agency has acted within a zone of reasonableness and, in particular, has reasonably considered the relevant issues and reasonably explained the decision."). Under this "narrow" and deferential standard of review, a court may not substitute its own policy judgment for that of the agency. *Id.* Rather, the court must ensure there is a "rational connection between the facts found and the choice made." *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

1. ***The mandate is arbitrary and capricious because the record is devoid of evidence regarding the covered healthcare facilities.***

CMS lacks evidence showing that vaccination status has a direct impact on spreading COVID in the mandate's covered healthcare facilities. CMS acknowledges its lack of "comprehensive data" on this matter but attempts to "extrapolate" the abundant data that it does have on Long Term Care Facilities ("LTCs"), generally referred to as nursing homes, to the other dozen-plus Medicare and Medicaid facilities covered by the mandate. 86 Fed. Reg. at 61,585. However, CMS's path of analysis appears misguided and the inferences it produced are questionable. *State Farm*, 463 U.S. at 43 (finding that in an arbitrary and capricious challenge, the court will "uphold a decision of less than ideal clarity if the agency's path may reasonably be discerned"). As CMS's own record shows, COVID disproportionally devastates LTC facilities.

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Residents of LTC facilities—who make up less than 1-percent of the U.S. population—accounted for more than 35-percent of all COVID deaths during the first twelve months of the pandemic. 86 Fed. Reg. at 61,566. Equally staggering is that "[o]f the approximately 656,000 Americans estimated to have died from COVID through September 10, 2021, 30-percent are estimated to have died during or after an LTC facility stay." *Id.* at 61,601. Thus, CMS's decision to extrapolate LTC data to justify its lack of data regarding the other fourteen facilities covered is likely not reasonable. *Michigan v. EPA*, 576 U.S. 743, 750 (2015) (requiring agencies to engage in "reasoned decision making"); *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 220 (2016) ("[A]n agency must give adequate reasons for its decisions."). While a wide-sweeping mandate might make sense in the context of LTCs, based on CMS's evidence, CMS presents no similar evidence for imposing a broad-sweeping mandate on the other fourteen covered facilities. *Camp v. Pitts*, 411 U.S. 138, 143 (1973) ("If [a] finding is not sustainable on the administrative record made, then the [agency's] decision must be vacated[.]"). Although the Court appreciates its deferential review, the Court's duty is not to "rubber-stamp" administrative decisions devoid of reasonableness. *Alaska Oil and Gas Ass'n v. Jewell*, 815 F.3d 544 (9th Cir. 2016) ("A court must not substitute its judgment for that of the agency, but also must not "rubber-stamp" administrative decisions.").

In general, the overwhelming lack of evidence likely shows CMS had insufficient evidence to mandate vaccination on the wide range of facilities that it did. Looking even beyond the evidence deficiencies relating to the specific facilities covered, the lack of data regarding vaccination status and transmissibility—in general—is concerning. Indeed, CMS states that "the effectiveness of the vaccine[s] to prevent disease transmission by those vaccinated [is] not

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currently known."[17] 86 Fed. Reg. at 61,615.[18] CMS also admits that the continued efficacy of the vaccine is uncertain. *See, e.g.*, *id.* at 61,612 ("[M]ajor uncertainties remain as to the future course of the pandemic, including but not limited to vaccine effectiveness in preventing 'breakthrough' disease transmission from those vaccinated, [and] the long-term effectiveness of vaccination[.]"). No one questions that protecting patients and healthcare workers from contracting COVID is a laudable objective. But the Court cannot, in good faith, allow CMS to enact an unprecedented mandate that lacks a "rational connection between the facts found and the choice made." *State Farm*, 463 U.S. at 43; *see also Sierra Club v. Mainella*, 459 F. Supp. 2d 76, 90 (D.D.C. 2006) ("Under the APA . . . the function of the district court is to determine whether or not as a matter of law the evidence in the administrative record permitted the agency to make the decision it did."). The reasoned explanation and evidentiary requirement "of administrative law, after all, is meant to ensure that agencies offer genuine justifications for important decisions, reasons that can be scrutinized by courts and the interested public." *Dep't of Com. v. New York*, 139 S. Ct. 2551, 2575 (2019). If judicial review is to be more than an "empty ritual," the Court here must demand something more than the explanation offered for the action taken by CMS here. *Id*.

2. ***The mandate is arbitrary and capricious because CMS improperly rejected alternatives to the mandate.***

CMS failed to consider or rejected obvious alternatives to a vaccine mandate without evidence. For example, CMS rejected daily or weekly testing—an option that even OSHA approved in its ETS—without citing any evidence for such a conclusion. 86 Fed. Reg. at 61,614.

[17] "As explained in various places within this RIA and the preamble as a whole, there are major uncertainties as to the effects of current variants of SARS-CoV-2 on future infection rates, medical costs, and prevention of major illness or mortality. For example, the duration of vaccine effectiveness in preventing COVID-19, reducing disease severity, reducing the risk of death, and the effectiveness of the vaccine to prevent disease transmission by those vaccinated are not currently known." 86 Fed. Reg. at 61,615.

[18] Also, CMS has no data showing forced vaccinations in the healthcare industry has stopped the spread of COVID in hospitals.

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Rather, it assured that it "reviewed scientific evidence on testing" but "found that vaccination is a more effective infection control measure." *Id.* at 61,614. As discussed elsewhere, this conclusion comes despite its admission that it lacks solid evidence[19] regarding transmissibility of COVID by the vaccinated. *Id.* at 61,615, 61,612. Although it is not the Courts duty to ask whether CMS's decision was "the best one possible" or even whether there were "better [] alternatives," *Federal Energy Regulatory Commission v. Electric Power Supply Ass'n*, 136 S. Ct. 760, 782 (2016), the Court must ensure there exists a "rational connection between the facts found and the choice made." *State Farm*, 463 U.S. at 43.

As another example, CMS rejected[20] mandate alternatives in those with natural immunity by a previous coronavirus infection. 86 Fed. Reg. at 61,614 (noting "many uncertainties" about the immunity in those previously infected "compared to people who are vaccinated"). But, elsewhere, it plainly contradicts itself regarding the value of natural immunity. *Id.* at 61,604 ("[A]bout 100,000 a day have recovered from infection . . . . These changes reduce the risk to both health care staff and patients substantially, likely by about 20 million persons a month *who are no longer sources of future infections*.") (emphasis added). Such contradictions are tell-tale signs of unlawful agency actions. *See State Farm*, 463 U.S. at 43 (finding agency action arbitrary and capricious if the agency explained its decision in a way that "runs counter to the evidence before the agency"); *see also Bethesda Health, Inc. v. Azar*, 389 F. Supp. 3d 32, 41 (D.D.C. 2019) (setting aside as arbitrary and capricious agency action that contradicts its own regulations).

[19] Far from being reasonable to prohibit alternatives to vaccination, this constitutes a compelling reason to utilize, rather than reject, other alternatives before subjecting the public to a never-before CMS vaccine mandate.

[20] CMS also rejected natural immunity, despite an intense public debate and a trove of scientific data on the strength and durability of natural immunity from COVID-19—alone and compared to vaccine-induced immunity. *State Farm*, 463 U.S. at 43 (noting "the agency must examine the relevant data").

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3. ***The mandate is arbitrary and capricious because of its broad scope.***

The broad scope of healthcare facilities covered by the mandate renders it arbitrary. The mandate applies equally to the varying healthcare facility types it covers, such as Psychiatric Residential Treatment Facilities ("PRTFs") for individuals under age twenty-one, *see* 86 Fed. Reg. at 61,576, and LTCs, *see id.* at 61,575. But, at the same time, CMS acknowledges that the risk of COVID to those in the former age group is markedly smaller. *See, e.g.*, *id.* at 61,610 n.247 (recognizing that "risk of death from infection from an unvaccinated 75-to 84-year-old person is 320 times more likely than the risk for an 18- to 29-years old person"); *id.* at 61,601 ("Among those infected, the death rate for older adults age 65 or higher was hundreds of time higher than for those in their 20s during 2020."); *id.* at 61,566 (noting those aged 65 years and older account for more than 80-percent of U.S. COVID-19 related deaths). What is more, besides applying to all facilities equally, the mandate applies to all facilities' staff equally, "*regardless of . . . patient contact*." *Id.* at 61,570 (emphasis added). The mandate goes so far as to cover a third-party vendor's "crew working on a construction project" whose members use the same bathrooms "during their breaks." *Id.* at 61,571. CMS provides no reasoned[21] explanation for this overbroad approach, and it further belies its asserted interest in protecting patients from COVID.[22] *Cty. of Los Angeles v. Shalala*, 192 F.3d 1005, 1021 (D.C. Cir. 1999) ("Where the agency has failed to provide a reasoned explanation, or where the record belies the agency's conclusion, [the court] must undo its action.").

[21] As explained in *infra* note 24, upping vaccination nation-wide is not a "reasonable" reason for CMS to enact its mandate because the agency's powers are limited to Medicare and Medicare—not federalizing healthcare and reaching the general public. Rather, the overbroad approach indicates the pretextual nature of this mandate.

[22] The Court also notes that recently, on November 12, 2021, CMS itself revised its pandemic guidance for nursing home visitation, specifically opening facility visitation *"for all residents at all times" by family and friends who are not required to be vaccinated*. This also belies CMS's asserted interest in protecting patients from COVID, and instead, shows that the mandate's overbreadth is to increase the national vaccination rate by any means necessary.

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4. ***The mandate is arbitrary and capricious due to CMS's sudden change in course.***

CMS failed to adequately explain its contradiction to its long-standing practice of encouraging rather than forcing—by governmental mandate—vaccination. For years, CMS has promulgated regulations setting the conditions for Medicare and Medicaid participation; *never* has it required any vaccine for covered facilities' employees—despite concerns over other illnesses and their corresponding low vaccination rates.[23] As recent as this May, CMS adopted an IFC requiring education on COVID vaccines but again decided against forced vaccination.

It is generally "arbitrary or capricious" to depart from a prior policy *sub silentio*; when agencies contradict a prior policy, they must show "good reasons for the new policy." *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009); *accord EPA v. EME Homer City Generation, L.P.*, 572 U.S. 489, 510 (2014) (holding that agency "retained discretion to alter its course [under a regulation] provided it gave a reasonable explanation for doing so"). Here, CMS's purported reason for changing its policy is to force those unwilling or hesitant to receive the vaccine into receiving it, all under the guise of protecting recipients of Medicare and Medicaid. *See* 86 Fed. Reg. at 61,583 (noting "CMS initially chose . . . to encourage rather than mandate vaccination" but "vaccine uptake among health care staff [was not] as robust as hoped for"); *id.* at 61,569 (noting that despite healthcare worker hesitation about the vaccine, "mandates have already been successfully initiated in a variety of health care settings, systems, and states"); *id.* at 61,560 (noting it was "compelled to require staff vaccinations for COVID-19" given its "responsibility to protect the health and safety of individuals . . . receiving care and services from for Medicare- and

[23] In the Mandate, CMS discusses how influenza is a major problem plaguing the healthcare industry. Nonetheless, CMS states that half of healthcare workers resist the seasonal influenza vaccine nationwide, 86 Fed. Reg. at 61,568, but that it continues to "recommend" influenza vaccination rather than mandate it. *Id.* Even though CMS has evidence that influenza vaccination of health care staff is associated with declines in nosocomial influenza in hospitalized patients and nursing home residents. *Id.* at 61,557.

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Medicaid-certified providers and suppliers"). But even if forcing the administration of a specific vaccine, into the otherwise unwilling, in an effort to protect the recipients of these programs could be a reasonable explanation to justify the extraordinary action—action that long has been the province of the states, see *Zucht*, 260 U.S. at 176 (noting that precedent had long "settled that it is within the police power of a state to provide for compulsory vaccination"); *Jacobson v. Massachusetts*, 197 U.S. 11, 25–26 (1905) (similar)—CMS has not shown that it is reasonable in this instance.[24] Rather, it specifically notes that the vaccines' effectiveness to prevent disease transmission by those vaccinated is not currently known. 86 Fed. Reg. at 61,615 (noting "the duration of vaccine effectiveness in preventing COVID-19, reducing disease severity, reducing the risk of death, and the effectiveness of the vaccine to prevent disease transmission by those vaccinated are not currently known").

5. ***The mandate is arbitrary and capricious because CMS failed to consider or properly weigh necessary reliance interests.***

Because CMS changed course, it was required to "be cognizant that longstanding policies may have 'engendered serious reliance interests that must be taken into account.'" *Fox Television*,

[24] The inadequacy of the explanation for the reversal is especially true since Plaintiffs will likely succeed in demonstrating it is a pretextual rationale. *See Dep't of Com. v. New York*, 139 S. Ct. 2551, 2575–76 (2019); *id.* at 2583 (Thomas, J., concurring in part and dissenting in part) (noting Court "opened a Pandora's box of pretext-based challenges in administrative law"); *id.* at 2597 (Alito, J., concurring in part and dissenting in part). While a court may not set aside an agency's policymaking decision "solely because it might have been influenced by political considerations or prompted by an Administration's priorities," *Department of Commerce*, 139 S. Ct. at 2573, an agency's change in course "cannot be solely a matter of political winds and currents." *North Carolina Growers' Association, Inc. v. United Farm Workers*, 702 F.3d 755, 772 (4th Cir. 2012) (Wilkinson, J., concurring). Plaintiffs have demonstrated that they could likely show pretext. *See, e.g.*, Doc. [9] at 4 (citing Joseph Biden, Remarks at the White House (Sept. 9, 2021), https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/09/09/remarks-by-president-biden-on-fighting-the-covid-19-pandemic-3/ (decrying "nearly 80 million Americans who have failed to get the shot" while announcing "a new plan to require more Americans to be vaccinated" and explaining that "[i]f you're seeking care at a health facility, you should be able to know that the people treating you are vaccinated. Simple. Straightforward. Period."); *see also* 86 Fed. Reg. at 61,601 ("the protective scope of this rule is far broader than the health care staff that it directly affects"); *see also id.* at 61,612 ("Staff vaccination will also provide significant community benefits when staff are not at work."). The Court "cannot ignore the disconnect between the decision made and the explanation given." *Dep't of Com.*, 139 S. Ct. at 2575.

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556 U.S. at 515. Ignoring reliance interests is necessarily arbitrary and capricious. *Id.* Yet, it appears this is what CMS did. An agency is required to assess whether there were reliance interests, determine whether they were significant, and weigh any such interests against competing policy concerns. *Regents*, 140 S. Ct. at 1915.

In concluding that the mandate's benefits outweigh the risks to the healthcare industry, CMS did not properly consider *all* necessary reliance interests of facilities, healthcare workers, and patients. 86 Fed. Reg. at 61,607–10. CMS looked only at evidence from interested parties in favor of the mandate, while completely ignoring evidence from interested parties in opposition. *Consumers Union of U. S., Inc. v. Consumer Prod. Safety Comm'n*, 491 F.2d 810, 812 (2d Cir. 1974) (noting agency "must not ignore evidence placed before it by interested parties"). In fact, CMS foreclosed these parties' ability to provide information regarding the mandate's effects on the healthcare industry, while simultaneously dismissing those concerns based on "insufficient evidence." 86 Fed. Reg. at 61,569. But facts do not cease to exist simply because they are ignored, and "[s]tating that a factor was considered[25] is not a substitute for considering it." *Texas v. Biden*, 10 F.4th 538, 556 (5th Cir. 2021) (internal quotations and alterations omitted); *Sierra Club*, 459 F. Supp. 2d at 100 ("Merely describing an impact and stating a conclusion of non-impairment is insufficient[.]"); *Gresham v. Azar*, 363 F. Supp. 3d 165, 177 (D.D.C. 2019) ("The bottom line: the Secretary did no more than acknowledge—in a conclusory manner, no less—that commenters forecast a loss in Medicaid coverage."). Had CMS followed the proper procedural requirements,

[25] Several times throughout the mandate, CMS acknowledges the countervailing effect it will have on the healthcare industry. *See, e.g.*, 86 Fed. Reg. at 61,607 ("currently there are endemic staff shortages for almost all categories of employees at almost all kinds of health care providers and supplier and these may be made worse if any substantial number of unvaccinated employees leave health care employment altogether"); *id.* at 61,567 ("and the urgent need to address COVID-related staffing shortages that are disrupting patient access to care, provides strong justification as to the need to issue this IFC requiring staff vaccination for most provider and supplier types over which we have authority."). Yet, despite these acknowledged concerns about intensifying an already-existing healthcare crisis, CMS decided to move forward anyway, without properly considering the totality of interests affected by the mandate, such as rural hospitals.

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States, healthcare providers, and healthcare workers would have submitted critical information to CMS—instead of to the Courts[26]—showing that the mandate portends a disaster for the healthcare industry, particularly in rural communities. *Azar v. Allina Health Servs.*, 139 S. Ct. 1804, 1816, (2019) (requiring HHS to undertake notice-and-comment rulemaking, in part, because it "neglected to acknowledge the potential countervailing benefits"); *Time Warner Cable Inc. v. FCC*, 729 F.3d 137, 168 (2nd Cir. 2013) (explaining APA policies are "to ensure the agency has all pertinent information before it when making a decision"). By dispensing with those requirements, CMS ignored evidence showing that the mandate threatens devastating consequences to healthcare providers, staff, and patients throughout the nation.

Even if CMS did properly consider these reliance issues—which this Court finds it most likely did not—the scant evidence of record shows CMS was unable to adequately balance these reliance interests because it placed a rock on one side of the scale and a feather on the other. *Regents*, 140 S. Ct. at 1914 (failing to weigh reliance interests against competing policy concerns is arbitrary and capricious). And as already explained, these evidence deficiencies are solely a product of its own doing. So, either CMS entirely failed to consider an important aspect of the problem or failed to weigh the interests properly; regardless, either way the pendulum swings, CMS's actions, or rather, inaction, violates basic tenants of administrative law. *Id.*; *State Farm*, 463 U.S. at 43 (noting that "entirely fail[ing] to consider an important aspect of the problem" is

[26] It is not the job of this Court to collect evidence and opposition from affected parties; rather, this is the role, actually a duty, of CMS when promulgating a rule. *See District of Colombia v. United States Dep't of Agriculture*, 496 F. Supp. 3d 213, 228 (D.D.C. 2020) (emphasizing that one purpose of notice and comment rulemaking is to "give affected parties an opportunity to develop evidence in the record to support their objections to the rule and thereby enhance the quality of judicial review"); *Hoctor v. U.S. Dept. of Agriculture*, 82 F.3d 165, 167 (7th Cir. 1996) ("Notice and comment rulemaking . . . facilitates the marshaling of opposition to a proposed rule, and may result in the creation of a very long record that may in turn provide a basis for a judicial challenge to the rule if the agency decides to promulgate it.").

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arbitrary and capricious); *Michigan*, 576 U.S. at 750–52 (noting "agency action is lawful only if it rests on a consideration of the relevant factors" and "important aspects of the problem").

In conclusion, Plaintiffs likely can show the CMS mandate is arbitrary and capricious because the evidence does not show a rational connection to support implementing the vaccine mandate, the mandate's broad scope, the unreasonable rejection of alternatives to vaccination, CMS's inadequate explanation for its change in course, and its failure to consider or properly weigh reliance interests.

Accordingly, Plaintiffs' challenges to the mandate show a great likelihood of success on the merits, and this fact weighs critically in favor of a preliminary injunction. *Home Instead*, 721 F.3d at 497 ("While no single factor is determinative, the probability of success factor is the most significant." (internal quotations and citations omitted)).

b. ***Plaintiffs demonstrate irreparable harm.***

The Court must next determine whether Plaintiffs have shown that they are "likely to suffer irreparable harm in the absence of preliminary relief." *Benisek v. Lamone*, 138 S. Ct. 1942, 1944 (2018) (quoting *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)). Plaintiffs must show more than a mere "possibility," but they need not show a certainty; rather, they need to demonstrate "irreparable injury is *likely* in the absence of an injunction." *Winter*, 555 U.S. at 22. Plaintiffs have done so here.

The Plaintiff States bring their claims in a number of capacities: sovereign, quasi-sovereign/*parens patriae*, and proprietary. *See, e.g.*, Doc. [1] ¶¶ 5, 7, 9. Through their various interests, they have shown irreparable injury is more than likely in the absence of an injunction.

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First, Plaintiffs sovereign interests[27] are likely to suffer irreparable harm without a preliminary injunction because they will be unable to enforce their duly enacted laws surrounding vaccination mandates and providing proof of vaccination. *See, e.g.*, Mo. Rev. Stat § 67.265; 2021 Alaska Sess. Laws ch. 2, § 17; Ark. Code § 20-7-143; *see also, e.g.*, Ark. Code § 11-5-118. The mandate notes that it "preempts inconsistent State and local laws as applied to Medicare- and Medicaid-certified providers and suppliers." 86 Fed. Reg. at 61,568. Generally, this preemption would be unremarkable. *See* U.S. Const. art. VI, § 2. But, as here, where CMS likely did not lawfully enact its mandate, Plaintiffs are harmed because they cannot enforce their duly enacted laws and no lawfully enacted regulation preempts them. The injury that results when a state cannot enforce "statutes enacted by representatives of its people" is irreparable. *Maryland v. King*, 567 U.S. 1301, 1303 (2012) (Roberts, C.J., in chambers) (quoting *New Motor Vehicle Bd. of Cal. v. Orrin W. Fox Co.*, 434 U.S. 1345, 1351 (1977) (Rehnquist, J., in chambers)); *accord Org. for Black Struggle v. Ashcroft*, 978 F.3d 603, 609 (8th Cir. 2020) ("Prohibiting the State from enforcing a statute properly passed . . . would irreparably harm the State.").

Second, Plaintiffs quasi-sovereign interests are likely to suffer irreparable harm without a preliminary injunction. Unlike the harm Plaintiffs likely would face to their sovereign interests—which though significant, is more abstract—the harm Plaintiffs likely would face to their quasi-sovereign interests would be observable and appreciable. Indeed, the likely harm would be *harm* in the colloquial sense—pain, suffering, distress. Plaintiffs have a quasi-sovereign interest "in the health and well-being—both physical and economic—of [their] residents, *Alfred L. Snapp & Son, Inc. v. Puerto Rico*, 458 U.S. 592, 607 (1982), and Plaintiffs have put forth evidence that this mandate would have a detrimental effect on the health and well-bring of their citizens.

[27] The States also have an interest in seeing their constitutionally reserved police power over public health policy defended from federal overreach, as discussed in depth in section II.B.a.i.2.

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Review of the affidavits filed in support of Plaintiffs' motion for preliminary injunction shows the harm to the physical health and well-being of their states' citizens if the mandate is not enjoined. The Plaintiffs' affidavits came from varying healthcare entities and associations in their states impacted by the mandate. The affiants describe existing and significant staffing shortages as well as open and unfilled positions for an extended period of time, some for more than a year. *See, e.g.*, Doc. [9-7] at 3; Doc. [9-11] at 3; Doc. [9-25] at 3; Doc. [9-3] at 4. The affidavits also demonstrate that the mandate will more than likely exacerbate the already-existing staffing problem. Many of the affidavits generally describe the number of individuals employed by the entity and the number or percentage of employees either known or reasonably known to have not been vaccinated.[28] *See, e.g.*, Doc. [9-4] at 3, 4; Doc. [9-3] at 4. Through talks, surveys, and direct conversations with staff, the affiants know the individuals that will leave employment if CMS goes ahead with its mandate. *See, e.g.*, Doc. [9-4] at 3; Doc. [9-5] at 3; Doc. [9-13] at 4; Doc. [9-19] at 3; Doc. [9-20] at 3. Already, in some cases, the mere announcement of CMS's mandate has compelled some to resign. *See, e.g.*, Doc. [9-26] at 2.

Staff reductions due to implementing the mandate, especially in light of the already understaffed healthcare facilities, will cause a cascade of consequences. *See, e.g.*, Doc. [9-16] at 3–6. The mandate's effect of reducing staff will decrease the quality of care provided at facilities, compromise the safety of patients, and place even more stress on the remaining staff. *See, e.g.*, Doc. [9-11] at 4. The mandate "creates a risk in patient safety" and will create "ongoing ripple effects on . . . patients, remaining employees and [the] community for some time in the future." Doc. [9-18] at 5. An affiant noted that "even if we can technically staff services with extra shift and call, we are already doing that, have been doing that for more than a year, and our vaccinated

[28] CMS itself notes that rural hospitals are less vaccinated than urban. 86 Fed. Reg. at 61,613 (recognizing that "rural hospitals are having greater problems with employee vaccination . . . than urban hospitals").

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staff will not be capable of doing it for much longer. At this point, considering it is nearly impossible to recruit clinical staff today, more will resign due to the stress and burnout that will inevitably exist." Doc. [9-23] at 5.

The loss of certain staffing categories will diminish entire areas of care within a facility that inevitably implicate others. *See, e.g.*, Doc. [9-19] at 3 (warning of the loss of the only remaining anesthesiologist); Doc. [9-21] at 3 (warning of the loss of 80% of imaging department); Doc. [9-14] at 3; Doc. [9-18] at 4; Doc. [9-25] at 4. Facilities in rural locations, already hard-pressed to find qualified applicants regardless of vaccination status, will have to evaluate what healthcare services they could still safely provide, if any at all, in the region they serve. *See, e.g.*, Doc. [9-4] at 4; Doc. [9-7] at 3–4; Doc. [9-9] at 2–5; Doc. [9-12] at 4; Doc. [9-13] at 4; Doc. [9-19] at 3; Doc. [9-23] at 4. As an example, for a general hospital located in North Platte, Nebraska, implementation of the mandate would result in the loss of the *only* remaining anesthesiologist. Doc. [9-19] at 3. Understandably, without an anesthesiologist, there could be no surgeries—at all. Thus, such a loss irreparably causes a cascading effect on the entire facility and a wide-range of patients. Other examples show the mandate's far-reaching implications not just on the administration of healthcare itself, but the functioning of the facilities in general. For example, the building manager of a nursing home in Memphis, Missouri states he will leave if the choice is between his job or the vaccine. Doc. [9-9] at 3–4. If the mandate takes effect, then, the nursing home would have "no one competent enough to run [the] building and [perform] all the complicated systems and required inspections." *Id.* Also, this type of position is not the kind that can be filled "quickly, especially with today's workforce and being in a rural setting." *Id.* Other affidavits also detail an especially hard impact to emergency services in rural areas. *See, e.g.*, Doc. [9-21] at 2–3 ("If we lose our imaging department we will have to divert many of our emergency

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patients to other facilities; the closest one is 45 miles away."); Doc. [9-11] at 4 (explaining that in the event this hospital closes, the nearest one would be thirty miles away); Doc. [9-12] at 2–3 (similar); Doc. [9-16] at 6 (similar).

Further, the loss of staffing in many instances will result in *no care at all*, as some facilities will be forced to close altogether. For example, the Administrator of the Scotland County Care Center (SCCC), a nursing home located in Memphis, Missouri, notes that out of about sixty-five employees, twenty have indicated that they are opposed to taking the vaccine, and if the mandate is imposed, that they will quit.[29] Doc. [9-9] at 2. A loss of twenty staff members will cause SCCC to "close its doors" and displace residents that have lived in that community their entire lives. *Id.* at 5; *see also* Doc. [9-26] at 4. Thus, if the mandate goes into effect, it will irreparably harm patients[30] by impeding access to care for the elderly and for persons who cannot afford it—directly contrary to Medicare and Medicaid's core objective of providing proper care. In sum, Plaintiffs' evidence shows that facilities—rural facilities in particular—likely would face crisis standards of care or will have no choice but to close to new patients or close altogether, both of which would cause significant, and irreparable, harm to Plaintiffs' citizens. *Kai v. Ross*, 336 F.3d 650, 656 (8th Cir. 2003) (finding "danger to plaintiffs' health, and perhaps even their lives, gives them a strong argument of irreparable injury").[31]

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[29] This includes SCCC's billing and accounting staff members, which would create a "substantial disruption" in SCCC's business functions, as well as their building plant manager, "that would leave me with no one competent enough to run my building and all the complicated systems and required inspections." *Id.* at 4.

[30] Medicare and Medicaid programs "touch[] the lives of nearly all Americans" and are two of the "largest federal program[s]" in the country. *See Allina Health Servs.*, 139 S. Ct. at 1808.

[31] "No right is held more sacred, or is more carefully guarded . . . than the right of every individual to the possession and control of his own person, free from all restraint or interference of others, unless by clear and unquestionable authority of law." *Union Pacific R. Co. v. Botsford*, 141 U.S. 250, 251 (1891). As already explained, CMS most likely does not have the authority to promulgate the mandate, and clear congressional authorization is also lacking. "Irreparable harm occurs when a party has no adequate remedy at law, typically because its injuries cannot be fully compensated through an award of damages.'" *Rogers Group, Inc. v. City of Fayetteville, Ark.*, 629 F.3d 784, 789 (8th Cir. 2010) (quoting *Gen. Motors Corp. v. Harry Brown's, L.L.C.*, 563 F.3d 312, 319 (8th Cir. 2009)). It follows then,

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Besides the harm to physical health that Plaintiffs have shown will likely occur absent a preliminary injunction, the mandate also would have a negative effect on the economies in Plaintiff states, especially, once again, in rural areas.[32] While economic injuries normally would be reparable at law, "federal agencies generally enjoy sovereign immunity for any monetary damages." *Wages & White Lion Invs., L.L.C. v. United States Food & Drug Admin.*, 16 F.4th 1130, 1142 (5th Cir. 2021); *see also* 5 U.S.C. § 702 (providing for an action seeking relief "other than money damages"). Therefore, the economic loses in Plaintiff states would be unrecoverable and thus irreparable. *Iowa Utls. Bd. v. FCC*, 109 F.3d 418, 426 (8th Cir. 1996) ("The threat of unrecoverable economic loss, however, does qualify as irreparable harm."); *DISH Network Serv. L.L.C. v. Laducer*, 725 F.3d 877, 882 (8th Cir. 2013).

Fourth, and finally, Plaintiffs would likely face irreparable harm to their proprietary interests absent a preliminary injunction. Plaintiffs themselves operate healthcare facilities that CMS's mandate reaches. They therefore would face the same harms any private owner of a facility faces, like the "business and financial effects of a lost or suspended employee, compliance and monitoring costs associated with the Mandate, [or] the diversion of resources necessitated by the Mandate." *BST Holdings*, 17 F.4th at ---. As just noted, since these costs could not be recovered from the federal government, they are irreparable. *Iowa Utls. Bd.*, 109 F.3d at 426.

For all these reasons, the Court finds that Plaintiffs are likely to suffer significant irreparable harm absent a preliminary injunction.

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that forcing individuals to choose "between their job(s) and their jab(s)," *BST Holdings*, 17 F.4th at ---, substantially burdens the liberty interests of individuals, which cannot be fully compensated through an award of damages.

[32] For example, Callaway District Hospital and Medical Clinics is the largest employer in Callaway, Nebraska and is a "significant driver of the local business and agriculture economy." Doc. [9-12] at 4. The expected loss of staff would "almost certainly" lead to closure of the facility. *Id.* "Cherry County Hospital is a leader of employment" for its county. Doc. [9-16] at 6. "Kimball County Manor and Assisted Living employs 55 full time staff and as such is one of the largest employers in Kimball County, a rural county located in Nebraska's western panhandle." Doc. [9-22] at 3.

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c. The balance of equities tip in favor of Plaintiffs, and the public has an interest in an injunction.

Finally, the Court must determine whether Plaintiffs have shown that the "balance of equities tips in [their] favor" and that "an injunction is in the public interest." *Winter*, 555 U.S. at 20. Courts "must balance the competing claims of injury and must consider the effect on each party of the granting or withholding of the requested relief." *Id.* at 24. When the party opposing the injunction is the federal government, the balance-of-harms factor "merge[s]" with the public-interest factor. *Nken v. Holder*, 556 U.S. 418, 436 (2009).

The public has an interest in stopping the spread of COVID. No one disputes that. But the Court concludes that the public would suffer little, if any, harm from maintaining the "status quo" through the litigation of this case. Defendants argue that "enjoining the rule would harm the public interest by further exposing Medicare and Medicaid patients and staff—and the Medicare and Medicaid programs—to unvaccinated health care workers." Doc. [23] at 48. But CMS's own conclusions undercut this argument. *See id.* at 61,615 ("[T]he effectiveness of the vaccine to prevent disease transmission by those vaccinated [is] not currently known."); *id.* at 61,612. Regardless, the pandemic has continued more than twenty months now. Vaccine rates rise every day, and more therapeutics and treatments for the virus are available than ever before. The status quo today, without the CMS mandate, is still far better than the public faced even just a few months ago.

And while, according to CMS, the effectiveness of the vaccine to prevent disease transmission by those vaccinated is not currently known, what is known based on the evidence before the Court is that the mandate will have a crippling effect on a significant number of

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healthcare facilities in Plaintiffs' states, especially in rural areas,[33] create a critical shortage of services (resulting in *no medical care at all* in some instances), and jeopardize the lives of numerous vulnerable citizens. The prevalent, tangible, and irremediable impact of the mandate tips the balance of equities in favor of a preliminary injunction.

To be sure, the Court looks at the principles underlying preliminary injunctions. *Dataphase*, 640 F.2d at 113 n.5 (quoting *Love v. Atchison, T. & S. F. Ry. Co.*, 185 F. 321, 331 (8th Cir. 1911) ("The controlling reason for the existence of the judicial power to issue a [preliminary] injunction is that the court may thereby prevent such a change in the relations and conditions of persons and property as may result in irremediable injury to some of the parties before their claims can be investigated and adjudicated."). Although the parties disagree on the magnitude of the mandate's disruption to the healthcare industry, both agree a disruption is certain and imminent. Thus, the importance of enjoining the mandate, and thus preserving the "status quo," is imperative. *Dataphase*, 640 F.2d at 113 (8th Cir. 1981) ("[T]he question is whether the balance of equities so favors the movant that justice requires the court to intervene to preserve the status quo until the merits are determined."). And "[t]here is clearly a robust public interest in safeguarding prompt access to health care." *Whitman-Walker Clinic, Inc. v. DHS*, 485 F. Supp. 3d 1, 61 (D.D.C. 2020).

The Court finds that in balancing the equities, the scale falls clearly in favor of healthcare facilities operating with some unvaccinated employees, staff, trainees, students, volunteers, and

[33] The disproportionate impact the mandate will have on rural communities is why CMA's "one-size-fits-all sledgehammer" approach does not work and in fact, undermines CMA's focus on providing proper care. *See BST Holdings*, 17 F.4th at ---. This is why healthcare matters are typically left to the States, because these policy decisions are matters dependent on local factors and conditions, and Federalism allows States to tailor such matters in the best interests of their communities. The Court agrees with Plaintiffs point that whatever might make sense in Chicago, St. Louis, or New York City, could be actually counterproductive and harmful in rural communities like Memphis (MO) or McCook (NE). Doc. [1] at 1–2.

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contractors, rather than the swift, irremediable impact of requiring healthcare facilities to choose between two undesirable choices—providing substandard care or providing no healthcare at all.[34]

It is true that the Agency would face irreparable harm *if* it is unable to enforce a *properly authorized* and *enacted* regulation. But, as discussed above, the Court has concluded CMS likely did not enact the mandate at issue lawfully. Thus, any interest CMS may have in enforcing an unlawful rule is likely illegitimate. *See BST Holdings*, 17 F.4th at ---. By this same conclusion, the public would benefit from the preliminary injunction because it would ensure that federal agencies do not extend their power beyond the express delegation from Congress, as already discussed. And while "it is indisputable that the public has a strong interest in combating the spread of COVID-19," "our system does not permit agencies to act unlawfully even in pursuit of desirable ends." *Ala. Ass'n of Realtors*, 141 S. Ct. at 2490.

In conclusion, CMS mandate raises substantial questions of law and fact that must be determined, as discussed throughout this opinion. Because it is evident CMS significantly understates the burden that its mandate would impose on the ability of healthcare facilities to provide proper care, and thus, save lives, the public has an interest in maintaining the "status quo" while the merits of the case are determined. *Dataphase*, 640 F.2d at 113; *Love*, 185 F. at 331.

III. CONCLUSION

For the foregoing reasons, Plaintiffs' Motion for Preliminary Injunction, Doc. [6], is **GRANTED**.

Accordingly,

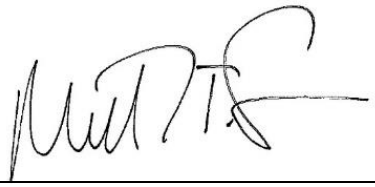
[34] CMS also discusses that the upcoming influenza season will further exacerbate the strain on the healthcare system. However, one would assume that the onset of flu season coupled with COVID would be a reason to *avoid* critical staffing shortages at healthcare facilities—not to exacerbate them.

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IT IS HEREBY ORDERED that Defendants are preliminarily enjoined from the implementation and enforcement of 86 Fed. Reg. 61,555 (Nov. 5, 2021), the Interim Final Rule with Comment Period entitled "Medicare and Medicaid Programs; Omnibus COVID-19 Health Care Staff Vaccination," against any and all Medicare- and Medicaid-certified providers and suppliers within the States of Alaska, Arkansas, Iowa, Kansas, Missouri, Nebraska, New Hampshire, North Dakota, South Dakota, and Wyoming pending a trial on the merits of this action or until further order of this Court. Defendants shall immediately cease all implementation or enforcement of the Interim Final Rule with Comment Period as to any Medicare- and Medicaid-certified providers and suppliers within the States of Alaska, Arkansas, Iowa, Kansas, Missouri, Nebraska, New Hampshire, North Dakota, South Dakota, and Wyoming.

IT IS FURTHER ORDERED that no security bond shall be required under Federal Rule of Civil Procedure 65(c).

Dated this 29th day of November, 2021.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE

AMERICAN OVERSIGHT

MO-REP-21-1608-E-003597

From: Wheeler, Will (Blunt) <Will_Wheeler@blunt.senate.gov>
Sent: Monday, October 25, 2021 3:48 PM EDT
To: Wheeler, Will (Blunt) <Will_Wheeler@blunt.senate.gov>
Subject: USDA ReConnect Loan and Grant Program - NOFO

Happy Monday!

If you received this e-mail it is because I believe that you, or the stakeholders within the communities you serve would benefit from this information. Today, October 25, 2021, the USDA – Rural Utilities Service published their NOFO in the Federal Register for the USDA ReConnect Loan and Grant Program. Eligible entities can begin to apply for funding on November 24, 2021 and the application process will close on February 22, 2021. Below will be a breakdown of the funding tranches and several URL links with details for the program. Hopefully this information is beneficial for you. If you have any additional questions don't hesitate to reach out.

Funding Tranches
In total $1.15 billion will be made available through this round of funding, but that will be broken down into four different categories.

1. $350 million for a 100% grant for Tribal Governments and Socially Vulnerable Communities. Maximum award amount of $35 million with no match required. Must meet a 100Mbps symmetrical minimum service requirement in all proposed service areas
    a. Areas of note in the South Central/South West Missouri area that qualify as Socially Vulnerable Communities that would be eligible for this would include Northwest Polk County, Northern Dallas County, Northern Taney County, Central Wright County, West Texas County, and Southern Shannon County.
2. $350 million for a 100% grant in eligible program areas. Maximum award amount is $35 million with a 25% match required. Must meet a 100Mbps symmetrical minimum service requirement in all proposed service areas
3. $250 million for combo grant/loan in eligible program areas. Maximum award amount is $25 million for the loan and $25 million for the grant, the interest rate is set at the US Treasury Rate. Must meet a 100Mbps symmetrical minimum service requirement in all proposed service areas
4. $200 million for a 100% loan in eligible program areas. Maximum award amount is $50 million and the interest rate is set at a fixed 2%. Must meet a 100Mbps symmetrical minimum service requirement in all proposed service areas. This is the only tranche that is not evaluated competitively and are reviewed on a rolling basis.

Eligibility Requirements: https://www.usda.gov/reconnect/service-area-eligibility-requirements
ReConnect Program Service Area Map: https://ruraldevelopment.maps.arcgis.com/apps/webappviewer/index.html?id=1e82a64056fc46e4a28361c5e9447246
Federal Register NOFO: https://www.federalregister.gov/documents/2021/10/25/2021-23128/rural-econnectivity-program

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AMERICAN OVERSIGHT