AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

117TH CONGRESS
1ST SESSION

# H. R. 5376

## AN ACT

To provide for reconciliation pursuant to title II of S. Con. Res. 14.

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

# TITLE I—COMMITTEE ON 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 on National Forest System land within the wildland-urban interface;

(2) $4,000,000,000 for, on a determination made solely by the Secretary that hazardous fuels reduction projects within the wildland-urban inter-

face described in paragraph (1) have been planned to protect, to the extent practicable, at-risk communities, hazardous fuels reduction projects on National Forest System land outside the wildland-urban interface that are—

(A) primarily noncommercial in nature, provided that, in accordance with the best available science, the harvest of merchantable materials shall be ecologically appropriate for restoration and to enhance ecological health and function, and any sale of merchantable materials under this paragraph shall be limited to small diameter trees or biomass that are a by-product of hazardous fuel reduction projects;

(B) collaboratively developed; and

(C) carried out in a manner that enhances the ecological integrity and achieves the restoration of a forest ecosystem; maximizes the retention of old-growth and large trees, as appropriate for the forest type; and prioritizes prescribed fire as the primary means to achieve modified wildland fire behavior;

(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) $400,000,000 for vegetation management projects on National Forest System land carried out in accordance with a water source management plan or a watershed protection and restoration action plan;

(5) $400,000,000 for vegetation management projects on National Forest System land that—

(A) maintain, or contribute toward the restoration of, reference old growth characteristics, including structure, composition, function, and connectivity;

(B) prioritize small diameter trees and prescribed fire to modify fire behavior; 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, prioritized on the assessment of watershed, ecological, and carbon conditions on National Forest Sys-

tem land and 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 priority on trails that provide to underserved communities access to National Forest System land;

(9) $100,000,000 for capital maintenance and improvements on National Forest System land, with a priority 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 through 4370m–12);

(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;

(13) $50,000,000 to carry out post-fire recovery plans on National Forest System land that emphasize the use of locally adapted native plant materials to restore the ecological integrity of disturbed areas and do not include salvage logging; and

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

(b) PRIORITY FOR FUNDING.—For projects described in paragraphs (1) through (5) of subsection (a), the Secretary shall prioritize for implementation projects—

(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 through 4370m–12) 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 on National For-

est System lands, if the opportunities are compatible with the primary restoration purposes of the project.

(c) LIMITATIONS.—None of the funds made available by this section may be used for any activity—

(1) conducted in a wilderness area or wilderness study area;

(2) that includes the construction of a permanent road or permanent trail;

(3) that includes the construction of a temporary road, except in the case of a temporary road that is decommissioned by the Secretary not later than 3 years after the earlier of—

(A) the date on which the temporary road is no longer needed; and

(B) the date on which the project for which the temporary road was constructed is completed;

(4) inconsistent with the applicable land management plan;

(5) inconsistent with the prohibitions of the rule of the Forest Service entitled ''Special Areas; Roadless Area Conservation'' (66 Fed. Reg. 3244 (January 12, 2001)), as modified by subparts C and D of part 294 of title 36, Code of Federal Regulations; or

(6) carried out on any land that is not National Forest System land, including other forested land on Federal, State, Tribal, or private land.

(d) DEFINITIONS.—In this section:

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

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

(A) includes multiple interested persons representing diverse interests, except such persons shall not be employed by the Federal government or be representatives of foreign entities; and

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

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

(3) DECOMMISSION.—The term ''decommission'' means, with respect to a road—

(A) reestablishing native vegetation on the road;

(B) restoring any natural drainage, watershed function, or other ecological processes that were disrupted or adversely impacted by the road by removing or hydrologically disconnecting the road prism and reestablishing stable slope contours; and

(C) effectively blocking the road to vehicular traffic, where feasible.

(4) ECOLOGICAL INTEGRITY.—The term ''ecological integrity'' has the meaning given the term in section 219.19 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) HAZARDOUS FUELS REDUCTION PROJECT.—The term ''hazardous fuels reduction project'' means an activity, including the use of prescribed fire, to protect structures and communities from wildfire that is carried out on National Forest System land.

(6) RESTORATION.—The term ''restoration'' has the meaning given the term in section 219.19 of

title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(7) VEGETATION MANAGEMENT PROJECT.—The term ''vegetation management project'' means an activity carried out on National Forest System land to enhance the ecological integrity and achieve the restoration of a forest ecosystem through the removal of vegetation, the use of prescribed fire, the restoration of aquatic habitat, or 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'' has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(e) LIMITATIONS.—Nothing in this section shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

(f) COST-SHARING REQUIREMENT.— Any partnership agreements, including cooperative agreements and mutual interest agreements, using funds made available under this section shall be subject to a non-Federal cost-share requirement of not less than 20 percent of the project cost, which may be waived at the discretion of the Secretary.

**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) $2,000,000,000 to award grants to Tribal, State, or local governments or the government of the District of Columbia, regional organizations, special districts, or nonprofit organizations 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 (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511));

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

(3) $250,000,000 to award grants to Tribal, State, or local governments or the government of the District of Columbia, regional organizations, special districts, or nonprofit organizations for projects on non-Federal land to aid in the recovery and rehabili-

tation of burned forested areas, including reforestation;

(4) $175,000,000 to award grants to Tribal, State, or local governments or the government of the District of Columbia, regional organizations, special districts, or nonprofit organizations 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) $150,000,000 for the State Fire Assistance and Volunteer Fire Assistance programs established pursuant to section 10(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106(b)) to be distributed at the discretion of the Secretary;

(6) $150,000,000 for the implementation of State-wide forest resource strategies under section 2A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101a);

(7) $250,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program a cost share to carry out climate mitigation or forest resilience practices in the case of underserved forest landowners, subject

to the condition that subsection (h) of that section shall not apply;

(8) $250,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program grants to support the participation of underserved forest landowners in emerging private markets for climate mitigation or forest resilience, subject to the condition that subsection (h) of that section shall not apply;

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

(10) $500,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) to provide grants to states and other eligible entities to provide payments to owners of private forest land for implementation of forestry practices on private

forest land, that are determined by the Secretary, based on the best available science, to provide measurable increases in carbon sequestration and storage beyond customary practices on comparable land, subject to the conditions that—

(A) those payments shall not preclude landowners from participation in other public and private sector financial incentive programs; and

(B) subsection (h) of that section shall not apply;

(11) $50,000,000 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;

(12) $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;

(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)) to provide enhancements to the technology managed and used by the forest inventory and analysis program, including cloud computing and remote sensing for purposes such as small area estimation;

(14) $775,000,000 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 the amount of such a grant shall be not more than $5,000,000; 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 a priority shall be placed on projects that create a

financial model for addressing forest restoration needs on public or private forest land; and

(15) $50,000,000 for the research mission area of the Forest Service to carry out greenhouse gas life cycle analyses of domestic wood products.

(b) FUNDING FOR RESTORATION ON NON-FEDERAL AREAS BY STATES.—The Secretary may use amounts made available by this section to carry out eligible projects as determined by the Secretary, authorized in subsection (a) on non-Federal land upon the request of the Governor of that State, or, in the case of the District of Columbia, the Mayor.

(c) COST-SHARING REQUIREMENT.—Any partnership agreements, including cooperative agreements and mutual interest agreements, using funds made available under this section shall be subject to a non-Federal cost-share requirement of not less than 20 percent of the project cost, which may be waived at the discretion of the Secretary.

(d) LIMITATIONS.—Nothing in this section shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

**SEC. 11003. STATE AND PRIVATE FORESTRY CONSERVATION PROGRAMS.**

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $1,250,000,000 to provide competitive grants to States 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, with priority given to grant applications that offer significant natural carbon sequestration benefits, contribute to the resilience of community infrastructure, local economies, or natural systems, or provide benefits to underserved populations;

(2) $2,500,000,000 to provide multi-year, programmatic, competitive grants to a State agency, a local governmental entity, and agency or governmental entity of the District of Columbia, 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 tree equity and community tree canopy and associated societal and climate co-benefits, with a priority for projects that benefit underserved populations; and

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

(b) WAIVER.—Any non-Federal cost-share requirement otherwise applicable to projects carried out under this section may be waived at the discretion of the Secretary.

**SEC. 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; or

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

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

**SEC. 11005. APPROPRIATIONS.**

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000 to remain available until September 30, 2031, for administrative costs of the agencies and offices of the Department of Agriculture for costs related to implementing this subtitle.

# Subtitle C—Rural Development and Agricultural Credit and Outreach

## PART 1—RURAL DEVELOPMENT

**SEC. 12001. 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), $97,000,000, 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 persistent poverty counties (or, notwithstanding any popu-

lation limits specified in section 343 of 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), Tribal lands, colonias, and insular areas, subject to the condition that the performance of any construction work completed with amounts provided under this section meet the condition described in section 9003(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(f)).

**SEC. 12002. USDA RURAL WATER GRANTS FOR LEAD REMEDIATION.**

In addition to amounts otherwise made 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), $970,000,000, to remain available until September 30, 2031, notwithstanding section 306C(a)(2)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926c(a)(2)(A)), for grants under sections 306C(a)(1)(A) and 306(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926c(a)(1)(A) and 1926(a)(2)) for the purpose of replacement of service lines that contain

lead, subject to the condition that the performance of any construction work completed with amounts provided under this section meet the condition described in section 9003(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(f)).

**SEC. 12003. ADDITIONAL FUNDING FOR ELECTRIC LOANS FOR RENEWABLE ENERGY.**

(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, $2,880,000,000, to remain available until September 30, 2031, for the cost of loans under section 317 of the Rural Electrification Act of 1936 (7 U.S.C. 940g), including for projects that store electricity that supports the types of eligible projects under such section, which shall be forgiven in whole or in part based on how the borrower and the project meets the terms and conditions for loan forgiveness consistent with the purposes of such section established by the Secretary, subject to the condition that the performance of any construction work completed with amounts provided under this section meet the condition described in section 9003(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(f)).

(b) LIMITATION.—The Secretary shall not enter into any loan agreement pursuant to this section that could result in disbursements after September 30, 2031.

**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 section 6407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a) and this section, subject to the condition that the performance of any construction work completed with amounts provided under this section meet the condition described in section 9003(f) of such Act (7 U.S.C. 8103(f)).

(b) USE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection, at the election of an eligible entity (as defined in section 6407(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a(b))) to which a loan is made under section 6407(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a(c)), the Secretary shall make a grant to the eligible entity in an

amount equal to not more than 5 percent of the loan amount for the purposes of costs incurred in—

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

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

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

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

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

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

(c) LIMITATION.—The Secretary shall not enter into any loan agreement pursuant to this section that could result in disbursements after September 30, 2031, or any grant agreement pursuant to this section that could result in any outlays after September 30, 2031.

**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 section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107) and subject to the conditions that the performance of any construction work completed with amounts provided under this subsection meet the condition described in section 9003(f) of such Act, and notwithstanding section 9007(c)(3)(A) of such Act, the amount of a grant shall not exceed 50 percent of the cost of the activity carried out using the grant funds—

(1) $820,250,000 for fiscal year 2022, to remain available until September 30, 2031; and

(2) $180,276,500 for each of fiscal years 2023 through 2027, to remain available until September 30, 2031.

(b) 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 loans guaranteed by the Secretary (including the costs of such loans) under the program described in subsection (a) of this section relating to underutilized renewable energy technologies, and to provide technical assistance for applying to the program described in subsection (a) of this section, including for underutilized renewable energy technologies, subject to the conditions that the performance of any construction work completed with amounts provided under this subsection meet the condition described in section 9003(f) of such Act and, 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 shall not exceed 50 percent of the cost of the activity carried out using the grant funds, and to the extent the following amounts remain available at the end of each fiscal year, the Secretary shall use such amounts in accordance with subsection (a) of this section—

(1) $144,750,000 for fiscal year 2022, to remain available until September 30, 2031; and

(2) $31,813,500 for each of fiscal years 2023 through 2027, to remain available until September 30, 2031.

(c) LIMITATION.—The Secretary shall not enter into any loan agreement pursuant to this section that could result in disbursements after September 30, 2031 or any grant agreement pursuant to this section that could result in any outlays after September 30, 2031.

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

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $960,000,000, to remain available until September 30, 2031, to carry out this section.

(b) USE OF FUNDS.—The Secretary shall use the amounts made available by subsection (a) to provide grants, for which the Federal share shall be not more than 75 percent of the total cost of carrying out a project for which the grant is provided, on a competitive basis, to transportation fueling facilities and distribution facilities, including fueling stations, convenience stores, hypermarket retailer fueling stations, fleet facilities, as well as fuel terminal operations, mid-stream partners, and heating oil distribution facilities or equivalent entities, subject to the condition that the performance of any construction work completed with amounts provided under this section shall meet the condition described in section

9003(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(f))—

(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 related to dispensing certain biofuels blends to ensure the increased sales of fuels with high levels of commodity-based ethanol and biodiesel that are at or greater than the levels required in the Notice of Funding Availability for the Higher Blends Infrastructure Incentive Program for Fiscal Year 2020, published in volume 85 of the Federal Register (85 Fed. Reg. 26656), 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) LIMITATION.—The Secretary may not limit the amount of funding an eligible entity may receive under this section.

**SEC. 12007. USDA ASSISTANCE FOR RURAL ELECTRIC CO-OPERATIVES.**

(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, for the long-term resiliency, reliability, and affordability of rural electric systems, by providing to an eligible entity (defined as an electric cooperative described in section 501(c)(12) or 1381(a)(2) of the Internal Revenue Code of 1986 and is or has been a Rural Utilities Service electric loan borrower pursuant to the Rural Electrification Act of 1936 or serving a predominantly rural area) assistance under paragraphs (1) and (2) by awarding such assistance to eligible entities for purposes described in section 310B(a)(2)(C) of the Consolidated Farm and Rural Development Act (provided that the term renewable energy system in that paragraph has the meaning given such term in section 9001(16) of the Farm Security and Rural Investment Act of 2002) and for carbon capture and storage systems, that will achieve the greatest reduction in greenhouse gas emissions associated with rural electric systems using such assistance and that will otherwise aid disadvantaged rural communities (as determined by the Secretary), subject to the condition that any construction work completed with

amounts provided under this section shall meet the condition described in section 9003(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(f)), when—

(1) making grants and loans (including the cost of loans and modifications thereof) to purchase renewable energy (as defined in section 9001(15) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101(15))), purchase renewable energy systems (as defined in section 9001(16) of that Act (7 U.S.C. 8101(16))), and carbon capture and storage systems, deploy such 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 operating on nonrenewable energy; 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) PROHIBITION.—Nothing in this section shall be interpreted to authorize funds of the Commodity Credit

Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

**SEC. 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, $873,000,000, to remain available until September 30, 2031, to provide grants to support rural development under this subsection, subject to the condition that 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, except that the Secretary may waive such matching requirement on a finding that the recipient of the applicable grant is economically distressed.

(2) ALLOCATION OF FUNDS.—

(A) FORMULA.—The Secretary shall establish a formula pursuant to which the Secretary shall allocate, for each State and for Tribal governments, an amount to be provided under this

subsection to eligible applicants described in paragraph (3).

(B) REQUIREMENTS.—

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

(ii) AWARD.—In awarding grants under this subsection to eligible applicants in each State and eligible applicants of Tribal governments, the Secretary shall give priority to eligible applicants representing a micropolitan statistical area (as defined by the Office of Management and Budget in OMB Bulletin No. 20-01 (effective March 2020) and any subsequent updates) and 1 or more rural areas contiguous to that micropolitan statistical area or eligible applicants representing high poverty areas (as determined by the Sec-

retary) provided that the Secretary may award additional grants or funding under this subsection to implement activities pursuant to a rural development plan upon the Secretary's approval of the recipient's plan and report on the use of each grant provided to the recipient under this subsection.

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

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

(I) a unit of local government;

(II) a Tribal government; or

(III) an authority, agency, or instrumentality of an entity described in subclauses (I) or (II); and

(ii) a qualified nonprofit or for-profit organization, as determined by the Secretary;

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

(C) demonstrates, as determined by the Secretary, cooperation among the members of the partnership necessary to complete comprehensive rural development, through aligning government investment, leveraging nongovernmental resources, building economic resilience, and aiding 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 in section 9003(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(f)):

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

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

(C) Implementing planned rural development activities and projects.

(5) 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.

(b) RURAL PROSPERITY INNOVATION GRANTS.—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, $97,000,000, to remain available until September 30, 2031, to provide grants to entities that have not received a grant under subsection (a) and that is a qualified nonprofit corporation that serves rural areas (as determined by the Secretary) or an institution of higher education that serves rural areas (as determined by the Secretary), subject to the condition that the recipient of such grant shall contribute a non-Federal match of 20 percent of the amount of the grant, which may be used—

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

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

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

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

(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'' has the meaning given the term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

**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, $553,000,000, to remain available until September 30, 2031, for administrative costs and salaries and expenses for the Rural Development mission area and expenses of

the agencies and offices of the Department for costs related to implementing this part.

## PART 2—AGRICULTURAL CREDIT AND OUTREACH

### SEC. 12101. ASSISTANCE FOR CERTAIN FARM LOAN BORROWERS.

Section 1005 of the American Rescue Plan Act of 2021 (Public Law 117–2) is amended to read as follows:

**"SEC. 1005. ASSISTANCE FOR CERTAIN FARM LOAN BORROWERS.**

''(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of amounts in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

''(1) such sums as may be necessary for the cost of payments under subsection (b); and

''(2) $1,020,000,000 to provide payments or loan modifications or otherwise carry out the authorities under section 331(b)(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(b)(4)), using a centralized process administered from the national office, for Farm Service Agency direct loan and loan guarantee borrowers, focusing on borrowers who are at risk (as determined

by the Secretary of Agriculture using factors that may include whether the borrower is a limited resource farmer or rancher, the amount of payments received by the borrower during calendar years 2020 and 2021 under the Coronavirus Food Assistance Program of the Department of Agriculture, and other factors, as determined by the Secretary).

''(b) PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall provide a payment in an amount up to 100 percent of the outstanding indebtedness of each economically distressed borrower on eligible farm debt.

''(2) OTHER PAYMENTS.—

''(A) IN GENERAL.—For each farmer and rancher with outstanding indebtedness on eligible farm debt that does not qualify for a payment under paragraph (1), the Secretary shall provide a payment that is equal to, subject to subparagraph (B), the lesser of—

''(i) the amount of the outstanding indebtedness of the farmer or rancher on eligible farm debt; and

''(ii) $150,000.

"(B) REDUCTION.—A payment determined under subparagraph (A) shall be reduced by the amount equal to the sum obtained by adding—

"(i) the total of the payments received by the farmer or rancher during calendar year 2020 pursuant to the Coronavirus Food Assistance Program of the Department of Agriculture; and

"(ii) the total of the payments received by the farmer or rancher during calendar years 2018 and 2019 pursuant to the Market Facilitation Program of the Department of Agriculture.

"(c) DEFINITIONS.—In this section:

"(1) ECONOMICALLY DISTRESSED BORROWER.—The term 'economically distressed borrower' means a farmer or rancher that, as determined by the Secretary—

"(A) was 90 days or more delinquent with respect to an eligible farm debt as of April 30, 2021;

"(B) was 90 days or more delinquent with respect to an eligible farm debt as of December 31, 2020;

"(C) operates a farm or ranch whose headquarters of operation, as determined by the Secretary, location is—

"(i) in a county with a poverty rate of not less than 20 percent, as determined—

"(I) in the 1990 or 2000 decennial census; or

"(II) in the Small Area Income and Poverty Estimates of the Bureau of the Census for the most recent year for which the Estimates are available as of the date of enactment of the Act entitled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14';

"(ii) in a ZIP Code with a poverty rate of not less than 20 percent, as determined by the Secretary; or

"(iii) on land held in trust by the United States for the benefit of an Indian Tribe or an individual Indian;

"(D) owes more interest than principal with respect to an eligible farm debt as of July 31, 2021;

"(E) is undergoing bankruptcy or foreclosure or is in other financially distressed categories, as determined by the Secretary, as of July 31, 2021;

"(F) received a Department of Agriculture disaster set aside after January 1, 2020;

"(G) has restructured an eligible farm debt 3 or more times as of July 31, 2021; or

"(H) has restructured an eligible farm debt on or after January 1, 2020.

"(2) ELIGIBLE FARM DEBT.—

"(A) IN GENERAL.—The term 'eligible farm debt' means a debt owed to the United States by a farmer or rancher that was issued as a direct loan administered by the Farm Service Agency under subtitle A, B, or C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922 through 1970) and was outstanding or otherwise not paid as of December 31, 2020, or July 31, 2021.

"(B) AMOUNT.—The amount of eligible farm debt with respect to a borrower shall be equal to the amount of eligible farm debt outstanding as of a date determined by the Secretary, but no sooner than the date of enact-

ment of the Act entitled 'An Act to provide for reconciliation pursuant to title II of S. Con Res. 14', plus the total of all loan payments on eligible farm debt made by the borrower in calendar year 2021.

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(d) LIMITATION.—The Secretary shall not enter into any loan agreement pursuant to this section that could result in disbursements after September 30, 2031 or any grant agreement pursuant to this section that could result in any outlays after September 30, 2031.''.

**SEC. 12102. USDA ASSISTANCE AND SUPPORT FOR UNDERSERVED FARMERS, RANCHERS, AND FORESTERS.**

Section 1006 of the American Rescue Plan Act of 2021 (Public Law 117–2) is amended to read as follows:

**''SEC. 1006. USDA ASSISTANCE AND SUPPORT FOR UNDERSERVED FARMERS, RANCHERS, FORESTERS.**

''(a) TECHNICAL AND OTHER ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $200,000,000 to provide outreach, mediation, financial

training, capacity building training, cooperative development and agricultural credit training and support, and other technical assistance on issues concerning food, agriculture, agricultural credit, agricultural extension, rural development, or nutrition to underserved farmers, ranchers, or forest landowners, including veterans, limited resource producers, beginning farmers and ranchers, and farmers, ranchers, and forest landowners living in high poverty areas.

''(b) LAND LOSS ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $200,000,000 to provide grants and loans to eligible entities, as determined by the Secretary, to improve land access (including heirs' property and fractionated land issues) for underserved farmers, ranchers, and forest landowners, including veterans, limited resource producers, beginning farmers and ranchers, and farmers, ranchers, and forest landowners living in high poverty areas.

''(c) EQUITY COMMISSIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treas-

ury not otherwise appropriated, $10,000,000 to fund the activities of one or more equity commissions that will address racial equity issues within the Department of Agriculture and the programs of the Department of Agriculture.

"(d) RESEARCH, EDUCATION, AND EXTENSION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $189,000,000 to support and supplement agricultural research, education, and extension, as well as scholarships and programs that provide internships and pathways to agricultural sector or Federal employment, for 1890 Institutions (as defined in section 2 of the Agricultural, Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)), 1994 Institutions (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)), Alaska Native serving institutions and Native Hawaiian serving institutions 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), Hispanic-serving institutions eligible to receive grants under section 1455 of the

National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241), and the insular area institutions of higher education located in the territories of the United States, as referred to in section 1489 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3361).

''(e) DISCRIMINATION FINANCIAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $750,000,000 for a program to provide financial assistance to farmers, ranchers, or forest landowners determined to have experienced discrimination prior to January 1, 2021, in Department of Agriculture farm lending programs, under which the amount of financial assistance provided to a recipient may be not more than $500,000 as appropriate in relation to any consequences experienced from the discrimination, which program shall be administered through 1 or more qualified nongovernmental entities selected by the Secretary subject to standards set and enforced by the Secretary, subject to the condition that any selected entity administering the program shall return the funds to the Secretary on the request of the Secretary if the standards are not adequately carried out or the ad-

ministration of the program is not otherwise sufficient or if any funds provided to the selected entity are not distributed on the date that is 5 years after the date of enactment of the Act entitled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', and any such returned funds shall be available for obligation for any activity authorized under this section, except subsections (c) and (f).

''(f) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $35,000,000 for administrative costs, including training employees, of the agencies and offices of the Department of Agriculture to carry out this section.

''(g) LIMITATION.—The funds made available under subsection (d) are subject to the condition that the Secretary shall not—

''(1) enter into any agreement—

''(A) that is for a term extending beyond September 30, 2031; or

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

"(2) use any other funds available to the Secretary to satisfy obligations initially made under subsection (d).".

# 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 National Agricultural Statistics Service, 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, $5,000,000 for fiscal year 2022;

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

(A) to fund 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)), $210,000,000 for fiscal year 2022;

(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), $120,000,000 for fiscal year 2022;

(iii) 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), $60,000,000 for fiscal year 2022;

(iv) 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), $5,000,000 for fiscal year 2022;

(v) through the centers of excellence led by 1890 Institutions established under

section 1673(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926(d)), $5,000,000 for fiscal year 2022;

(vi) 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), $60,000,000 for fiscal year 2022;

(vii) through the cooperative extension under the Smith-Lever Act (7 U.S.C. 341 through 349) for agricultural extension activities and research relating to climate change, technical assistance, and technology adoption, $80,000,000 for fiscal year 2022;

(viii) 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)), $35,000,000 for fiscal year 2022; and

(ix) through the cooperative extension at 1890 Institutions under section 1444 of the National Agricultural Research, Exten-

sion, and Teaching Policy Act of 1977 (7 U.S.C. 3221), $40,000,000 for fiscal year 2022;

(B) for grants to covered institutions for construction, alteration, acquisition, modernization, renovation, or remodeling of agricultural research facilities, including related building costs associated with compliance with applicable Federal and State law, under section 4 of the Research Facilities Act (7 U.S.C. 390b), $1,000,000,000 for fiscal year 2022, 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) 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), $100,000,000 for fiscal year 2022, to carry out such program in fiscal years 2024 through 2031;

(D) for grants to land-grant colleges and universities to support Tribal students under section 1450 of that Act (7 U.S.C. 3222e), $15,000,000 for fiscal year 2022, and for purposes of this subparagraph, section 1450(b)(4) of such Act shall not apply; and

(E) for the Higher Education Multicultural Scholars Program carried out pursuant to section 1417 of that Act (7 U.S.C. 3152), $15,000,000 for fiscal year 2022;

(3) 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 to further the goals under section 1473H(b)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319k(b)(2)), $30,000,000 for fiscal year 2022;

(4) 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 such section, $210,000,000 for fiscal year 2022;

(5) to the Office of Urban Agriculture and Innovative Production, to carry out activities in accordance with section 222 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6923), $10,000,000 for fiscal year 2022.

(b) DEFINITIONS.—In this section:

(1) COVERED INSTITUTION.—The term ''covered institution'' means—

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

(B) 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));

(C) 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);

(D) 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));

(E) 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

(F) the University of the District of Columbia established pursuant to the Act of July 2, 1862 (commonly known as the ''First Morrill Act'') (7 U.S.C. 301 through 309).

(2) STATE.—The term ''State'' has the meaning given the term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

**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; or

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

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

# Subtitle E—Miscellaneous

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

In addition to amounts otherwise made available, there is appropriated to the Office of the Inspector General of the Department of Agriculture for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000 to remain available until September 30, 2031, for audits, investigations, and other oversight activities of projects and activities carried out with funds made available to the Department of Agriculture under this title.

### SEC. 14002. ADDITIONAL SUPPORT FOR FARMWORKER AND FOOD WORKER RELIEF GRANT PROGRAM.

In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022 to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $200,000,000 to provide additional funds to the Secretary for the Farmworker and Food Worker Relief Grant Program of the Agricultural Marketing Service to provide ad-

ditional COVID–19 assistance relief payments for front-line grocery workers.

# Subtitle F—Conservation

**SEC. 15001. SOIL CONSERVATION ASSISTANCE.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there are appropriated to the Secretary of Agriculture (referred to in this section as the ''Secretary'') for each of fiscal years 2022 through 2028, out of any money in the Treasury not otherwise appropriated, such sums as are necessary to carry out this section, to remain available until expended, subject to the conditions that, for purposes of providing payments under subsections (b), (c), and (d), the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

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

(2) use any other funds available to the Secretary to satisfy obligations initially made under this section; or

(3) interpret this section to authorize funds of the Commodity Credit Corporation for such pay-

ments if such funds are not expressly authorized or currently expended for such purposes.

(b) AVAILABILITY OF PAYMENTS TO PRODUCERS.—

(1) IN GENERAL.—Of the funds made available under subsection (a), for each of the 2022 through 2026 crop years, the Secretary shall make payments to the producers on a farm for which the producer establishes 1 or more cover crop practices with respect to the applicable crop year, as determined by the Secretary, in accordance with this subsection, subject to the condition that a producer receiving a payment shall not receive a payment under any other provision of law for the same practices on the same acres.

(2) PAYMENT RATE.—The payment rate used to make payments with respect to a producer who establishes 1 or more cover crop practices under paragraph (1) shall be $25 per acre of cover crop established.

(3) ACRES ESTABLISHED.—The acres for which a producer receives the payment rate under paragraph (2) shall be equal to the total number of acres on which the producer establishes 1 or more cover crop practices, not to exceed 1,000 acres per producer.

(c) AVAILABILITY OF PAYMENTS TO FARM OWNERS.—

(1) IN GENERAL.—Of the funds made available under subsection (a), for each of the 2022 through 2026 crop years, the Secretary shall make payments to the owners of a farm with respect to which a producer establishes 1 or more cover crop practices pursuant to subsection (b), in accordance with this subsection, subject to the condition that an owner of a farm may not receive a payment under this subsection and subsection (b) for the same farm or acres, as determined by the Secretary.

(2) PAYMENT RATE.—The payment rate used to make payments under paragraph (1) with respect to the owner of a farm shall be $5 per acre of cover crop established.

(3) ACRES ESTABLISHED.—The acres for which the owner of a farm receives the payment rate under paragraph (2) shall be equal to the total number of acres for which the applicable producer establishes 1 or more cover crop practices, not to exceed 1,000 acres per owner.

(d) AVAILABILITY OF PAYMENTS FOR PREVENTED PLANTING.—

(1) IN GENERAL.—Of the funds made available under subsection (a) and in addition to any other payments or assistance, for the 2022 through 2026 crop years, the Secretary shall make payments in accordance with this subsection to producers on farms who establish 1 or more cover crop practices pursuant to subsection (b).

(2) REQUIREMENTS.—To receive a payment under this subsection, a producer—

(A) shall have—

(i) purchased a crop insurance policy or plan of insurance under section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) for the applicable crop year following the establishment of the cover crop practice, as determined by the Secretary;

(ii) established a cover crop practice pursuant to subsection (b) on the farm for which the insurance described in clause (i) was purchased, as determined by the Secretary; and

(iii) been unable to plant the crop for which insurance was purchased; and

(B) as determined by the Secretary, shall not—

(i) harvest the cover crop for market or sale;

(ii) harvest the cover crop for seed for purposes of marketing or sale, except that a quantity may be harvested for seed for on-farm usage only; or

(iii) otherwise use the acres for which payments are received under this subsection for any unapproved uses or other uses that seek to defeat or undermine the purposes of this section.

(3) PAYMENT AMOUNT.—The Secretary shall make payments to producers under this subsection in an amount equal to the product obtained by multiplying—

(A) the total number of acres for which the producer is eligible to receive a payment under this subsection; and

(B) the difference between—

(i) 100 percent of the prevented planting guarantee, calculated without regard to the establishment of the cover crop practices pursuant to subsection (b), applicable

for the insurance policy purchased by the producer under section 508A of the Federal Crop Insurance Act (7 U.S.C. 1508a), as determined by the Secretary; and

(ii) the prevented planting indemnity payment received by the producer under that section and the policy purchased by the producer for the applicable crop, as determined by the Secretary.

**SEC. 15002. ADDITIONAL AGRICULTURAL CONSERVATION INVESTMENTS.**

(a) APPROPRIATIONS.—In addition to amounts otherwise available (and subject to subsection (b)), there are appropriated to the Secretary of Agriculture (referred to in this section as the ''Secretary''), out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031 (subject to the condition that no such funds may be disbursed after September 30, 2031)—

(1) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the environmental quality incentives program under subchapter A of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa through 3839aa–8)—

(A)(i) $300,000,000 for fiscal year 2022;

(ii) $500,000,000 for fiscal year 2023;

(iii) $1,750,000,000 for fiscal year 2024;

(iv) $3,000,000,000 for fiscal year 2025; and

(v) $3,450,000,000 for fiscal year 2026; and

(B) subject to the conditions on the use of the funds that—

(i) section 1240B(f)(1) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(f)(1)) shall not apply;

(ii) section 1240H(c)(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa–8(c)(2)) shall be applied—

(I) by substituting ''$50,000,000'' for ''$25,000,000''; and

(II) with the Secretary prioritizing proposals that utilize diet and feed management to reduce enteric methane emissions from ruminants;

(iii) the funds shall be available for 1 or more agricultural conservation practices

or enhancements that the Secretary determines directly improve soil carbon or reduce nitrogen losses or greenhouse gas emissions, or capture or sequester greenhouse gas emissions, associated with agricultural production; and

(iv) the Secretary shall prioritize projects and activities that mitigate or address climate change through the management of agricultural production, including by reducing or avoiding greenhouse gas emissions;

(2) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the conservation stewardship program under subchapter B of that chapter (16 U.S.C. 3839aa–21 through 3839aa–25)—

(A)(i) $250,000,000 for fiscal year 2022;

(ii) $500,000,000 for fiscal year 2023;

(iii) $850,000,000 for fiscal year 2024;

(iv) $1,000,000,000 for fiscal year 2025; and

(v) $1,500,000,000 for fiscal year 2026; and

(B) subject to the conditions on the use of the funds that—

(i) the funds shall only be available for—

(I) 1 or more agricultural conservation practices or enhancements that the Secretary determines directly improve soil carbon or reduce nitrogen losses or greenhouse gas emissions, or capture or sequester greenhouse gas emissions, associated with agricultural production; or

(II) State-specific or region-specific groupings or bundles of agricultural conservation activities for climate change mitigation appropriate for cropland, pastureland, rangeland, nonindustrial private forest land, and producers transitioning to organic or perennial production systems; and

(ii) the Secretary shall prioritize projects and activities that mitigate or address climate change through the management of agricultural production, including

by reducing or avoiding greenhouse gas emissions;

(3) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the agricultural conservation easement program under subtitle H of title XII of that Act (16 U.S.C. 3865 through 3865d)—

(A)(i) $100,000,000 for fiscal year 2022;

(ii) $200,000,000 for fiscal year 2023;

(iii) $300,000,000 for fiscal year 2024;

(iv) $500,000,000 for fiscal year 2025; and

(v) $600,000,000 for fiscal year 2026; and

(B) subject to the condition on the use of the funds that the Secretary shall prioritize projects and activities that mitigate or address climate change through the management of agricultural production, including by reducing or avoiding greenhouse gas emissions; and

(4) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the regional conservation partnership program under subtitle I of title XII of that Act (16 U.S.C. 3871 through 3871f)—

(A)(i) $200,000,000 for fiscal year 2022;

(ii) $500,000,000 for fiscal year 2023;

(iii) $1,500,000,000 for fiscal year 2024;

(iv) $2,250,000,000 for fiscal year 2025; and

(v) $3,050,000,000 for fiscal year 2026; and

(B) subject to the conditions on the use of the funds that the Secretary—

(i) shall prioritize partnership agreements under section 1271C(d) of the Food Security Act of 1985 (16 U.S.C. 3871c(d)) that support the implementation of conservation projects that assist agricultural producers and nonindustrial private forestland owners in directly improving soil carbon or reducing nitrogen losses or greenhouse gas emissions, or capturing or sequestering greenhouse gas emissions, associated with agricultural production;

(ii) shall prioritize projects and activities that mitigate or address climate change through the management of agricultural production, including by reducing or avoiding greenhouse gas emissions; and

(iii) may prioritize projects that—

(I) leverage corporate supply chain sustainability commitments; or

(II) utilize models that pay for outcomes from targeting methane and nitrous oxide emissions associated with agricultural production systems.

(b) CONDITIONS.—The funds made available under this section are subject to the conditions that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

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

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

(c) CONFORMING AMENDMENTS.—

(1) Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended—

(A) in subsection (a), by striking ''2023'' and inserting ''2031''; and

(B) in subsection (f)(2)(B)—

(i) in the subparagraph heading, by striking ''2023'' and inserting ''2031''; and

(ii) by striking ''2023'' and inserting ''2031''.

(2) Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–8) is amended by striking ''2023'' each place it appears and inserting ''2031''.

(3) Section 1240J(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa–22(a)) is amended, in the matter preceding paragraph (1), by striking ''2023'' and inserting ''2031''.

(4) Section 1240L(h)(2)(A) of the Food Security Act of 1985 (16 U.S.C. 3839aa–24(h)(2)(A)) is amended by striking ''2023'' and inserting ''2031''.

(5) Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''2023'' and inserting ''2031'';

(ii) in paragraph (1), by striking ''2023'' each place it appears and inserting ''2031'';

(iii) in paragraph (2)(F), by striking ''2023'' and inserting ''2031''; and

(iv) in paragraph (3), by striking ''fiscal year 2023'' each place it appears and inserting ''each of fiscal years 2023 through 2031'';

(B) in subsection (b), by striking ''2023'' and inserting ''2031''; and

(C) in subsection (h)—

(i) in paragraph (1)(B), in the subparagraph heading, by striking ''2023'' and inserting ''2031''; and

(ii) by striking ''2023'' each place it appears and inserting ''2031''.

(6) Section 1244(n)(3)(A) of the Food Security Act of 1985 (16 U.S.C. 3844(n)(3)(A)) is amended by striking ''2023'' and inserting ''2031''.

(7) Section 1271D(a) of the Food Security Act of 1985 (16 U.S.C. 3871d(a)) is amended by striking ''2023'' and inserting ''2031''.

**SEC. 15003. CONSERVATION TECHNICAL ASSISTANCE.**

(a) APPROPRIATIONS.—In addition to amounts otherwise available (and subject to subsection (b)), there are appropriated to the Secretary of Agriculture (referred to in this section as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031

(subject to the condition that no such funds may be disbursed after September 30, 2031)—

(1) $200,000,000 to provide conservation technical assistance through the Natural Resources Conservation Service;

(2) $50,000,000 to carry out climate change adaptation and mitigation activities through the Natural Resources Conservation Service by working with the Regional Climate Hubs designed to provide information and technical support on climate smart agriculture and forestry to agricultural producers, landowners, and resource managers, as determined by the Secretary; and

(3) $600,000,000 to carry out a carbon sequestration and greenhouse gas emissions quantification program through which the Natural Resources Conservation Service, including through technical service providers and other partners, shall collect field-based data to assess the carbon sequestration and greenhouse gas emissions reduction outcomes associated with activities carried out pursuant to this section and use the data to monitor and track greenhouse gas emissions and carbon sequestration trends through the Greenhouse Gas Inventory and Assessment Program of the Department of Agriculture.

(b) CONDITIONS.—The funds made available under this section are subject to the conditions that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

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

(2) use any other funds available to the Secretary to satisfy obligations initially made under this section; or

(3) interpret this section to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

(c) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2028, for administrative costs of the agencies and offices of the Department of Agriculture for costs related to implementing this section.

# TITLE II—COMMITTEE ON EDUCATION AND LABOR

## Subtitle A—Education Matters

### PART 1—ELEMENTARY AND SECONDARY EDUCATION

**SEC. 20001. 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, $112,684,000, 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.

(b) IN GENERAL.—Section 202 of the Higher Education Act of 1965 is amended—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(G) require candidates to complete all State requirements to become fully certified.".

**SEC. 20002. 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, $112,266,000, 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 also be available for residency programs for prospective teachers in a bachelor's degree program.

**SEC. 20003. SUPPORT SCHOOL PRINCIPALS.**

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $112,266,000, 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. 20004. 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, $112,266,000, 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. 20005. 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, $160,776,000, to remain available until September 30, 2025, for personnel development described in section 662 of the Individuals with Disabilities Education Act (20 U.S.C. 1462).

**SEC. 20006. GRANTS FOR NATIVE AMERICAN LANGUAGE TEACHERS AND EDUCATORS.**

The Native American Programs Act of 1974 is amended by inserting after section 803C the following:

**"SEC. 803D. GRANTS FOR NATIVE AMERICAN LANGUAGE TEACHERS AND EDUCATORS.**

"(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, to remain available until September 30, 2031, $200,000,000 for the Secretary, in carrying out section 803C, to award grants to carry out activities relating to preparing, training, and offering professional development to Native American language teachers and Native American language early childhood educators to ensure the survival and continuing vitality of Native American languages.

"(b) COST SHARE PROHIBITION.—The Secretary shall not impose a cost sharing or matching fund requirement with respect to grants awarded under subsection (a).".

## PART 2—HIGHER EDUCATION

**SEC. 20021. INCREASING THE MAXIMUM FEDERAL PELL GRANT.**

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

(1) in subparagraph (A)(iii), by inserting "and such sums as may be necessary for fiscal year 2022 to carry out the $550 increase for enrollment at institutions of higher education defined in section 101

or 102(a)(1)(B) 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 equal to the amount determined under clause (ii) for award year 2017–2018, increased by $550 for enrollment at institutions of higher education defined in section 101 or 102(a)(1)(B)''.

(b) SUBSEQUENT AWARD YEARS THROUGH 2025–2026.—Section 401(b) of the Higher Education Act of 1965, as amended by section 703 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260), is amended—

(1) in paragraph (5)(A)—

(A) in clause (i), by striking ''and'' after the semicolon;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

''(ii) for each of award years 2023–2024 through 2025–2026, an additional $550 for enrollment at institutions of high-

er education defined in section 101 or 102(a)(1)(B); and''; and

(2) in paragraph (6)(A)—

(A) 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 2025; and''; and

(B) in clause (ii), by striking ''(5)(A)(ii)'' and inserting ''(5)(A)(iii)''.

**SEC. 20022. EXPANDING FEDERAL STUDENT AID ELIGIBILITY.**

Section 484(a)(5) of the Higher Education Act of 1965 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 Secu-

rity or temporary protected status'' after ''becoming a citizen or permanent resident''.

**SEC. 20023. INCREASE IN PELL GRANTS FOR RECIPIENTS OF MEANS-TESTED BENEFITS.**

Section 473 of the Higher Education Act of 1965, as amended by section 702(b) of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260), is amended by adding at the end the following:

''(d) SPECIAL RULE FOR MEANS-TESTED BENEFIT RECIPIENTS.—During award years 2024–2025 through 2029–2030, and notwithstanding subsection (b), for an applicant (or, as applicable, an applicant and spouse, or an applicant's parents) who is not described in subsection (c) and who, at any time during the previous 24-month period, received a benefit under a means-tested Federal benefit program (or whose parent or spouse received such a benefit, as applicable) described in clauses (i) through (vi) of section 479(b)(4)(H), the Secretary shall for the purposes of this title consider the student aid index as equal to –$1,500 for the applicant.''.

**SEC. 20024. RETENTION AND COMPLETION GRANTS.**

Title VII of the Higher Education Act of 1965 is amended by adding at the end the following:

## "PART F—RETENTION AND COMPLETION GRANTS

### "SEC. 791. RETENTION AND COMPLETION GRANTS.

"(a) IN GENERAL.—From amounts appropriated to carry out this section for a fiscal year, the Secretary shall carry out a program to make grants (which shall be known as 'retention and completion grants') to eligible entities to enable the such entities to carry out the activities described in the applications submitted under subsection (b).

"(b) APPLICATION.—To be eligible to receive a grant under this section, an eligible entity shall submit an application to the Secretary that includes a description of—

"(1) how the eligible entity will use the funds to implement or expand evidence-based reforms or practices to improve student outcomes at institutions of higher education in the State or system of institutions of higher education, or at the Tribal College or University, as applicable; and

"(2) how the eligible entity will sustain such reforms or practices after the grant period.

"(c) PRIORITY.—In awarding grants under this section to eligible entities, the Secretary shall give priority to eligible entities that propose to use a significant share of grant funds to, among students of color, low-income students, students with disabilities, students in need of remediation, first generation college students, student par-

ents, and other underserved student populations in such eligible entity, improve enrollment, retention, transfer, or completion rates or labor market outcomes.

"(d) ADEQUATE PROGRESS.—As a condition of continuing to receive funds under this section, for each year in which an eligible entity participates in the program under this section, such eligible entity shall demonstrate to the satisfaction of the Secretary that the entity has made adequate progress in implementing or expanding evidence-based reforms or practices, and, among students of color, low-income students, students with disabilities, students in need of remediation, first generation college students, student parents, and other underserved student populations in such eligible entity, improving enrollment, retention, transfer, or completion rates or labor market outcomes.

"(e) MATCHING REQUIREMENT.—As a condition of receiving a grant under this section for the applicable year described in paragraphs (1) through (3), an eligible entity that is not a Tribal College or University shall provide matching funds for such applicable year toward the cost of the activities described in the application submitted under subsection (b). Such matching funds shall be in the amount of—

''(1) in the second year of a grant, not less than 10 percent of the grant amount awarded to such eligible entity for such year;

''(2) in the third year of a grant, not less than 15 percent of the grant amount awarded to such eligible entity for such year; and

''(3) in the fourth year and each subsequent year of a grant, not less than 20 percent of the grant amount awarded to such eligible entity for such year.

''(f) GENERAL REQUIREMENT.—An eligible entity shall use a grant under this section only to carry out activities described in the application for such year under subsection (b).

''(g) EVIDENCE-BASED REFORMS OR PRACTICES.—An eligible entity receiving a grant under this section 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 reforms or practices:

''(1) Providing comprehensive academic, career, and student support services, including mentoring, advising, or case management services.

''(2) Providing assistance in applying for and accessing direct support services, financial assist-

ance, or means-tested benefit programs to meet the basic needs of students.

"(3) Providing accelerated learning opportunities, including dual or concurrent enrollment programs and early college high school programs.

"(4) Reforming remedial or developmental education, course scheduling, or credit-awarding policies.

"(5) Improving transfer pathways between—

"(A) in the case of an eligible entity that is a State, community colleges and 4-year institutions of higher education in the State;

"(B) in the case of an eligible entity that is a system of institutions of higher education, institutions within such system and other institutions of higher education in the State in which the system is located; or

"(C) in the case of a Tribal College or University, between the Tribal College or University and other institutions of higher education.

"(h) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this part shall be used to supplement, and not supplant, other Federal, State, local, Tribal, and insti-

tutional funds that would otherwise be expended to carry out activities described in this section.

''(i) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a State, a system of institutions of higher education, or a Tribal College or University.

''(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(a)(2)(C) of the Elementary and Secondary Education Act of 1965, 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 or practice that meets the criteria for receiving a mid-phase grant from the education innovation and research program under section 4611(a)(2)(B) of the Elementary and Secondary Education Act of 1965, 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)(3).

"(4) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 or 102(a)(1)(B).

"(5) 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, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States.

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

"(j) 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) $310,000,000 to remain available until September 30, 2030, to award competitive grants to eligible entities that are not Tribal Colleges and Universities to carry out the approved activities de-

scribed in the applications submitted under subsection (b);

"(2) $37,500,000 to remain available until September 30, 2030, to award competitive grants to Tribal Colleges and Universities to carry out the approved activities described in the applications submitted under subsection (b);

"(3) $95,000,000 to remain available until September 30, 2030, to supplement the competitive grant amounts awarded to eligible entities with funds available under paragraph (1) and (2) to implement reforms or practices that meet evidence tier 1;

"(4) $47,500,000 to remain available until September 30, 2030, to supplement the competitive grant amounts awarded to eligible entities with funds available under paragraphs (1) and (2) to implement reforms or practices that meet evidence tier 1 or evidence tier 2, or a combination of such reforms or practices; and

"(5) $10,000,000 to remain available until September 30, 2030, to evaluate the effectiveness of the activities carried out under this section.

"(k) SUNSET.—The authority to make grants under this section shall expire at the end of award year 2026–2027.

"(l) INAPPLICABILITY OF GEPA CONTINGENT EXTENSION OF PROGRAMS.—Section 422 of the General Education Provisions Act shall not apply to this part.".

**SEC. 20025. INSTITUTIONAL AID.**

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $470,640,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(B) of the Higher Education Act of 1965 in fiscal year 2022;

(2) $470,640,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(B) of the Higher Education Act of 1965 in fiscal year 2023;

(3) $470,640,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(B) of the Higher Education Act of 1965 in fiscal year 2024;

(4) $470,640,000, to remain available until September 30, 2028, for carrying out section

371(b)(2)(B) of the Higher Education Act of 1965 in fiscal year 2025;

(5) $470,640,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(B) of the Higher Education Act of 1965 in fiscal year 2026;

(6) $470,640,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(C) of the Higher Education Act of 1965 in fiscal year 2022;

(7) $470,640,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(C) of the Higher Education Act of 1965 in fiscal year 2023;

(8) $470,640,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(C) of the Higher Education Act of 1965 in fiscal year 2024;

(9) $470,640,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(C) of the Higher Education Act of 1965 in fiscal year 2025;

(10) $470,640,000, to remain available until September 30, 2028, for carrying out section

371(b)(2)(C) of the Higher Education Act of 1965 in fiscal year 2026;

(11) $141,120,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 in fiscal year 2022;

(12) $141,120,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 in fiscal year 2023;

(13) $141,120,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 in fiscal year 2024;

(14) $141,120,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 in fiscal year 2025;

(15) $141,120,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 in fiscal year 2026;

(16) $70,560,000, to remain available until September 30, 2028, for carrying out section

371(b)(2)(D)(ii) of the Higher Education Act of 1965 in fiscal year 2022;

(17) $70,560,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(ii) of the Higher Education Act of 1965 in fiscal year 2023;

(18) $70,560,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(ii) of the Higher Education Act of 1965 in fiscal year 2024;

(19) $70,560,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(ii) of the Higher Education Act of 1965 in fiscal year 2025;

(20) $70,560,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(ii) of the Higher Education Act of 1965 in fiscal year 2026;

(21) $23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iii) of the Higher Education Act of 1965 in fiscal year 2022;

(22) $23,520,000, to remain available until September 30, 2028, for carrying out section

371(b)(2)(D)(iii) of the Higher Education Act of 1965 in fiscal year 2023;

(23) $23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iii) of the Higher Education Act of 1965 in fiscal year 2024;

(24) $23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iii) of the Higher Education Act of 1965 in fiscal year 2025;

(25) $23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iii) of the Higher Education Act of 1965 in fiscal year 2026;

(26) $23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iv) of the Higher Education Act of 1965 in fiscal year 2022;

(27) $23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iv) of the Higher Education Act of 1965 in fiscal year 2023;

(28) $23,520,000, to remain available until September 30, 2028, for carrying out section

371(b)(2)(D)(iv) of the Higher Education Act of 1965 in fiscal year 2024;

(29) $23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iv) of the Higher Education Act of 1965 in fiscal year 2025; and

(30) $23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iv) of the Higher Education Act of 1965 in fiscal year 2026.

(b) USE OF FUNDS.—

(1) IN GENERAL.—An institution of higher education receiving funds made available under this section shall use such funds in accordance with the uses of funds described under subparagraphs (B), (C), and clauses (i) through (iv) of subparagraph (D) of section 371(b)(2) of the Higher Education Act of 1965, as applicable, and to award need-based financial aid (including emergency financial aid grants) to low-income students enrolled in an eligible program (as defined in section 481(b) of the Higher Education Act of 1965) at such institution.

(2) DISTRIBUTION REQUIREMENTS.—The Secretary of Education shall distribute each of the amounts appropriated under paragraphs (6) through

(10) of subsection (a) in accordance with section 371(b)(2)(C), except that in clause (ii) of such section, ''25'' and ''of $600,000 annually'' shall not apply.

(c) NO ADDITIONAL ELIGIBILITY REQUIREMENTS.—No individual shall be determined by the Secretary of Education to be ineligible for benefits provided under subsection (b)(1) except on the basis of not being a low-income student enrolled in an eligible program (as defined in section 481(b) of the Higher Education Act of 1965).

**SEC. 20026. RESEARCH AND DEVELOPMENT INFRASTRUCTURE COMPETITIVE GRANT PROGRAM.**

Title III of the Higher Education Act of 1965 is amended—

(1) by redesignating part G as part H; and

(2) by inserting after section 371 the following:

**"PART G—IMPROVING RESEARCH & DEVELOPMENT INFRASTRUCTURE FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, TRIBAL COLLEGES AND UNIVERSITIES, AND MINORITY-SERVING INSTITUTIONS**

**"SEC. 381. IMPROVING RESEARCH & DEVELOPMENT INFRASTRUCTURE FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, TRIBAL COLLEGES AND UNIVERSITIES, AND MINORITY-SERVING INSTITUTIONS.**

''(a) ELIGIBLE INSTITUTION.—In this section, the term 'eligible institution' means—

''(1) an institution that—

''(A) is described in section 371(a);

''(B) is a 4-year institution; and

''(C) is not an institution classified as 'very high research activity' by the Carnegie Classification of Institutions of Higher Education; or

''(2) an institution described in paragraph (1) acting on behalf of a consortium, which may include institutions classified as 'very high research activity' by the Carnegie Classification of Institutions of Higher Education, 2-year institutions of higher education (as defined in section 101), institutions of higher education (as defined in section 101 or sec-

tion 102(a)(1)(B) of the Higher Education Act of 1965), non-profit organizations, philanthropic organizations, and industry partners, provided that the eligible institution is the lead member and fiscal agent of the consortium.

''(b) AUTHORIZATION OF GRANT PROGRAMS.—For the purpose of supporting research and development infrastructure at eligible institutions, the Secretary shall award, on a competitive basis, to eligible institutions—

''(1) planning grants for a period of not more than 2 years; and

''(2) implementation grants for a period of not more than 5 years.

''(c) APPLICATIONS.—

''(1) IN GENERAL.—An eligible institution that desires to receive a planning grant under subsection (b)(1) or an implementation grant under subsection (b)(2) shall submit an application to the Secretary that includes a description of the activities that will be carried out with grant funds.

''(2) NO COMPREHENSIVE DEVELOPMENT PLAN.—The requirement under section 391(b)(1) shall not apply to grants awarded under this section.

''(d) PRIORITY IN AWARDS.—

"(1) IN GENERAL.—In awarding planning and implementation grants under this section, the Secretary shall administer separate competitions for each of the categories of institutions listed in paragraphs (1) through (7) of section 371(a).

"(2) PRIORITY.—In awarding implementation grants under this section, the Secretary shall give priority to eligible institutions that have received a planning grant under this section.

"(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 for improving institutional research and development infrastructure that includes—

"(A) an assessment of the existing institutional research capacity and research and development infrastructure; and

"(B) a detailed description of how the institution would use research and development infrastructure funds provided by an implementation grant under this section to increase the institution's research capacity and 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 for the improvement of infrastructure existing on the date of the grant award, including deferred maintenance, or the establishment of new physical infrastructure, including instructional program spaces, laboratories, research facilities or furniture, fixtures, and instructional research-related equipment and technology.

"(B) 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.

"(C) Creating and supporting inter- and intra-institutional research centers (including formal and informal communities of practice) in fields of research for which research and development infrastructure funds have been awarded

under this section, including hiring staff and purchasing supplies and equipment.

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

"(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 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, $3,000,000,000, to remain available until September 30, 2028, for carrying out this section.".

**SEC. 20027. NORTHERN MARIANA ISLANDS, AMERICAN SAMOA, UNITED STATES VIRGIN ISLANDS, GUAM, AND FREELY ASSOCIATED STATES COLLEGE ACCESS.**

Title VII of the Higher Education Act of 1965, as amended by this Act, is further amended by adding at the end the following:

**"PART G—COLLEGE ACCESS FOR STUDENTS IN OUTLYING AREAS**

**"SEC. 792. NORTHERN MARIANA ISLANDS, AMERICAN SAMOA, UNITED STATES VIRGIN ISLANDS, GUAM, AND FREELY ASSOCIATED STATES 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 award grants to the Governors of each outlying area for such Governors to award grants to eligible institutions that enroll eligible students to pay the difference between the tuition and fees charged for in-State students and the tuition and fees charged for out-of-State students on behalf of each eligible student enrolled in the eligible institution.

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

"(i) not more than $15,000 for any one award year (as defined in section 481(a)(1)); 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) AGREEMENT.—Each Governor desiring a grant under this section shall enter into an agreement with the Secretary for the purposes of administering the grant program.

"(3) GRANT AUTHORITY.—The authority to make grants under this section 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 shall not apply to this section.

"(c) NO ADDITIONAL ELIGIBILITY REQUIREMENTS.—No individual shall be determined, by a Governor, an eligible institution, or the Secretary, to be ineli-

gible for benefits provided under this section except on the basis of eligibility requirements under 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, the Commonwealth of Puerto Rico, or an outlying area;

"(B) 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), to carry out the grant program under this section; and

"(C) submits an assurance to the Governor and to the Secretary that the institution shall use funds made available under this section to supplement, and not supplant, assistance that otherwise would be provided to eligible students from outlying areas.

"(2) ELIGIBLE STUDENT.—The term 'eligible student' means a student 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 supported by a grant awarded under this section;

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

"(C) is enrolled as an undergraduate student in an eligible program (as defined in section 481(b)) on at least a half-time basis.

"(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 chief executive of an outlying area.

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

"(e) APPROPRIATIONS.—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 remain available until September 30, 2030, for carrying out this section.".

## PART 3—DEPARTMENT OF EDUCATION IMPLEMENTATION

### SEC. 20031. PROGRAM 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, $91,742,000, to remain available until expended, for necessary administrative expenses associated with carrying out this subtitle and sections 22101 and 22102.

### SEC. 20032. 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, $85,000,000, to remain available through September 30, 2030, for Student Aid Administration within the Department of Education for necessary administrative expenses associated with carrying out this subtitle and for additional Federal administrative expenses.

### SEC. 20033. 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, $10,000,000, 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.

# 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 of the Division.

(5) $121,000,000 to the Office of Workers' Compensation Programs for carrying out activities of the Office.

(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 the National Labor Relations Board to carry out the functions vested in it by the National Labor Relations Act.

**SEC. 21003. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.**

In addition to amounts otherwise available, out of any money in the Treasury not otherwise appropriated, there are appropriated to the Equal Employment Opportunity

Commission for fiscal year 2022, $321,000,000, to remain available until September 30, 2026, for carrying out investigation, enforcement, outreach, and related activities.

**SEC. 21004. ADJUSTMENT OF CIVIL PENALTIES.**

(a) OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970.—Section 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 666) is amended—

(1) in subsection (a)—

(A) by striking ''$70,000'' and inserting ''$700,000''; and

(B) by striking ''$5,000'' and inserting ''$50,000'';

(2) in subsection (b), by striking ''$7,000'' and inserting ''$70,000''; and

(3) in subsection (d), by striking ''$7,000'' and inserting ''$70,000''.

(b) FAIR LABOR STANDARDS ACT OF 1938.—Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (i), by striking ''$11,000'' and inserting ''$132,270''; and

(B) in clause (ii), by striking ''$50,000'' and inserting ''$601,150''; and

(2) in paragraph (2)—

(A) in the first sentence, by striking ''$1,100'' and inserting ''$20,740''; and

(B) in the second sentence, by striking ''$1,100'' and inserting ''$11,620''.

(c) MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT.—Section 503(a)(1) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853(a)(1)) is amended by striking ''$1,000'' and inserting ''$25,790''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2022.

**SEC. 21005. CIVIL MONETARY PENALTIES FOR PARITY VIOLATIONS.**

(a) CIVIL MONETARY PENALTIES RELATING TO PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDERS.—Section 502(c)(10) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(c)(10)(A)) is amended—

(1) in the heading, by striking ''USE OF GENETIC INFORMATION'' and inserting ''USE OF GENETIC INFORMATION AND PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS''; and

(2) in subparagraph (A)—

(A) by striking ''any plan sponsor of a group health plan'' and inserting ''any plan sponsor or plan administrator of a group health plan''; and

(B) by striking ''for any failure'' and all that follows through ''in connection with the plan.'' and inserting ''for any failure by such sponsor, administrator, or issuer, in connection with the plan—

''(i) to meet the requirements of subsection (a)(1)(F), (b)(3), (c), or (d) of section 702 or section 701 or 702(b)(1) with respect to genetic information; or

''(ii) to meet the requirements of subsection (a) of section 712 with respect to parity in mental health and substance use disorder benefits.''.

(b) EXCEPTION TO THE GENERAL PROHIBITION ON ENFORCEMENT.—Section 502 of such Act (29 U.S.C. 1132) is amended—

(1) in subsection (a)(6), by striking ''or (9)'' and inserting ''(9), or (10)''; and

(2) in subsection (b)(3)—

(A) by striking ''subsections (c)(9) and (a)(6)'' and inserting ''subsections (c)(9), (c)(10), and (a)(6)'';

(B) by striking ''under subsection (c)(9))'' and inserting ''under subsections (c)(9) and (c)(10)), and except with respect to enforcement by the Secretary of section 712''; and

(C) by striking ''706(a)(1)'' and inserting ''733(a)(1)''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to group health plans, or any health insurance issuer offering health insurance coverage in connection with such plan, for plan years beginning after the date that is 1 year after the date of enactment of this Act.

**SEC. 21006. PENALTIES UNDER THE NATIONAL LABOR RELATIONS ACT.**

(a) IN GENERAL.—Section 12 of the National Labor Relations Act (29 U.S.C. 162) is amended—

(1) by striking ''**SEC. 12.** Any person'' and inserting the following:

**''SEC. 12. PENALTIES.**

''(a) VIOLATIONS FOR INTERFERENCE WITH BOARD.—Any person''; and

(2) by adding at the end the following:

"(b) CIVIL PENALTIES FOR UNFAIR LABOR PRACTICES.—Any employer who commits an unfair labor practice within the meaning of section 8(a) affecting commerce shall be subject to a civil penalty in an amount not to exceed $50,000 for each such violation, except that, with respect to such an unfair labor practice within the meaning of paragraph (3) or (4) of section 8(a) or such a violation of section 8(a) that results in the discharge of an employee or other serious economic harm to an employee, the Board shall double the amount of such penalty, to an amount not to exceed $100,000, in any case where the employer has within the preceding 5 years committed another such violation of such paragraph (3) or (4) or such violation of section 8(a) that results in such discharge or other serious economic harm. A civil penalty under this paragraph shall be in addition to any other remedy ordered by the Board.

"(c) CONSIDERATIONS.—In determining the amount of any civil penalty under this section, the Board shall consider—

"(1) the gravity of the actions of the employer resulting in the penalty, including the impact of such actions on the charging party or on other persons seeking to exercise rights guaranteed by this Act;

"(2) the size of the employer;

"(3) the history of previous unfair labor practices or other actions by the employer resulting in a penalty; and

"(4) the public interest.

"(d) DIRECTOR AND OFFICER LIABILITY.—If the Board determines, based on the particular facts and circumstances presented, that a director or officer's personal liability is warranted, a civil penalty for a violation described in this section may also be assessed against any director or officer of the employer who directed or committed the violation, had established a policy that led to such a violation, or had actual or constructive knowledge of and the authority to prevent the violation and failed to prevent the violation.".

(b) 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) APPROPRIATION.—In addition to amounts otherwise 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, which shall be allotted in accordance with subsection (b)(2) of section 132 and reserved under subsection (a) of section 133 of the Workforce Innovation and Opportunity Act, and allocated under subsection (b)(1)(B) of section 133 of such Act for each local area to provide—

(1) career services authorized under subsection (c)(2) of section 134 of the Workforce Innovation and Opportunity Act, including individualized career services described in section 134(c)(2)(A)(xii) of such Act;

(2) supportive services and needs-related payments authorized under paragraphs (2) and (3) of section 134(d) of the Workforce Innovation and Opportunity Act, except that the requirements of subparagraphs (B) and (C) of paragraph (3) of such section shall not apply; and

(3) training services, including through individual training accounts, authorized under section 134(c)(3) of the Workforce Innovation and Opportunity Act, except that for purposes of providing transitional jobs as part of those services under this section, section 134(d)(5) of such Act 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.

**SEC. 22002. ADULT WORKER EMPLOYMENT AND TRAINING ACTIVITIES.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Labor 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, which shall be allotted in accordance with subsection (b)(1) of section 132 and reserved under subsection (a) of section 133 of the Workforce Innovation and Opportunity Act, and allocated under subsection (b)(1)(A) of section 133 of such Act for each local area to provide—

(1) career services authorized under subsection (c)(2) of section 134 of the Workforce Innovation and Opportunity Act, including individualized career services described in section 134(c)(2)(A)(xii) of such Act;

(2) supportive services and needs-related payments authorized under paragraphs (2) and (3) of

section 134(d) of the Workforce Innovation and Opportunity Act, except that the requirements of subparagraphs (B) and (C) of paragraph (3) of such section shall not apply; and

(3) training services, including through individual training accounts, authorized under section 134(c)(3) of the Workforce Innovation and Opportunity Act, 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 such Act 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.

**SEC. 22003. YOUTH WORKFORCE INVESTMENT ACTIVITIES.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,500,000,000, to remain available until September 30, 2026, which shall be

allotted in accordance with subparagraphs (B) and (C) of section 127(b)(1) and reserved under subsection (a) of section 128 of the Workforce Innovation and Opportunity Act, and allocated under subsection (b) of section 128 of such Act for each local area to—

(1) carry out the youth workforce investment activities authorized under section 129 of the Workforce Innovation and Opportunity Act;

(2) 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; and

(3) partner with community-based organizations to support out-of-school youth, including those residing in high-crime or high-poverty areas.

(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 youth workforce investment activities, including funds provided under the Workforce Innovation and Opportunity Act.

**SEC. 22004. EMPLOYMENT SERVICE.**

In addition to amounts otherwise 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:

(1) $400,000,000 for carrying out the State grant activities authorized under section 7 of the Wagner-Peyser Act, which shall be allotted in accordance with section 6 of such Act, except that, for purposes of this section, funds shall also be reserved and used for 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.

(2) $100,000,000 for carrying out improvements to State workforce and labor market information systems.

**SEC. 22005. RE-ENTRY EMPLOYMENT OPPORTUNITIES.**

In addition to amounts otherwise 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:

(1) $375,000,000, for carrying out the Reentry Employment Opportunities program.

(2) $125,000,000, for competitive grants to national and regional intermediaries to carry out Reentry Employment Opportunity programs that prepare for employment 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, made with a priority for projects serving high-crime, high-poverty areas.

**SEC. 22006. REGISTERED APPRENTICESHIPS, YOUTH APPRENTICESHIPS, AND PRE-APPRENTICESHIPS.**

In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, the following amounts, to remain available until September 30, 2026:

(1) $500,000,000 for carrying out activities through grants, cooperative agreements, contracts, or other arrangements, including arrangements with States and outlying areas (as such terms are defined in paragraphs (45) and (56), respectively, of section 3 of the Workforce Innovation and Opportunity Act), equity intermediaries, and business and labor

industry partner intermediaries, to create or expand only—

(A) registered apprenticeship programs;

(B) pre-apprenticeship programs that articulate to registered apprenticeship programs; and

(C) youth apprenticeship programs that—

(i) provide participants with high-quality, classroom-based related instruction and training, and employment opportunities with progressively increasing wages; and

(ii) prepare participants for enrollment in an institution of higher education (as defined in section 101 or 102(c) of the Higher Education Act of 1965), a registered apprenticeship program, and employment.

(2) $500,000,000 for carrying out activities through arrangements described in paragraph (1) to support programs described in such paragraph that serve a high number or high percentage of individuals with barriers to employment (as defined in section 3(24) of the Workforce Innovation and Oppor-

tunity Act), including individuals with disabilities, or nontraditional apprenticeship populations.

**SEC. 22007. INDUSTRY OR SECTOR PARTNERSHIP GRANTS.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,600,000,000, to remain available until September 30, 2026, for the Secretary to award, on a competitive basis, grants, contracts, or cooperative agreements to eligible partnerships for the purposes of expanding employment and training activities for high-skill, high-wage, or in-demand industry sectors or occupations.

(b) ELIGIBILITY.—To be eligible to receive funds under this section, an eligible partnership shall submit to the Secretary an application that includes a description of programs to be supported with such funds, the recognized postsecondary credentials participants in such programs will earn, and related employment opportunities for which participants in such programs will be prepared.

(c) USES OF FUNDS.—An eligible partnership awarded funds under this section shall use such funds to—

(1) regularly engage and convene stakeholders to develop, or expand, employment and training activities for the high-skill, high-wage, or in-demand

industry sector or occupation on which such partnership is focused;

(2) directly provide, or arrange for the provision of, high-quality, evidence-based training that leads to the attainment of nationally or regionally portable and stackable recognized postsecondary credentials for the industry sector or occupation described in paragraph (1), which shall include—

(A)(i) training services described in any clause of subparagraph (D) of section 134(c)(3) of the Workforce Innovation and Opportunity Act provided through contracts that meet the requirements of that section 134(c)(3); or

(ii) training provided through—

(I) registered apprenticeship programs;

(II) pre-apprenticeship programs that articulate to registered apprenticeship programs;

(III) youth apprenticeship programs that—

(aa) provide participants with high-quality, classroom-based related instruction and training, and employ-

ment opportunities with progressively increasing wages; and

(bb) prepare participants for enrollment in an institution of higher education (as defined in section 101 or 102(c)) of the Higher Education Act of 1965), a registered apprenticeship program, and employment; or

(IV) joint labor-management organizations; and

(B) the provision of information on related skills or competencies that may be attained through such training or credentials;

(3) directly provide, or arrange for the provision of, services to help individuals with barriers to employment prepare for, complete, and successfully transition out of training described in paragraph (2), which services shall include career services, supportive services, or 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, except that, for purposes of this section, subparagraphs (B) and (C) of section 134(d)(3) of that Act shall not apply; and

(4) establish or implement plans for providers of programs supported with such funds to meet the criteria and carry out the procedures to be included on the eligible training services provider list described in section 122(d) of the Workforce Innovation and Opportunity Act.

(d) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, for—

(1) targeted outreach and support to eligible partnerships serving local areas with high unemployment rates or high percentages of dislocated workers or individuals with barriers to employment, to provide guidance and assistance in the application process under this section;

(2) administration of the program described in this section, including providing comprehensive technical assistance and oversight to support eligible partnerships; and

(3) evaluating and reporting on the performance and impact of programs funded under this section.

(e) STATE BOARD OR LOCAL BOARD FUNDS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2026, to 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 dislocated workers or individuals with barriers to employment, as compared to State or national averages for such rates or percentages.

(f) 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.

**SEC. 22008. JOB CORPS.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2026—

(1) to provide funds to operators and service providers to—

(A) carry out the activities and services described in sections 148 and 149 of the Workforce Innovation and Opportunity Act; and

(B) improve and expand access to allowances and services described in section 150 of such Act; and

(2) for the construction, rehabilitation, and acquisition of Job Corps centers, notwithstanding section 158(c) of the Workforce Innovation and Opportunity Act.

(b) ELIGIBILITY OF OPERATORS AND SERVICE PROVIDERS.—For the purposes of carrying out subsection (a), an entity in a State or outlying area (as such term is defined in section 3(45) of the Workforce Innovation and Opportunity Act) may be eligible to be selected as an operator or service provider.

**SEC. 22009. NATIVE AMERICAN PROGRAMS.**

In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2026, to carry out activities described in section 166(d)(2)(A) of the Workforce Innovation and Opportunity Act.

**SEC. 22010. MIGRANT AND SEASONAL FARMWORKER PROGRAMS.**

In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $70,000,000, to remain available until September 30, 2026, to carry out activities described in section 167(d) of the Workforce Innovation and Opportunity Act, except that, for purposes of providing services as part of such activities to low-income individuals under this section, section 3(36)(A)(ii)(I) of such Act shall be applied by substituting ''150 percent of the poverty line'' for ''the poverty line''.

**SEC. 22011. YOUTHBUILD PROGRAM.**

In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2026, to carry out activities described in section 171(c)(2) of the Workforce Innovation and Opportunity Act, including for the purposes of improving and expanding access to services, stipends, wages, and benefits described in subparagraphs (A)(vii) and (F) of section 171(c)(2) of such Act.

**SEC. 22012. SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM.**

In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $35,000,000, to remain available until September 30, 2026, for the Senior Community Service Employment program authorized under section 502 of the Older Americans Act of 1965.

**SEC. 22013. PROVISION OF INFORMATION.**

For purposes of determinations of the eligibility of individuals to participate in activities funded under this subtitle, the provision of information for such determinations by Federal agencies other than the Department of Labor or the Department of Education shall not be required.

**SEC. 22014. DEFINITIONS.**

In this part:

(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; or

(B) a State board or local board, a joint labor-management organization, or an entity eligible to be a representative under clause (i), (ii), or (iii) of paragraph (26)(A) of section 3 of the Workforce Innovation and Opportunity Act, that is in the process of establishing an industry or sector partnership described in subparagraph (A), to carry out a grant, contract, or cooperative agreement under section 22007.

(2) EVIDENCE-BASED.—The term ''evidence-based'' has the meaning given the term in section 3(23) of the Carl D. Perkins Career and Technical Education Act of 2006.

(3) REGISTERED APPRENTICESHIP PROGRAM.—The term ''registered apprenticeship program'' means an apprenticeship program registered with the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor or a State apprenticeship agency recognized by the Office of Apprenticeship pursuant to the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663).

(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'', ''local area'', ''local board'', ''recognized postsecondary credential'', ''State board'', and ''supportive services'' have the meanings given the terms in paragraphs (7), (23), (24), (26), (32), (33), (52), (57), and (59), respectively, of section 3 of the Workforce Innovation and Opportunity Act.

(B) CAREER SERVICES.—The term ''career services'' means services described in section 134(c)(2) of the Workforce Innovation and Opportunity Act.

## PART 2—DEPARTMENT OF EDUCATION

### SEC. 22101. ADULT EDUCATION AND LITERACY.

(a) APPROPRIATION.—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, $700,000,000, to remain available until September 30, 2027, to carry out the program of adult education and literacy activities authorized under the Workforce Innovation and Opportunity

Act, except that, for each fiscal year for which an eligible agency receives funds appropriated under this section, section 222(a)(1) of the Workforce Innovation and Opportunity Act shall be applied by substituting ''not less than 10 percent'' for ''not more than 20 percent'', and section 222(b) of such Act shall not apply.

(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 support adult education and literacy activities, including funds provided under the Workforce Innovation and Opportunity Act.

**SEC. 22102. CAREER AND TECHNICAL EDUCATION.**

(a) APPROPRIATION.—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, the following amounts, to remain available until September 30, 2027:

(1) $600,000,000 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, which shall be allotted in accordance with section 111 and section 112 of such Act, except that subsection (b) of section 112 shall not apply.

(2) $100,000,000 for carrying out the innovation and modernization program in subsection (e) of section 114 of the Carl D. Perkins Career and Technical Education Act of 2006, except that, for purposes of this paragraph, paragraph (2) of such subsection and the 20 percent limitation in paragraph (1) of such subsection shall not apply and eligible agencies, as defined in section 3(18) of such Act, shall be eligible to receive grants under such program.

(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 funds provided under the Carl D. Perkins Career and Technical Education Act of 2006.

**SEC. 22103. COMMUNITY COLLEGE AND INDUSTRY PARTNERSHIP GRANTS.**

(a) APPROPRIATION.—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, $4,900,000,000, to remain available until September 30, 2026, for the Secretary, in coordination with the Secretary of Labor, to award grants, on a competitive basis, to eligible institu-

tions for the purposes of expanding employment and training activities for high-skill, high-wage, or in-demand industry sectors or occupations.

(b) ELIGIBILITY.—To be eligible to receive such a grant, an eligible institution shall submit to the Secretary an application that includes a description of programs to be supported with such grant, the recognized postsecondary credentials participants in such programs will earn, and the related employment opportunities for which participants in such programs will be prepared.

(c) USE OF FUNDS.—An eligible institution awarded a grant under this section shall use such grant funds to expand opportunities for attainment of recognized postsecondary credentials that are nationally or regionally portable and stackable for high-skill, high-wage, or in-demand industry sectors or occupations by—

(1) establishing, improving, or scaling high-quality, evidence-based education or career training programs, career pathway programs, or work-based learning programs (including registered apprenticeship programs or pre-apprenticeships that articulate to registered apprenticeship programs);

(2) providing services to help individuals with barriers to employment prepare for, complete, and successfully transition out of programs described in

paragraph (1) supported by such grant, which shall include providing supportive services, career services, career guidance and academic counseling, or job placement assistance; and

(3) carrying out 1 or more of the following:

(A) Creating, developing, or expanding articulation agreements (as defined in section 486A(a) of the Higher Education Act of 1965), credit transfer agreements, corequisite remediation programs, dual or concurrent enrollment programs, or policies and processes to award academic credit for prior learning or for programs described in paragraph (1) supported by such grant.

(B) Making available information on curricula and recognized postsecondary credentials, including those created or developed using such grant, and information on the related skills or competencies and related employment and earnings outcomes.

(C) Establishing or implementing plans for providers of programs described in paragraph (1) supported by such grant to meet the criteria and carry out the procedures to be included on the eligible training services provider list de-

scribed in section 122(d) of the Workforce Innovation and Opportunity Act.

(D) Purchasing, leasing, or refurbishing specialized equipment necessary to carry out such programs.

(E) Reducing participants' cost of attendance in such programs.

(F) Establishing or expanding industry or sector partnerships to successfully carry out the activities supported by such grant under this paragraph, and paragraphs (1) and (2).

(d) 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, $100,000,000, to remain available until September 30, 2026, to carry out, in coordination of the Department of Labor, the following activities:

(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.

(3) Evaluating and reporting on the performance and impact of programs funded under this section.

(e) 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 activities described in this section.

(f) DEFINITIONS.—In this section:

(1) COMMUNITY COLLEGE.—The term ''community college'' means—

(A) a degree-granting public institution of higher education (as defined in section 101 of the Higher Education Act of 1965) at which—

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

(ii) an associate degree is the most frequently awarded degree;

(B) a 2-year Tribal College or University (as defined in section 316(b)(3) of the Higher Education Act of 1965);

(C) a degree-granting Tribal College or University (as defined in section 316(b)(3) of the Higher Education Act of 1965) at which—

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

(ii) an associate degree is the most frequently awarded degree; or

(D) a branch campus of a 4-year public institution of higher education (as defined in section 101 of the Higher Education Act of 1965), if, at such branch campus—

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

(ii) an associate degree is the most frequently awarded degree.

(2) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means a community college, a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965), or a consortium of such colleges or institutions, 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.

(3) PERKINS CTE DEFINITIONS.—The terms ''career guidance and academic counseling'', ''dual

or concurrent enrollment program'', ''evidence-based'', and ''work-based learning'' have the meanings given the terms in paragraphs (7), (15), (23), and (55), respectively, of section 3 of the Carl D. Perkins Career and Technical Education Act of 2006.

(4) REGISTERED APPRENTICESHIP PROGRAM.—The term ''registered apprenticeship program'' means an apprenticeship program registered with the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor or a State apprenticeship agency recognized by the Office of Apprenticeship pursuant to the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(6) 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'', ''recognized postsecondary credential'', and ''supportive services'' have the meanings given the

terms in paragraphs (7), (23), (24), (26), (52), and (59), respectively, of section 3 of the Workforce Innovation and Opportunity Act.

(B) CAREER SERVICES.—The term ''career services'' means services described in section 134(c)(2) of the Workforce Innovation and Opportunity Act.

## PART 3—COMPETITIVE INTEGRATED EMPLOYMENT TRANSFORMATION GRANT PROGRAM

### SEC. 22201. COMPETITIVE INTEGRATED EMPLOYMENT TRANSFORMATION GRANT PROGRAM.

(a) APPROPRIATION.—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 through fiscal year 2029, for the Secretary of Labor to award grants to covered 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)) (referred to in this part as ''special certificates'') in transforming 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:

(1) $189,000,000 for subsection (d)(2)(B).

(2) $81,000,000 for subsection (d)(2)(C).

(b) APPLICATIONS.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a covered 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.—Each application submitted under paragraph (1) shall include—

(A) a description of the status of the employers in the covered State providing employment using special certificates, including—

(i) the number of employers in the covered State using special certificates to employ and pay people with disabilities;

(ii) the number of employees in the covered State employed under a special certificate;

(iii) the average number of hours such employees work per week; and

(iv) the average hourly wage for such employees;

(B) a description of activities to be funded under the grant, and the goals of such activi-

ties, including the activities of the covered State with respect to competitive integrated employment for people with disabilities; and

(C) assurances that—

(i) the activities carried out under the grant will result in—

(I) each employer in the covered State that, on the date of enactment of this Act, provides employment using special certificates transforming its business and program models as described in subsection (c)(1); and

(II) each employer in the covered State ceasing to use special certificates by the end of the 5-year grant period and no longer applying for or renewing such certificates;

(ii) each individual in the covered State who is employed under a special certificate will, as a result of such a transformation, be employed in competitive integrated employment or a combination of competitive integrated employment and integrated services, including by compen-

sating all employees of the employer for all hours worked at a rate that is—

(I) not less than the higher of—

(aa) the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1));

(bb) the rate specified in an applicable State or local minimum wage law; or

(cc) in the case of work on a contract that is subject to chapter 67 of title 41, United States Code, the applicable prevailing wage rate under such chapter; and

(II) not less than the rate paid by the employer for the same or similar work performed by other employees who are not people with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and

(iii) the covered State will establish an advisory council to monitor and guide the process of transforming business and program models of employers in the covered State as described in subsection (c)(1).

(c) USE OF FUNDS.—A covered State receiving a grant under this section shall use the grant funds for each of the following activities:

(1) Identifying each employer in the State that will transform its business and program models from employing people with disabilities using special certificates to employing people with disabilities in competitive integrated employment settings, or a setting involving a combination of competitive integrated employment and integrated services.

(2) 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.

(3) Expanding competitive integrated employment and integrated services to be provided to such people as a result of transformations described in paragraph (1).

(d) ALLOTMENTS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(A) determine the number of covered States; and

(B)(i) in a case in which the Secretary determines that there are 15 or more covered States, award each covered State a grant under paragraph (2); or

(ii) in a case in which the Secretary determines that there are 14 or fewer covered States, award each covered State a grant under paragraph (3) for the first 5-year grant period under such paragraph.

(2) 15 OR MORE COVERED STATES.—

(A) IN GENERAL.—In a case in which the Secretary determines under paragraph (1) that there are 15 or more covered States, from the funds appropriated under subsection (a), the Secretary shall allot to each covered State a grant under this section in an amount equal to the sum of—

(i) the allotment made to the covered State in accordance with subparagraph (B); and

(ii) the allotment made to the covered State in accordance with subparagraph (C).

(B) ALLOTMENT BASED ON THE NUMBER OF EMPLOYEES EMPLOYED UNDER SPECIAL CERTIFICATES.—From the total amount of the funds appropriated under subsection (a)(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.

(C) ALLOTMENT BASED ON THE NUMBER OF EMPLOYERS WITH SPECIAL CERTIFICATES.—From the total amount of the funds appropriated under subsection (a)(2), the Secretary shall allot to each covered State an amount that bears the same relationship to such total amount as the number of employers

in the covered State who have in effect a special certificate bears to the total number of employers in all covered States who have in effect such a certificate.

(D) DATA.—In determining the number of people with disabilities who are employed under a special certificate for purposes of subparagraph (B) and the number of employers who have in effect a special certificate for purposes of subparagraph (C), the Secretary shall use the most accurate data available to the Secretary on the date of enactment of this Act.

(E) GRANT PERIOD.—A grant under this paragraph shall be awarded for a period of 5 years.

(3) 14 OR FEWER COVERED STATES.—

(A) IN GENERAL.—In a case in which the Secretary determines under paragraph (1) that there are 14 or fewer covered States, from the funds appropriated under subsection (a), the Secretary shall award a grant to each covered State in an amount that the Secretary determines necessary for the covered State to accomplish the purpose of the grant described in such

subsection and for the Secretary to meet the requirements of this paragraph.

(B) GRANT PERIODS.—

(i) IN GENERAL.—The Secretary shall award grants under this paragraph for 2 separate, 5-year grant periods.

(ii) SECOND 5-YEAR GRANT PERIOD.—Grants for the second 5-year grant period shall be awarded—

(I) not earlier than the end of the second year of the first 5-year grant period described in paragraph (1)(B)(ii); and

(II) not later than September 30, 2025.

(C) LIMIT ON NUMBER OF GRANTS.—No State may receive more than 1 grant under this paragraph.

(e) DEFINITION OF COVERED STATE.—In this section, the term ''covered State'' means a State (as defined in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203)) that—

(1) as of the date of enactment of this Act, has not phased out, or is not in the process of phasing out, the use of special certificates in the State; and

(2) submits an application under subsection (b) that meets the requirements under such subsection.

**SEC. 22202. GRANTS FOR STATES TO EXPAND COMPETITIVE INTEGRATED EMPLOYMENT.**

(a) APPROPRIATION.—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, $24,000,000, to remain available through fiscal year 2029, for the Secretary of Labor to award grants to covered States in accordance with this section to assist employers in such States who were issued special certificates in 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.

(b) APPLICATIONS.—To be eligible to receive a grant under this section, a covered State shall submit an application to the Secretary at such time, in such manner, and include such information as the Secretary may reasonably require, including a description of activities to be funded under the grant and the activities of the covered State with respect to competitive integrated employment for people with disabilities.

(c) USE OF FUNDS.—A covered State that receives a grant under this section shall use the grant funds for activities to expand competitive integrated employment and integrated services to be provided to people with disabilities.

(d) GRANT AWARD.—Not later than 18 months after the date of enactment of this Act, the Secretary shall award each covered State a grant in an amount that bears the same relationship to the total amount appropriated under subsection (a) as the population of the covered State bears to the total population of all covered States.

(e) GRANT PERIOD.—A grant under this section shall be awarded for a period of 5 years.

(f) DEFINITION OF COVERED STATE.—In this section, the term ''covered State'' means a State (as defined in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203)) that—

(1) as of the date of enactment of this Act, has phased out, or is the process of phasing out, the use of special certificates in the State; and

(2) submits an application under subsection (b) that meets the requirements under such subsection.

**SEC. 22203. TECHNICAL ASSISTANCE.**

In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fis-

cal year 2022, out of any money in the Treasury not otherwise appropriated, $6,000,000, to remain available through fiscal year 2029, for the Secretary to, in partnership with the Office of Special Education and Rehabilitative Services of the Department of Education, establish, either directly or through grants, contracts, or cooperative agreements, a national technical assistance center to—

(1) provide technical assistance to employers who are transforming from employing people with disabilities using special certificates to employing people with disabilities in competitive integrated employment settings; and

(2) collect and disseminate information on evidence-based practices for such transformations and for providing competitive integrated employment and integrated services.

**SEC. 22204. SUPPLEMENT AND NOT SUPPLANT.**

Any funds made available to a State under this part shall be used to supplement and not supplant any Federal, State, or local public funds expended—

(1) to assist employers in such State who were issued a special certificate in transforming (or continuing to transform) their business and program models from providing employment using special certificates to business and program models that em-

ploy and support people with disabilities in competitive integrated employment; or

(2) to support the employment of people with disabilities in competitive integrated employment.

**SEC. 22205. DEFINITIONS.**

In this part:

(1) COMPETITIVE INTEGRATED EMPLOYMENT.—The term ''competitive integrated employment'' has the meaning given such term in section 7(5) of the Rehabilitation Act of 1973 (29 U.S.C. 705(5)).

(2) EMPLOYEE.—The term ''employee'' means any individual employed by an employer.

(3) EMPLOYER.—The term ''employer'' means any person acting directly or indirectly in the interest of an employer in relation to an employee, but does not include any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization.

(4) INTEGRATED SERVICES.—The term ''integrated services'' means services for people with disabilities that are—

(A) designed to assist such people in developing skills and abilities to reside successfully in home and community-based settings;

(B) provided in accordance with a person-centered written plan of care;

(C) created using evidence-based practices that lead to such people—

(i) maintaining competitive integrated employment;

(ii) achieving independent living; or

(iii) maximizing socioeconomic self-sufficiency, optimal independence, and full participation in the community;

(D) provided in a community location that is not specifically intended for people with disabilities;

(E) provided in a location that—

(i) allows the people receiving the services to interact with people without disabilities to the fullest extent possible; and

(ii) makes it possible for the people receiving the services to access community resources that are not specifically intended for people with disabilities and to have the same opportunity to participate in the

community as people who do not have a disability; and

(F) provided in multiple locations to allow the individual receiving the services to have options, thereby—

(i) optimizing individual initiative, autonomy, and independence; and

(ii) facilitating choice regarding services and supports, and choice regarding the provider of such services.

(5) PEOPLE WITH DISABILITIES.—The term ''people with disabilities'' includes individuals described in section 14(c)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)(1)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

## 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 ''area career and technical education school'', ''evidence-based'', and ''work-based learning'' have the meanings given such terms in paragraphs (3), (23), and

(55), respectively, of 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 paragraphs (7), (8), (24), (33), (39), (44), (52), and (57), respectively, of section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(3) OTHER DEFINITIONS.—

(A) DIRECT SUPPORT WORKER.—The term ''direct support worker'' means—

(i) a direct support professional;

(ii) a worker providing direct care services, which may include palliative care, in a 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 direct care worker, as defined in section 799B of the Public Health Service Act (42 U.S.C. 295p); or

(v) an individual in any other position or job related to those described in clauses (i) through (iv), as determined by the Secretary in consultation with the Secretary of Health and Human Services acting through the Administrator for the Administration for Community Living.

(B) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity that is—

(i) a State;

(ii) a labor organization or a joint labor-management organization;

(iii) a nonprofit organization with experience in aging, disability, supporting the rights and interests of direct support workers, or training or educating direct support workers;

(iv) an Indian Tribe or Tribal organization;

(v) an urban Indian organization;

(vi) a State board or local board;

(vii) an area agency on aging (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002));

(viii) when in partnership with an entity described in any of clauses (i) through (vii) or with a consortium described in clause (ix)—

(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) an area career and technical education school; or

(ix) a consortium of entities listed in any of clauses (i) through (vii).

(C) 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.

(D) 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).

(E) 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).

(F) PRE-APPRENTICESHIP PROGRAM.—The term ''pre-apprenticeship program'' means a program that articulates to a registered apprenticeship program.

(G) REGISTERED APPRENTICESHIP PROGRAM.—The term ''registered apprenticeship program'' means an apprenticeship program registered with the Office of Apprenticeship of the Employment Training Administration of the Department of Labor or a State apprenticeship agency recognized by the Office of Apprenticeship pursuant to the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663).

(H) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(I) STATE.—The term ''State'' means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

**SEC. 22302. GRANTS TO SUPPORT THE DIRECT CARE WORKFORCE.**

(a) GRANTS AUTHORIZED.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, 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 support 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 Sec-

retary 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 support workers the entity plans to serve through the activities supported by the grant;

(ii) a description of the one or more eligible entities collaborating to carry out the activities described in subsection (c); and

(iii) an assurance that—

(I) the eligible entity will consult on the development and implementation of the grant, with direct support workers, their representatives, and recipients of direct care services and their families; 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 dis-

ability services, aging, education, workforce development, and Medicaid, to the extent that each such entity is not the eligible entity.

(2) 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) 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 support workers served by the grant that are necessary to enable such workers to participate in the activities supported by the grant.

(2) ADDITIONAL ACTIVITIES.—In addition to the requirement described in paragraph (1), each eligible entity receiving a grant under subsection (a) shall use the grant funds for one or more of the following activities:

(A) Developing and implementing a strategy for the recruitment of direct support workers.

(B) Developing and implementing a strategy for the retention of direct support workers using evidence-based best practices, such as providing mentoring to such workers, including a strategy that can also support family caregivers.

(C) Developing or implementing an education and training program for the direct support workers served by the grant, which shall include—

(i) education and training on—

(I) the rights of direct support workers under applicable Federal, State, or local employment law on—

(aa) safe working conditions, including under section 5 of the Occupational Safety and Health

Act of 1970 (29 U.S.C. 654); and

(bb) forming, joining, or assisting a labor organization, including under sections 7 and 8 of the National Labor Relations Act (29 U.S.C. 157, 158); and

(II) relevant Federal and State laws (including regulations) on the provision of home and community-based services; and

(ii) providing a progressively increasing, clearly defined schedule of hourly wages to be paid to each direct support worker served by the grant for each hour the worker spends on education or training provided through the program described in this subparagraph, with a schedule of hourly wages that—

(I) 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

(II) ensures that each such worker is compensated for each hour the worker spends on education or training through such program at an entry rate that is not less than the greater of the applicable minimum wage required by other applicable Federal, State, or local law, or a collective bargaining agreement;

(iii) developing and implementing a strategy for the retention and career advancement of the direct support workers served by the grant, including providing career planning for the direct support 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—

(I) supporting opportunities to participate in pre-apprenticeship or registered apprenticeship programs,

work-based learning, or on-the-job training;

(II) providing on-the-job supervision or mentoring to support the development of related skills and competencies throughout completion of such credentials; and

(III) training on the in-demand skills and competencies of direct support workers served by the grant, including the provision of culturally competent and disability competent supports and services.

(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 support workers in the State served by the grant.

## PART 5—DEPARTMENT OF LABOR INSPECTOR GENERAL AND PROGRAM ADMINISTRATION FUNDING

### SEC. 22401. DEPARTMENT OF LABOR INSPECTOR GENERAL.

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, $40,000,000, 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.

### SEC. 22402. PROGRAM ADMINISTRATION.

In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $90,000,000, to remain available until September 30, 2029, for program administration within the Department of Labor for salaries and expenses necessary to implement part 1 (other than section 22007), and parts 3 and 4, of this subtitle.

# Subtitle D—Child Care and Universal Pre-kindergarten

**SEC. 23001. BIRTH THROUGH FIVE CHILD CARE AND EARLY LEARNING ENTITLEMENT.**

(a) CHILD CARE DEFINITIONS.—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 subsection (b) and as otherwise specified.

(b) ADDITIONAL DEFINITIONS.—In this section:

(1) CHILD CARE CERTIFICATE.—

(A) IN GENERAL.—The term ''child care certificate'' means a certificate (that may be a check or other disbursement) that is issued by a State, Tribal, territorial, or local government under this section directly to a parent who shall 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.

(B) 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.

(2) 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).

(3) ELIGIBLE ACTIVITY.—The term ''eligible activity'', with respect to a parent, shall include, at minimum, activities consisting of—

(A) full-time or part-time employment;

(B) self-employment;

(C) job search activities;

(D) job training;

(E) secondary, postsecondary, or adult education, including education through a program of high school classes, a course of study at an institution of higher education, classes towards an equivalent of a high school diploma recognized by State law, or English as a second language classes;

(F) health treatment (including mental health and substance use treatment) for a condition that prevents the parent from participating in other eligible activities;

(G) activities to prevent child abuse and neglect, or family violence prevention or intervention activities;

(H) employment and training activities under the supplemental nutrition assistance program established under section 6(d)(4) the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4));

(I) employment and training activities under the Workforce Innovation and Opportunity Act;

(J) a work activity described in subsection (d) of section 407 of the Social Security Act (42 U.S.C. 607) for which, consistent with clauses (ii) and (iii) of section 402(a)(1)(A) of such Act (42 U.S.C. 602(a)(1)(A)), a parent or caretaker is treated as being engaged in work for a month in a fiscal year for purposes of the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act; and

(K) taking leave under the Family and Medical Leave Act of 1993 (or equivalent provisions for Federal employees), a State or local

paid or unpaid leave law, or a program of employer-provided leave.

(4) ELIGIBLE CHILD.—

(A) IN GENERAL.—The term ''eligible child'' means an individual, subject to subsection (g)(1)(C)(i)(III)—

(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 125 percent of such State median income for fiscal year 2023;

(III) does not exceed 150 percent of such State median income for fiscal year 2024; and

(IV) does not exceed 250 percent of such State median income for each of the fiscal years 2025 through 2027; and

(iv) who—

(I) resides with a parent or parents who are 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 with disabilities, infants and toddlers with disabilities, 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.

(B) EXPANDED ELIGIBILITY RULE FOR FISCAL YEARS 2022 THROUGH 2024.—

(i) IN GENERAL.—A child who is eligible to receive services under this subparagraph shall be treated as an eligible child for the other provisions of this section.

(ii) RULE.—Notwithstanding subparagraph (A)(iii), a State may use the payments under subsection (g)(1) for fiscal year 2022, 2023, or 2024, to provide di-

rect child care services described in subsection (h)(1)(A) to children who meet the requirements of clauses (i), (ii), and (iv) of subparagraph (A) and whose family income exceeds the percentage specified in subparagraph (A)(iii) (but does not exceed 250 percent) of State median income for a family of the same size for a given fiscal year, if the State has appropriately prioritized, subject to approval by the Secretary, assistance for such services based on family income.

(iii) VARIATION IN COST OF LIVING.—In determining eligibility under this subparagraph, the State may take into consideration geographic variation in the cost of living among regions of the State and expand eligibility for children described in clause (ii) in a region of the State based on such variation, subject to approval by the Secretary.

(5) ELIGIBLE CHILD CARE PROVIDER.—

(A) 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 or, in the case of an Indian Tribe or Tribal organization, meets the rules set by the Secretary;

(ii) participates in the State's tiered system for measuring the quality of eligible child care providers described in subsection (f)(4)(B), or, in the case of an Indian Tribe or Tribal organization, meets the rules set by the Secretary—

(I) not later than the last day of the third fiscal year for which the State receives funds under this section; and

(II) for the remainder of the period for which the provider receives funds under this section; and

(iii) satisfies the State and local requirements, including those requirements described in section 658E(c)(2)(I) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)(I)).

(B) SPECIAL RULE.—A child care provider who is eligible to provide child care services in a State for children receiving assistance under the Child Care and Development Block Grant Act of 1990 on the date the State submits an application for funds under this section, and remains in compliance with any licensing or registration standards, or regulations, of the State, shall be deemed to be an eligible child care provider under this section for 3.5 years after the State first receives funding under this section.

(6) 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)).

(7) FAMILY CHILD CARE PROVIDER.—The term ''family child care provider'' means one or more individuals who provide child care services, in a private residence other than the residences of the children involved, for less than 24 hours per day per child, or for 24 hours per day per child due to the nature of the work of the parent involved.

(8) INCLUSIVE CARE.—The term ''inclusive'', with respect to care (including child care), means care provided by an eligible child care provider—

(A) for whom the percentage of children served by the provider who are children with disabilities or infants or toddlers with disabilities reflects the prevalence of children with disabilities and infants and toddlers with disabilities (whichever the provider serves) among children within the State involved; and

(B) 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.

(9) INFANT OR TODDLER.—The term ''infant or toddler'' means an individual who is less than 3 years of age.

(10) 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).

(11) LEAD AGENCY.—The term ''lead agency'' means the agency designated under subsection (e).

(12) STATE.—The term ''State'' means any of the 50 States and the District of Columbia.

(13) 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.

(c) APPROPRIATIONS.—

(1) STATES.—

(A) STATE APPROPRIATIONS.—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—

(i)(I) $11,460,000,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (h)(1)(A) in fiscal year 2022;

(II) $5,730,000,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (h)(1)(B) in fiscal year 2022;

(III) $4,125,600,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subparagraph (A) or (B) of subsection (h)(1), as determined by the State or Commonwealth, in fiscal year 2022; and

(IV) $1,604,400,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subparagraph (A), (B), or (C) of subsection (h)(1), as determined by the State or Commonwealth, in fiscal year 2022;

(ii)(I) $16,235,000,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (h)(1)(A) in fiscal year 2023;

(II) $8,117,500,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (h)(1)(B) in fiscal year 2023;

(III) $5,844,600,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subparagraph (A) or (B) of subsection (h)(1), as determined by the State or Commonwealth, in fiscal year 2023; and

(IV) $2,272,900,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subparagraph (A), (B), or (C) of subsection (h)(1), as determined by the State or Commonwealth, in fiscal year 2023; and

(iii)(I) $20,055,000,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (h)(1)(A) in fiscal year 2024;

(II) $10,027,500,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (h)(1)(B) in fiscal year 2024;

(III) $7,219,800,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subparagraph (A) or (B) of subsection (h)(1), as determined by the State or Commonwealth, in fiscal year 2024; and

(IV) $2,807,700,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subparagraph (A), (B), or (C) of subsection (h)(1), as determined by the State or Commonwealth, in fiscal year 2024.

(B) STATE ENTITLEMENT.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for each of fiscal years 2025 through 2027, for payments to States, for carrying out this section (other than carrying out activities described in paragraph (4), (5), or (6)).

(2) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

(A) INDIAN TRIBE AND TRIBAL ORGANIZATION APPROPRIATIONS.—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, for grants to Indian Tribes and Tribal organizations for the purpose of carrying out the child care program described in this section (other than carrying out activities described in paragraph (4), (5), or (6)), consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States—

(i) $960,000,000, to remain available until September 30, 2027, to carry out the child care program in fiscal year 2022;

(ii) $1,360,000,000, to remain available until September 30, 2027, to carry out the child care program in fiscal year 2023; and

(iii) $1,680,000,000 to remain available until September 30, 2027, to carry

out the child care program in fiscal year 2024.

(B) INDIAN TRIBE AND TRIBAL ORGANIZATION ENTITLEMENT.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for each of fiscal years 2025 through 2027, for payments to Indian Tribes and Tribal organizations, for the purpose of carrying out the child care program described in this section (other than carrying out activities described in paragraph (4), (5), or (6)), consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States.

(3) TERRITORIES.—

(A) TERRITORY APPROPRIATIONS.—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, for grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands for

the purpose of carrying out the child care program described in this section (other than carrying out activities described in paragraph (4), (5), or (6)), consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States—

(i) $120,000,000, to remain available until September 30, 2027, to carry out the child care program in fiscal year 2022;

(ii) $170,000,000, to remain available until September 30, 2027, to carry out the child care program in fiscal year 2023; and

(iii) $210,000,000, to remain available until September 30, 2027, to carry out the child care program in fiscal year 2024.

(B) TERRITORY ENTITLEMENT.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for each of fiscal years 2025 through 2027, for payments to territories, for the purpose of carrying out the child care program described in this section (other than carrying out activities described in paragraph

(4), (5), or (6)), consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States.

(4) GRANTS TO LOCALITIES.—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—

(A) $950,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (i)(2) in fiscal year 2023;

(B) $950,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (i)(2) in fiscal year 2024;

(C) $950,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (i)(2) in fiscal year 2025;

(D) $950,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (i)(2) in fiscal year 2026; and

(E) $950,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (i)(2) in fiscal year 2027.

(5) HEAD START EXPANSION IN NONPARTICIPATING STATES.—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—

(A) $2,850,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (i)(3) in fiscal year 2023;

(B) $2,850,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (i)(3) in fiscal year 2024;

(C) $2,850,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (i)(3) in fiscal year 2025;

(D) $2,850,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies de-

scribed in subsection (i)(3) in fiscal year 2026; and

(E) $2,850,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (i)(3) in fiscal year 2027.

(6) FEDERAL ADMINISTRATION.—

(A) FISCAL YEARS 2022 THROUGH 2025.—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—

(i) $130,000,000, to remain available until September 30, 2027, to carry out subsections (k) and (l) in fiscal year 2022;

(ii) $130,000,000, to remain available until September 30, 2027, to carry out subsections (k) and (l) in fiscal year 2023;

(iii) $130,000,000, to remain available until September 30, 2027, to carry out subsections (k) and (l) in fiscal year 2024; and

(iv) $130,000,000, to remain available until September 30, 2027, to carry out subsections (k) and (l) in fiscal year 2025.

(B) FISCAL YEARS 2026 THROUGH 2027.—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 each of fiscal years 2026 and 2027, an amount equal to 1.06 percent of the prior year's appropriation under paragraph (1)(B), to carry out subsections (k) and (l).

(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 an eligible child, in a State, territory, or Indian Tribe, or served by a Tribal organization, with an approved application under subsection (f) or (g), shall be provided an opportunity to obtain high-quality child care services, subject to the requirements of this section.

(2) ASSISTANCE FOR EVERY ELIGIBLE CHILD.—Beginning on October 1, 2024, every child

who applies for assistance under this section, who is in a State with an approved application under subsection (g), or in a territory or Indian Tribe or served by a Tribal organization with an approved application under subsection (f), and who is determined, by a lead agency (or other entity designated by a lead agency) for the State, territory, Indian Tribe, or Tribal organization involved, following standards and procedures established by the Secretary by rule, to be an eligible child, shall be offered assistance for direct child care services 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 for the State, territory, or Indian tribe or a related tribal organization to receive a payment under this section, shall designate a lead agency (such as a State agency or joint interagency office) to administer the child care program carried out under this section.

(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 containing a State plan that—

(A) for a transitional State plan, meets the requirements under paragraph (3) 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 paragraph (4) and contains that information.

(2) PERIOD COVERED BY PLAN.—A State plan contained in the application shall be designed to be implemented—

(A) for a transitional State plan, during a period of not more than 3 years; and

(B) for a full State plan, during a period of not more than 3 years.

(3) REQUIREMENTS FOR TRANSITIONAL STATE PLANS.—For a period of not more than 3 years 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) at such time, in such manner, and containing such information as the Secretary shall require, including, 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 assistance for direct child care services 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 shall award funds under this section to States with an approved application that contains a full State plan, submitted under paragraph (1)(B), at such time, in such manner, and containing such information as the Secretary shall by rule require, including, 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 direct 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 first receives funds under this section—

(I) will be sufficient to meet the cost of child care, and set in accordance with a cost estimation model or cost study described in clause (ii) that is approved by the Secretary; and

(II) will correspond to differences in quality (including improved quality) based on the State's tiered system for measuring the quality of eligible child care providers described in subparagraph (B).

(ii) COST ESTIMATION.—Such State plan shall—

(I) demonstrate that the State has, after consulting with relevant entities and stakeholders, developed and uses a statistically valid and reliable cost estimation model or cost study for the payment rates for direct 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 eligible child care providers described in subparagraph (B), and variations in the cost of di-

rect child care services by geographic area, type of provider, and age of child, and the additional costs associated with providing inclusive care;

(II) certify that the State's payment rates for direct child care services for which assistance is provided in accordance with this section—

(aa) are set in accordance with the most recent estimates from the most recent cost estimation model or cost study under subclause (I), so that providers at each tier of the tiered system for measuring provider quality described in subparagraph (B) receive a 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 direct child care services that—

(AA) at a minimum, provide a living wage for all staff of such child care providers; and

(BB) are equivalent to wages for elementary educators with similar credentials and experience in the State; and

(dd) are adjusted on an annual basis for cost of living increases to ensure those payment rates remain sufficient to meet the requirements of this section; and

(III) certify that the State will update, not less often than once every 3 years, the cost estimation model or cost study described in subclause (I).

(iii) PAYMENT PRACTICES.—Such State plan shall include an assurance that the State will implement payment practices that support the fixed costs of providing direct child care services.

(B) TIERED SYSTEM FOR MEASURING THE QUALITY OF ELIGIBLE CHILD CARE PROVIDERS.—Such State plan shall certify that the State has implemented, or assure that the State will implement within 3 years after first receiving funds under this section, a tiered system for measuring the quality of eligible child care providers who provide child care services for which assistance is made available under this section. Such tiered system shall—

(i) include a set of standards, for determining the tier of quality of a child care provider, that—

(I) uses standards for a highest tier that at a minimum are equivalent to Head Start program performance standards described in section 641A(a)(1)(B) of the Head Start Act (42 U.S.C. 9836a(a)(1)(B)) or other

equivalent evidence-based standards approved by the Secretary; and

(II) includes quality indicators and thresholds that are appropriate for child development in different types of child care provider settings, including child care centers and the settings of family child care providers, and are appropriate for providers serving different age groups (including mixed age groups) of children;

(ii) include a different set of standards that includes indicators, when appropriate, for care during nontraditional hours of operation; and

(iii) provide for sufficient resources and supports for child care providers at tiers lower than the highest tier to facilitate progression toward meeting 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 after first receiving funds under this section, policies and financing practices that

will ensure all eligible children can choose 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 first 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 clause (ii)(I), the State plan shall provide an assurance that the State will for the period covered by the plan use a sliding fee scale described in clause (ii) to determine a copayment for a family receiving assistance under this section (or, for a family receiving part-time care, a reduced copayment that is the proportionate amount of the full copayment).

(ii) SLIDING FEE SCALE.—A full copayment described in clause (i) shall use a sliding fee scale that provides that, for a family with a family income—

(I) of not more than 75 percent of State median income for a family of the same size, the family shall not pay a copayment, toward the cost of the child care involved for all eligible children in the family;

(II) of more than 75 percent but not more than 100 percent of State median income for a family of the same size, the copayment shall be more than 0 but not more than 2 percent of that family income, toward such cost for all such children;

(III) of more than 100 percent but not more than 125 percent of State median income for a family of the same size, the copayment shall be more than 2 but not more than 4 percent of that family income, toward such cost for all such children;

(IV) of more than 125 percent but not more than 150 percent of State median income for a family of the same size, the copayment shall be more than 4 but not more than 7 percent of that family income, toward such cost for all such children; and

(V) of more than 150 percent but not more than 250 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.

(F) PROHIBITION ON CHARGING MORE THAN COPAYMENT.—The State plan shall certify that the State will 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 12 months unless the child has aged out of the program, and the child's eligibility determination and redetermination, including any determination based on the State's definition of eligible activities, shall be implemented in a manner that supports child well-being and reduces barriers to enrollment, including continuity of services.

(H) POLICIES TO SUPPORT ACCESS TO CHILD CARE FOR UNDERSERVED POPULATIONS.—The State plan shall demonstrate 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, children experiencing homelessness, children in foster or kinship care, children who receive care during nontraditional hours, and vulnerable children as defined by the

lead agency pursuant to subsection (b)(4)(A)(iv)(II).

(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 (42 U.S.C. 9858f), to child care services provided under this section.

(J) LICENSING.—The State plan shall demonstrate that the State has consulted or will consult with organizations (including labor organizations) representing child care directors, teachers, or other staff, early childhood education and development experts, and families to develop, within 2.5 years after first receiving funds under this section, licensing standards appropriate 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, that will offer providers eligible under the Child Care and Development Block

Grant Act of 1990 a reasonable pathway to become eligible providers under this section, and that will assure an adequate supply of child care. Such plan shall describe the timeline the State will use to ensure sufficient time for providers described in subsection (b)(5)(B) to comply with such licensing standards in order to remain eligible providers after 3.5 years after the State first receives funding under this section.

(g) PAYMENTS.—

(1) PAYMENTS FOR FISCAL YEARS 2022 THROUGH 2024.—

(A) DEFINITIONS.—For purposes of this paragraph—

(i) the term ''State'' means the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(ii) the term ''territory'' means Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

(B) ALLOTMENTS.—For each of fiscal years 2022 through 2024, the Secretary shall, from the amount appropriated under subsection (c)(1)(A) for such fiscal year, make allotments

to each State with an application approved under subsection (f) 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. 9858m(b)).

(C) PAYMENTS.—

(i) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

(I) IN GENERAL.—For each of fiscal years 2022 through 2024, from the amount appropriated for Indian Tribes and Tribal organizations under subsection (c)(2)(A), the Secretary shall make payments to Indian Tribes and Tribal organizations with an application approved under subclause (II), and the Tribes and Tribal organizations shall be entitled to such payments for the purpose of carrying out the child care program described in this section, consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States.

(II) APPLICATIONS.—An Indian Tribe or Tribal organization 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 an agreement to provide reports under subsection (j)(7).

(III) SPECIAL RULE.—The Secretary shall determine eligibility criteria for children from Indian tribes who are less than 6 years of age and not yet in kindergarten, which eligibility criteria shall not be more stringent than the eligibility criteria under subsection (b)(4)(A).

(ii) TERRITORIES.—

(I) IN GENERAL.—For each of fiscal years 2022 through 2024, from the amount appropriated for territories under subsection (c)(3)(A), the Secretary shall make payments to the territories with an application approved under subclause (II), and the

territories shall be entitled to such payments, for the purpose of carrying out the child care program described in this section, consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States.

(II) APPLICATIONS.—A territory 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 an agreement to provide reports under subsection (j)(7).

(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 (B) for such fiscal year.

(D) AUTHORITIES.—

(i) FISCAL YEARS 2022 THROUGH 2024.—Notwithstanding any other provi-

sion of this paragraph, for each of fiscal years 2022 through 2024, the Secretary shall have the authority—

(I) to reallot funds that were allotted under subparagraph (B) from any State without an approved application under subsection (f) by the date required by the Secretary, to States with an approved application under that subsection; and

(II) to reallot any amounts available for payments under subparagraph (C) that the Secretary elected to allot for—

(aa) an Indian Tribe or Tribal organization without an approved application under subparagraph (C)(i)(II) by the date required by the Secretary, to Tribes or Tribal organizations with such an approved application; and

(bb) any territory without an approved application under subparagraph (C)(ii)(II) by the

date required by the Secretary, to territories with such an approved application.

(ii) FISCAL YEAR 2025.—Notwithstanding any other provision of this section, on October 1, 2024, the Secretary shall have the authority to reallot funds from payments made under subparagraph (C) that are unobligated on such date, to any entity without such unobligated funds that is a State with an approved application under subsection (f), an Indian Tribe or Tribal organization with an approved application under subparagraph (C)(i)(II), or a territory with an approved application under subparagraph (C)(ii)(II), to carry out the purposes of this section.

(2) PAYMENTS FOR FISCAL YEARS 2025 THROUGH 2027.—

(A) IN GENERAL.—For each of fiscal years 2025 through 2027:

(i) CHILD CARE ASSISTANCE FOR ELIGIBLE CHILDREN.—

(I) IN GENERAL.—The Secretary shall pay to each State with an ap-

proved application under subsection (f), and that State shall be entitled to, an amount for each quarter equal to 95.440 percent of expenditures (which shall be the Federal share of such expenditures) in the quarter for direct child care services described under subsection (h)(2)(B) for eligible children.

(II) EXCEPTION.—Funds reserved from the total under subsection (h)(2)(C) shall be subject to clause (ii).

(III) PROHIBITION.—Activities described in clause (ii) and clause (iii) may not be included in the cost of direct child care services described in this clause.

(ii) ACTIVITIES TO IMPROVE THE QUALITY AND SUPPLY OF CHILD CARE SERVICES.—The Secretary shall pay to each State with such an approved application, and that State shall be entitled to, an amount equal to the product of 1.06045 and the FMAP of expenditures (which

product shall be the Federal share of such expenditures) to carry out activities to improve the quality and supply of child care services 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 equal to 53.022 percent of expenditures (which shall be the Federal share of such expenditures) for the costs of administration incurred by the State—

(I) which shall include costs incurred by the State in carrying out the child care program established in this section; and

(II) which may include, at the option of the State, costs associated with carrying out requirements, policies, and procedures described in section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f).

(B) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—For each of fiscal years 2025 through 2027, the Secretary shall make payments under this paragraph for a period 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 periods. No interest shall be charged or paid on any amount due because of an overpayment or underpayment for previous periods.

(C) TERRITORIES AND TRIBES.—For each of fiscal years 2025 through 2027, from the amounts appropriated under paragraph (2)(B) or (3)(B) of subsection (c) the Secretary shall make payments to territories, and Indian Tribes and Tribal organizations, as the case may be, with applications submitted as described in paragraph (1), and approved by the Secretary for the purpose of carrying out the child care program described in this section, consistent, to the extent practicable as determined by the Secretary (subject to subsection

(d)(2)), with the requirements applicable to States. The Secretary shall make the payments to such territories, Indian Tribes, and Tribal organizations on the basis of their relative need. Each entity that is such a territory, Indian Tribe, or Tribal organization shall be entitled to such a payment as may be necessary to carry out the activities described in subsection (h)(2), and to pay for the costs of administration incurred by the entity, which shall include costs incurred by the entity in carrying out the child care program, and which may include, at the option of the entity, costs associated with carrying out requirements, policies, and procedures described in section 658H of the Child Care and Development Block Grant Act of 1990.

(h) USE OF FUNDS.—

(1) USE OF FUNDS FOR FISCAL YEARS 2022 THROUGH 2024.—For each of fiscal years 2022 through 2024, a State (as defined in subsection (g)(1)) that receives a payment under subsection (g)(1) shall use such payment for—

(A) assistance for direct child care services, which shall consist only of—

(i) assistance for direct child care services for eligible children through grants and contracts, and child care certificates;

(ii) increasing child care provider payment rates to support the cost of providing high-quality direct child care services, including rates sufficient to support increased wages for staff of eligible child care providers; and

(iii) waiving or reducing copayments, to ensure that the families of children receiving assistance under this section do not pay more than 7 percent of family income toward the cost of the child care involved for all eligible children in the family;

(B) activities described in paragraph (2)(C), without regard to the requirement in clause (i)(I) of such paragraph or to the references to a quality child care amount in such paragraph; and

(C) costs of administration incurred by the State, which shall include the costs described in subclause (I) of subsection (g)(2)(A)(iii) and may, at the option of the State, include the

costs described in subclause (II) of such subsection.

(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 direct child care services (provided on a sliding fee scale basis), activities to improve the quality and supply of child care services consistent with paragraph (C), and State administration consistent with subsection (g)(2)(A)(iii).

(B) CHILD CARE ASSISTANCE FOR ELIGIBLE CHILDREN.—

(i) IN GENERAL.—For each of fiscal years 2025 through 2027, from payments made to the State under subsection (g)(2) for that particular fiscal year, the State shall ensure that parents of eligible children can access direct child care services provided by an eligible child care provider under this section through a grant or contract as described in clause (ii) or a certificate as described in 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 under this section that, at a minimum—

(I) support providers' operating expenses to meet and sustain health, safety, quality, and wage standards required under this section; and

(II) address underserved populations described in subsection (f)(4)(H).

(iii) CERTIFICATES.—The State shall issue a child care certificate directly to a parent who shall use such certificate only as payment for direct child care services or as a deposit for direct 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 payments made to the State for a particular fiscal year, the State shall reserve and use a quality child care amount equal to not less than 5 percent and not more than 10 percent of the amount made available to the State through such payments for the previous 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 this subparagraph to improve the quality and supply of child care services by eligible child care providers, and increase 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 pro-

viding, or are seeking to provide, child care services for underserved populations identified in subsection (f)(4)(H).

(III) ADMINISTRATION.—Activities funded under this subparagraph may be administered—

(aa) directly by the lead agency; or

(bb) through other State government agencies, local or regional child care resource and referral organizations, community development financial institutions, other intermediaries with experience supporting child care providers, or other appropriate entities that enter into a contract with the State to provide such assistance.

(ii) QUALITY AND SUPPLY ACTIVITIES.—Activities funded under the quality child care amount described in clause (i) shall include each of the following:

(I) STARTUP GRANTS AND SUPPLY EXPANSION GRANTS.—

(aa) IN GENERAL.—From a portion of the quality child care amount, a State shall make startup and supply expansion grants to support child care providers who are providing, or seeking to provide, child care services to children receiving assistance under this section, with priority for providers providing or seeking to provide child care in underserved communities and for underserved populations identified in subsection (f)(4)(H), to—

(AA) support startup and expansion costs; and

(BB) assist such providers in meeting health and safety requirements, achieving licensure, and meeting requirements in the State's tiered system for measuring

the quality of eligible child care providers.

(bb) REQUIREMENT.—As a condition of receiving a startup or supply expansion grant under this subclause, a child care provider shall commit to meeting the requirements of an eligible provider under this section, and providing child care services to children receiving assistance under this section on an ongoing basis.

(II) QUALITY GRANTS.—From a portion of the quality child care amount, a State shall provide quality grants to support eligible child care providers in 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 eligible child care providers under subsection (f)(4)(B); and

(bb) supporting such providers in sustaining child care quality, including supporting increased wages for staff and supporting payment of fixed costs.

(III) FACILITIES GRANTS.—

(aa) IN GENERAL.—From a portion of the quality child care amount, a State shall provide support, including through awarding facilities grants, for remodeling, renovation, or repair of a building or facility to the extent permitted under section 658F(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858).

(bb) ADDITIONAL USES.—For fiscal years 2022 through 2024, and in subsequent years with approval from the Secretary, a State may award such facilities

grants for construction, permanent improvement, or major renovation of a building or facility primarily used for providing direct child care services, in accordance with the following:

(AA) Federal interest provisions will not apply to the renovation or rebuilding of privately-owned family child care homes under this subclause.

(BB) Eligible child care providers may not use funds for buildings or facilities that are used primarily for sectarian instruction or religious worship.

(CC) The Secretary shall develop parameters on the use of funds under this subclause for family child care homes.

(DD) The Secretary shall not retain Federal in-

terest after a period of 10 years in any facility built, renovated, or repaired with funds awarded under this subclause.

(IV) LIMITATION.—For purposes of subclause (III), the Secretary shall not—

(aa) enter into any agreement related to funds for activities carried out under subclause (III)—

(AA) that is for a term extending beyond September 30, 2031; and

(BB) under which any payment could be outlaid after September 30, 2031; or

(bb) use any other funds available to the Secretary, other than funds provided under this section, to satisfy obligations initially made for activities carried out under subclause (III).

(V) STATE 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 available for this program, which shall include—

(aa) supporting the training and professional development of the early childhood workforce, including supporting degree attainment and credentialing for early childhood educators;

(bb) developing, implementing, or enhancing the State's tiered system for measuring the quality of eligible child care providers under subsection (f)(4)(B);

(cc) improving the supply and quality of developmentally appropriate and inclusive child care programs and services for underserved populations described in subsection (f)(4)(H);

(dd) improving access to child care services for vulnerable children as defined by the lead agency pursuant to subsection (b)(4)(A)(iv)(II); and

(ee) providing outreach and enrollment support for families of eligible children.

(VI) 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 AND AWARDS TO HEAD START PROGRAMS.—

(1) ELIGIBLE LOCALITY DEFINED.—In this subsection, the term ''eligible locality'' means a city, county, or other unit of general local government.

(2) GRANTS TO LOCALITIES.—

(A) IN GENERAL.—The Secretary shall use funds appropriated under subsection (c)(4) to award local Birth Through Five Child Care and Early Learning Grants, in accordance with rules established by the Secretary, to eligible localities located in States that have not received payments under subsection (g). The Secretary shall award the grants to eligible localities in such a State from the allotment made for that State under subparagraph (B).

(B) ALLOTMENTS.—

(i) POVERTY LINE DEFINED.—In this subparagraph, the term ''poverty line'' means the poverty line defined and revised as described in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

(ii) GENERAL AUTHORITY.—For each State described in subparagraph (A), the Secretary shall allot for the State for a fiscal year an amount that bears the same relationship to the funds appropriated under subsection (c)(4) for the fiscal year as the number of children from families with family incomes that are below 200 percent of

the poverty line, and who are under the age of 6, in the State bears to the total number of all such children in all States described in subparagraph (A).

(C) APPLICATION.—To receive a grant from the corresponding State allotment under subparagraph (B), 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 subsection (f).

(D) REQUIREMENTS.—The Secretary shall specify the requirements for an eligible locality to provide access to child care, which child care requirements shall, to the greatest extent practicable, be consistent with the requirements applicable to States under this section.

(E) RECOUPMENT OF UNUSED FUNDS.—Notwithstanding any other provision of this section, for each of fiscal years 2023 through 2027, the Secretary shall have the authority to recoup any unused funds allotted under sub-

paragraph (B) for awards under paragraph (3)(A) to Head Start agencies in accordance with paragraph (3).

(3) HEAD START EXPANSION IN NONPARTICIPATING STATES.—

(A) IN GENERAL.—The Secretary shall use funds appropriated under subsection (c)(5) or recouped under paragraph (2) to make awards to Head Start agencies in a State described in paragraph (2)(A) to carry out the purposes of the Head Start Act in such State.

(B) RULE.—For purposes of carrying out the Head Start Act in circumstances not involving awards under this paragraph, funds awarded under subparagraph (A) shall not be included in the calculation of a ''base grant'' as such term is defined in section 640(a)(7)(A) of the Head Start Act (42 U.S.C. 9835(a)(7)(A)).

(C) DEFINITION.—In this paragraph, the term ''Head Start agency'' means an entity designated or eligible to be designated as a Head Start agency under section 641(a)(1) of the Head Start Act or as an Early Head Start agency (by receiving a grant) under section 645A(a) of such Act.

(4) PRIORITY FOR SERVING UNDERSERVED POPULATIONS.—In making determinations to award a grant or make an award under this subsection, the Secretary shall give priority to entities serving a high percentage of individuals from underserved populations described in subsection (f)(4)(H).

(j) PROGRAM REQUIREMENTS.—

(1) NONDISCRIMINATION.—The following provisions of law shall apply to any program or activity that receives funds provided under this section:

(A) Title IX of the Education Amendments of 1972.

(B) Title VI of the Civil Rights Act of 1964.

(C) Section 504 of the Rehabilitation Act of 1973.

(D) The Americans with Disabilities Act of 1990.

(E) Section 654 of the Head Start Act.

(2) PROHIBITION ON ADDITIONAL ELIGIBILITY REQUIREMENTS.—No individual shall be determined, by the Secretary, a State, or another recipient of funds under this section, to be ineligible for child care services provided under this section, except on

the basis of eligibility requirements specified in or under this section.

(3) MAINTENANCE OF EFFORT.—

(A) IN GENERAL.—A State that receives payments under this section for a fiscal year, in using the funds made available through the payments, shall maintain the expenditures of the State for child care services at the average level of such expenditures by the State for the 3 preceding fiscal years.

(B) COUNTING RULE.—State expenditures counted for purposes of meeting the requirement in subparagraph (A) may also be counted for purposes of meeting the requirement to provide a non-Federal share under clause (i), (ii), or (iii), as appropriate, of subsection (g)(2)(A).

(4) SUPPLEMENT NOT SUPPLANT.—Funds received under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide child care services in the State on the date of enactment of this Act, calculated as the average amount of such Federal, State, and local public funds expended for fiscal years 2019, 2020, and 2021.

(5) ALLOWABLE SOURCES OF NON-FEDERAL SHARE.—For purposes of providing the non-Federal share required under subsection (g)(2), a State's non-Federal share—

(A) for direct child care services described in subsection (g)(2)(A)(i)—

(i) shall not include contributions being used as a non-Federal share or match for another Federal award; and

(ii) shall be provided from State or local sources, contributions from philanthropy or other private organizations, or a combination of such sources and contributions; and

(B) for activities to improve the quality and supply of child care services described in subsection (g)(2)(A)(ii), and administration described in subsection (g)(2)(A)(iii)—

(i) shall not include contributions being used as a non-Federal share or match for another Federal award;

(ii) shall be provided from State or local sources, contributions from philanthropy or other private organizations, or a

combination of such sources and contributions; and

(iii) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services.

(6) INFORMATION FOR DETERMINATIONS.—For purposes of determinations of participation in an eligible activity, the provision of information for such determinations by Federal agencies other than the Department of Health and Human Services shall not be required.

(7) REPORTS.—A State, Indian Tribe, Tribal organization, or territory receiving funds under this section shall provide to the Secretary such periodic reports, providing a detailed accounting of the uses of the funds received under this section, as the Secretary may require for the administration of this section. The State, Indian Tribe, Tribal organization, or territory shall begin to provide the reports beginning not later than 60 days after its initial receipt of a payment under subsection (g)(1).

(k) MONITORING AND ENFORCEMENT.—

(1) REVIEW OF COMPLIANCE WITH REQUIREMENTS AND STATE PLAN.—The Secretary shall review and monitor compliance of States, territories,

Tribal entities, and local entities with this section and State compliance with the plan described in subsection (f)(4).

(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) FEDERAL ADMINISTRATION.—Using funds reserved under subsection (c)(6), the Secretary shall carry out administration of this section, shall provide (including through the use of grants or cooperative agreements) technical assistance to States, territories, Indian Tribes, and Tribal organizations, and shall carry out research, and evaluations related to this section.

(m) TRANSITION PROVISIONS.—

(1) TREATMENT OF CHILD CARE AND DEVELOPMENT BLOCK GRANT FUNDS.—For each of fiscal

years 2025, 2026, and 2027, a State receiving assistance under this section shall not use more than 10 percent of any funds received under the Child Care and Development Block Grant Act of 1990 to provide assistance for direct child care services to children who are under the age of 6, are not yet in kindergarten, and 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 on the date funding is first allocated to the lead agency for the State, territory, Indian Tribe, or Tribal organization involved 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)(1).

**SEC. 23002. UNIVERSAL PRESCHOOL.**

(a) DEFINITIONS.—In this section:

(1) CHILD EXPERIENCING HOMELESSNESS.—The term ''child experiencing homelessness'' means an individual who is a homeless child or youth under section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

(2) CHILD WITH A DISABILITY.—The term ''child with a disability'' has the meaning given the term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(3) COMPREHENSIVE SERVICES.—The term ''comprehensive services'' means services that are provided to low-income children and their families, and that are health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary, within the meaning of section 636 of the Head Start Act (42 U.S.C. 9831).

(4) DUAL LANGUAGE LEARNER.—The term ''dual language learner'' means a child who is learning 2 or more languages at the same time, or a child who is learning a second language while continuing to develop the child's first language.

(5) ELIGIBLE CHILD.—The term ''eligible child'' means a child who is age 3 or 4, on the date

established by the applicable local educational agency for kindergarten entry.

(6) ELIGIBLE PROVIDER.—The term ''eligible provider'' means—

(A) a local educational agency, acting alone or in a consortium or in collaboration with an educational service agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), that is licensed by the State or meets comparable health and safety standards;

(B) a Head Start agency or delegate agency funded under the Head Start Act;

(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) HEAD START AGENCY.—The term ''Head Start agency'', as used in paragraph (6)(B), or subsection (c)(5)(D) or (f)(1), means an entity designated as a Head Start agency under section 641(a)(1) of the Head Start Act or as an Early

Head Start agency (by receiving a grant) under section 645A(a) of such Act.

(8) 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).

(9) 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).

(10) POVERTY LINE.—The term ''poverty line'' means the poverty line defined and revised as described in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(12) STATE.—The term ''State'' means each of the several States and the District of Columbia.

(13) TERRITORY.—The term ''territory'' means each of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(14) TRIBAL ORGANIZATION.—The term ''Tribal organization'' has the meaning given the term

"tribal organization" in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(b) UNIVERSAL PRESCHOOL.—

(1) APPROPRIATIONS FOR STATES.—

(A) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(i) $4,000,000,000, to remain available until September 30, 2027, for payments to States, for carrying out this section (except provisions and activities covered by paragraph (2)) in fiscal year 2022;

(ii) $6,000,000,000, to remain available until September 30, 2027, for payments to States, for carrying out this section (except provisions and activities covered by paragraph (2)) in fiscal year 2023; and

(iii) $8,000,000,000, to remain available until September 30, 2027, for payments to States, for carrying out this sec-

tion (except provisions and activities covered by paragraph (2)) in fiscal year 2024.

(B) ADDITIONAL APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for each of fiscal years 2025 through 2027, to remain available for 1 additional fiscal year, for payments to States, for carrying out this section (except provisions and activities covered by paragraph (2)).

(2) ADDITIONAL APPROPRIATIONS.—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—

(A) $2,500,000,000, to remain available until September 30, 2027, for carrying out payments to Indian Tribes and Tribal organizations for activities described in this section;

(B) $1,000,000,000, to remain available until September 30, 2027, for carrying out payments to the territories, to be distributed among the territories on the basis of their rel-

ative need, as determined by the Secretary in accordance with the objectives of this section, for activities described in this section;

(C) $300,000,000, to remain available until September 30, 2027, for carrying out payments to eligible local entities that serve children in families who are engaged in migrant or seasonal agricultural labor, for activities described in this section;

(D)(i) $165,000,000, to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, in fiscal year 2022;

(ii) $200,000,000 to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, in fiscal year 2023;

(iii) $200,000,000, to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration,

monitoring, technical assistance, and research, in fiscal year 2024;

(iv) $208,000,000, to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, in fiscal year 2025;

(v) $212,000,000, to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, in fiscal year 2026; and

(vi) $216,000,000, to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, in fiscal year 2027;

(E)(i) $2,500,000,000, to remain available until September 30, 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) of such Act (42 U.S.C. 9848(a)), in fiscal year 2022;

(ii) $2,500,000,000, to remain available until September 30, 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) of such Act (42 U.S.C. 9848(a)), in fiscal year 2023;

(iii) $2,500,000,000, to remain available until September 30, 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) of such Act (42 U.S.C. 9848(a)), in fiscal year 2024;

(iv) $2,500,000,000, to remain available until September 30, 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) of

such Act (42 U.S.C. 9848(a)), in fiscal year 2025;

(v) $2,500,000,000, to remain available until September 30, 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) of such Act (42 U.S.C. 9848(a)), in fiscal year 2026; and

(vi) $2,500,000,000, to remain available until September 30, 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) of such Act (42 U.S.C. 9848(a)), in fiscal year 2027;

(F)(i) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (f)(2) in fiscal year 2023;

(ii) $1,900,000,000, to remain available until September 30, 2027, to carry out the pro-

gram of grants to localities described in subsection (f)(2) in fiscal year 2024;

(iii) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (f)(2) in fiscal year 2025;

(iv) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (f)(2) in fiscal year 2026; and

(v) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (f)(2) in fiscal year 2027; and

(G)(i) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (f)(3) in fiscal year 2023;

(ii) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (f)(3) in fiscal year 2024;

(iii) $1,900,000,000, to remain available until September 30, 2027, to carry out the pro-

gram of awards to Head Start agencies described in subsection (f)(3) in fiscal year 2025;

(iv) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (f)(3) in fiscal year 2026; and

(v) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (f)(3) in fiscal year 2027.

(c) PAYMENTS FOR STATE UNIVERSAL PRESCHOOL SERVICES.—

(1) IN GENERAL.—A State that has submitted, and had approved by the Secretary, the State plan described in paragraph (5) is entitled to a payment under this subsection.

(2) PAYMENTS TO STATES.—

(A) PAYMENTS FOR FISCAL YEARS 2022 THROUGH 2024.—From amounts made available under subsection (b)(1) for any of fiscal years 2022 through 2024, the Secretary, in collaboration with the Secretary of Education, shall allot for the fiscal year, to each State that has a State plan under paragraph (5) or transitional

State plan under paragraph (7) that is approved for a period including that fiscal year, an amount for the purpose of providing grants to eligible providers to provide high-quality preschool, using a formula that considers—

(i) the proportion of the number of children who are below the age of 6 and whose families have a family income at or below 200 percent of the poverty line for the most recent year for which satisfactory data are available, residing in the State, as compared to the number of such children, who reside in all States with approved plans for the fiscal year for which the allotment is being made; and

(ii) the existing Federal preschool investments in the State under the Head Start Act, as of the date of the allotment.

(B) PAYMENTS FOR FISCAL YEARS 2025 THROUGH 2027.—

(i) PRESCHOOL SERVICES.—For each of fiscal years 2025 through 2027, the Secretary shall pay to each State with an approved State plan under paragraph (5), an amount for that year equal to—

(I) 95.440 percent of the State's expenditures in the year for preschool services provided under subsection (d), for fiscal year 2025;

(II) 79.534 percent of the State's expenditures in the year for such preschool services, for fiscal year 2026; and

(III) 63.627 percent of the State's expenditures in the year for such preschool services, for fiscal year 2027.

(ii) STATE ACTIVITIES.—The Secretary shall pay to each State with an approved State plan under paragraph (5) an amount for a fiscal year equal to 53.022 percent of the amount of the State's expenditures for the activities described in paragraph (3), except that in no case shall a payment for a fiscal year under this clause exceed the amount equal to 10 percent of the State's expenditures described in clause (i) for such fiscal year.

(iii) NON-FEDERAL SHARE.—The remainder of the cost paid by the State for

preschool services, that is not provided under clause (i), shall be considered the non-Federal share of the cost of those services. The remainder of the cost paid by the State for State activities, that is not provided under clause (ii), shall be considered the non-Federal share of the cost of those activities.

(iv) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—The Secretary shall make a payment under clause (i) or (ii) for a year on the basis of advance estimates of expenditures submitted by the State and such other investigation as the Secretary may find necessary, and shall reduce or increase the payment as necessary to adjust for any overpayment or underpayment for a previous year.

(C) AUTHORITIES.—

(i) FISCAL YEARS 2022 THROUGH 2024.—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 paragraph (5) by the date required by the Secretary, to States with an approved application under that subsection.

(ii) FISCAL YEAR 2025.—Notwithstanding any other provision of this section, on October 1, 2024, the Secretary shall have the authority to reallot funds from payments made from allotments under subparagraph (A) that are unobligated on such date, to any State without such unobligated funds that is a State with an approved application under paragraph (5), to carry out the purposes of this section.

(3) STATE ACTIVITIES.—A State that receives a payment under paragraph (2) shall carry out all of the following activities:

(A) State administration of the State preschool program described in this section.

(B) Supporting a continuous quality improvement system for providers of preschool services participating, or seeking to participate, in the State preschool program, through the use

of data, researching, monitoring, training, technical assistance, professional development, and coaching.

(C) Providing outreach and enrollment support for families of eligible children.

(D) Supporting data systems building.

(E) Supporting staff of eligible providers in pursuing credentials and degrees, including baccalaureate degrees.

(F) Supporting activities that ensure access to inclusive preschool programs for children with disabilities.

(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 a statewide needs assessment of access to high-quality preschool services.

(4) LEAD AGENCY.—The Governor of a State desiring for the State to receive a payment under this subsection shall designate a lead agency (such as a State agency or joint interagency office) for the

administration of the State's preschool program under this section.

(5) STATE PLAN.—In order to be eligible for payments under this section, the Governor of a State shall submit a State plan to the Secretary for approval by the Secretary, in collaboration with the Secretary of Education, at such time, in such manner, and containing such information as the Secretary shall by rule require, that includes a plan for achieving universal, high-quality, free, inclusive, and mixed-delivery preschool services. Such plan shall include, at a minimum, each of the following:

(A) A certification that—

(i) the State has in place 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; and

(ii) the State will coordinate such standards with other early learning standards in the State.

(B) An assurance that the State will ensure—

(i) all preschool services in the State funded under this section will—

(I) be universally available to all children in the State without any additional eligibility requirements;

(II) be high-quality, free, and inclusive; and

(III) by not later than 1 year after the State receives such funding, meet the State's preschool education standards described in subparagraph (A); and

(ii) that the local preschool programs in the State funded under this section will—

(I) offer programming that meets the duration requirements of at least 1,020 annual hours;

(II) adopt policies and practices to conduct outreach and provide expedited enrollment, including prioritization, to—

(aa) children experiencing homelessness (which, in the case of a child attending a program provided by an eligible provider described in subsection (a)(6)(A), shall include immediate enrollment for the child);

(bb) children in foster care or kinship care;

(cc) children in families who are engaged in migrant or seasonal agricultural labor;

(dd) children with disabilities, including eligible children who are served under part C of the Individuals with Disabilities Education Act; and

(ee) dual language learners;

(III) provide for salaries, and set schedules for salaries, for staff of providers in the State preschool program that are equivalent to salaries of elementary school staff with similar credentials and experience;

(IV) at a minimum, provide a living wage for all staff of such providers; and

(V) require educational qualifications for teachers in the preschool program including, at a minimum, requiring that lead teachers in the preschool program have a baccalaureate degree in early childhood education or a related field by not later than 6 years after the date on which the State first receives funds under this Act, except that—

(aa) subject to item (bb), the requirements under this subclause shall not apply to individuals who were employed by an eligible provider or early education program for a cumulative 3 of the 5 years immediately preceding the date of enactment of this Act and have the necessary content knowledge and teaching skills for early childhood educators, as demonstrated through

measures determined by the State; and

(bb) nothing in this section shall require the State to lessen State requirements for educational qualifications, in existence on the date of enactment of this Act, to serve as a teacher in a State preschool program.

(C) For States with existing publicly funded State preschool programs (as of the date of submission of the State plan), a description of how the State plans to use funding provided under this section to ensure that such existing programs in the State meet the requirements of this section for a State preschool program.

(D) A description of how the State, in establishing and operating the State preschool program supported under this section, will—

(i) support a mixed-delivery system for any new slots funded under this section, including by facilitating the participation of Head Start programs and programs offered by licensed child care providers;

(ii) ensure the State preschool program does not disrupt the stability of infant and toddler child care throughout the State;

(iii) ensure adequate consultation with the State Advisory Council on Early Childhood Education and Care designated or established in section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i)) in the development of its plan, including consultation in how the State intends to distribute slots under clause (v);

(iv) partner with Head Start agencies to ensure the full utilization of Head Start programs within the State; and

(v) distribute new preschool slots equitably among child care (including family child care) providers, Head Start agencies, and schools within the State.

(E) A certification that the State, in operating the program described in this section for a fiscal year—

(i) will not reduce the total preschool slots provided in State-funded preschool

programs from the number of such slots in the previous fiscal year; or

(ii) if the number of eligible children identified in the State declines from the previous fiscal year, will maintain at least the previous year's ratio of the total preschool slots described in clause (i) to eligible children so identified.

(F) An assurance that the State will use funding provided under this section to ensure children with disabilities have access to and participate in inclusive preschool programs consistent with provisions in the Individuals with Disabilities Education Act, and a description of how the State will collaborate with entities carrying out programs under section 619 or part C of the Individuals with Disabilities Education Act, to support inclusive preschool programs.

(G) 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.

(H) A certification that the State will ensure a highly qualified early childhood work-

force to support the requirements of this section.

(I) 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.

(J) A certification that subgrant and contract amounts provided as described in subsection (d) will be sufficient to enable eligible providers to meet the requirements of this section, and will provide for increased payment amounts based on the criteria described in subclauses (III) and (IV) of subparagraph (B)(ii).

(K) An agreement to provide to the Secretary such periodic reports, providing a detailed accounting of the uses of funding received under this section, as the Secretary may require for the administration of this section.

(6) DURATION OF THE PLAN.—Each State plan shall remain in effect for a period of not more than 3 years. Amendments to the State plan shall remain in effect for the duration of the plan.

(7) TRANSITIONAL STATE PLAN.—

(A) IN GENERAL.—The Secretary shall develop parameters for, and allow a State to submit for purposes of this subsection for a period of not more than 3 years, a transitional State plan, at such time, in such manner and containing such information as the Secretary shall require.

(B) CONTENTS.—The transitional plan shall—

(i) demonstrate that the State will meet the requirements of such plan as determined by the Secretary; and

(ii) include, at a minimum—

(I) an assurance that the State will submit a State plan under paragraph (5);

(II) a description of how the funds received by the State under this section will be spent to expand access to universal, high-quality, free, inclusive, and mixed-delivery preschool in alignment with the requirements of this section; and

(III) such data as the Secretary may require on the provision of preschool services in the State.

(d) SUBGRANTS AND CONTRACTS FOR LOCAL PRESCHOOL PROGRAMS.—

(1) SUBGRANTS AND CONTRACTS.—

(A) IN GENERAL.—A State that receives a payment under subsection (c)(2) for a fiscal year shall use amounts provided through the payment to pay the costs of subgrants to, or contracts with, eligible providers to operate universal, high-quality, free, and inclusive preschool programs (which State-funded programs may be referred to in this section as ''local preschool programs'') through the State preschool program in accordance with paragraph (3). 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)(2)(B)(iv).

(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 local preschool program that meets the requirements of subsection (c)(5)(B), which

amount shall reflect variations in the cost of preschool services by geographic area, type of provider, and age of child, and the additional costs associated with providing inclusive preschool services for children with disabilities.

(C) DURATION.—The State shall award a subgrant or contract under this subsection for a period of not less than 3 years, unless the subgrant or contract is terminated or suspended, or the subgrant period is reduced, for cause.

(2) ENHANCED PAYMENTS FOR COMPREHENSIVE SERVICES.—In awarding subgrants or contracts under this subsection and in addition to meeting the requirements of paragraph (1)(B), the State shall award subgrants or contracts with enhanced payments to eligible providers that offer local preschool programs funded under this subsection to a high percentage of low-income children to support comprehensive services.

(3) ESTABLISHING AND EXPANDING UNIVERSAL PRESCHOOL PROGRAMS.—

(A) ESTABLISHING AND EXPANDING UNIVERSAL PRESCHOOL PROGRAMS IN HIGH-NEED COMMUNITIES.—In awarding subgrants or con-

tracts under this subsection, the State shall first prioritize establishing and expanding universal local preschool programs within and across high-need communities by awarding subgrants or contracts to eligible providers operating within and across, or with capacity to operate within and across, such high-need communities. The State shall—

(i) use a research-based methodology approved by the Secretary to identify such high-need communities, as determined by—

(I) the rate of poverty in the community;

(II) rates of access to high-quality preschool within the community; and

(III) other indicators of community need as required by the Secretary; and

(ii) distribute funding for 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 estab-

lishes and expands preschool services in communities with lower levels of need.

(B) USE OF FUNDS.—Subgrants or contracts awarded under subparagraph (A) shall be used to enroll and serve children in such a local preschool program involved, including by paying the costs—

(i) of personnel (including classroom and administrative personnel), including compensation and benefits;

(ii) associated with implementing the State's preschool standards, providing curriculum supports, and meeting early learning and development standards;

(iii) of professional development, teacher supports, and training;

(iv) of implementing and meeting developmentally appropriate health and safety standards (including licensure, where applicable), teacher to child ratios, and group size maximums;

(v) of materials, equipment, and supplies; and

(vi) of rent or a mortgage, utilities, building security, indoor and outdoor maintenance, and insurance.

(4) ESTABLISHING AND EXPANDING UNIVERSAL PRESCHOOL PROGRAMS IN ADDITIONAL COMMUNITIES.—Once a State that receives a payment under subsection (c)(2) meets the requirements of paragraph (3) with respect to establishing and expanding local preschool programs within and across high-need communities, the State shall use funds from such payment to enroll and serve children in local preschool programs, as described in such paragraph, in additional communities in accordance with the metrics described in paragraph (3)(A)(i). Such funds shall be used for the activities described in clauses (i) through (vi) of paragraph (3)(B).

(e) PAYMENTS FOR UNIVERSAL PRESCHOOL SERVICES INDIAN TRIBES AND TERRITORIES.—

(1) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

(A) IN GENERAL.—For each of fiscal years 2022 through 2027, from the amount appropriated for Indian Tribes and Tribal organizations under subsection (b)(2)(A), the Secretary shall make payments to Indian Tribes and

Tribal organizations with an application approved under subparagraph (B), and the Tribes and Tribal organizations shall be entitled to such payments for the purpose of carrying out the preschool program described in this section, consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States.

(B) APPLICATIONS.—An Indian Tribe or Tribal organization seeking a payment under this paragraph shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may specify.

(2) TERRITORIES.—

(A) IN GENERAL.—For each of fiscal years 2022 through 2027, from the amount appropriated for territories under subsection (b)(2)(B), the Secretary shall make payments to the territories with an application approved under subparagraph (B), and the territories shall be entitled to such payments, for the purpose of carrying out the preschool program described in this section, consistent, to the extent

practicable as determined by the Secretary, with the requirements applicable to States.

(B) APPLICATIONS.—A territory seeking a payment under this paragraph shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may specify.

(3) LEAD AGENCY.—The head of an Indian tribe or territory desiring for the Indian tribe or a related tribal organization, or territory, to receive a payment under this subsection shall designate a lead agency (such as a tribal or territorial agency or joint interagency office) for the administration of the preschool program of the Indian tribe or territory, under this section.

(f) GRANTS TO LOCALITIES AND HEAD START EXPANSION IN NONPARTICIPATING STATES.—

(1) ELIGIBLE LOCALITY DEFINED.—In this subsection, the term ''eligible locality'' means a city, county, or other unit of general local government, a local educational agency, or a Head Start agency.

(2) GRANTS TO LOCALITIES.—

(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Education, shall use funds reserved in subsection (b)(2)(F) to

award local universal preschool grants, in accordance with rules established by the Secretary of Health and Human Services, to eligible localities located in States that have not received 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 subparagraph (B). The Secretary shall specify the requirements for an eligible locality to conduct a preschool program under this subsection which shall, to the greatest extent practicable, be consistent with the requirements applicable to States under this section, for a universal, high-quality, free, and inclusive preschool program.

(B) ALLOTMENTS.—For each State described in subparagraph (A), the Secretary shall allot for the State for a fiscal year an amount that bears the same relationship to the funds appropriated under subsection (b)(2)(F) for the fiscal year as the number of children from families with family incomes at or below 200 percent of the poverty line, and who are under the age of 6, in the State bears to the total number

of all such children in all States described in subparagraph (A).

(C) 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.

(D) RECOUPMENT OF UNUSED FUNDS.—Notwithstanding any other provision of this section, for each of fiscal years 2023 through 2027, the Secretary shall have the authority to recoup any unused funds allotted under subparagraph (B) for awards under paragraph (3)(A) to Head Start agencies in accordance with paragraph (3).

(3) HEAD START EXPANSION IN NONPARTICIPATING STATES.—

(A) IN GENERAL.—The Secretary shall use funds appropriated under subsection (b)(2)(G) or recouped under paragraph (2) to make

awards to Head Start agencies in a State described in paragraph (2)(A) to carry out the purposes of the Head Start Act in such State.

(B) RULE.—For purposes of carrying out the Head Start Act in circumstances not involving awards under this paragraph, funds awarded under subparagraph (A) shall not be included in the calculation of a ''base grant'' as such term is defined in section 640(a)(7)(A) of the Head Start Act (42 U.S.C. 9835(a)(7)(A)).

(C) DEFINITION.—In this paragraph, the term ''Head Start agency'' means an entity designated or eligible to be designated as a Head Start agency under section 641(a)(1) of the Head Start Act or as an Early Head Start agency (by receiving a grant) under section 645A(a) of such Act.

(4) PRIORITY FOR SERVING UNDERSERVED COMMUNITIES.—In making determinations to award a grant or make an award under this subsection, the Secretary shall give priority to entities serving communities with a high percentage of children from families with family incomes at or below 200 percent of the poverty line.

(g) ALLOWABLE SOURCES OF NON-FEDERAL SHARE.—For purposes of calculating the amount of the non-Federal share, as determined under subsection (c)(2)(B)(iii), relating to a payment under subsection (c)(2)(B), a State's non-Federal share—

(1) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services;

(2) shall include any increase in amounts spent by the State to expand half-day kindergarten programs in the State, as of the day before the date of enactment of this Act, into full-day kindergarten programs;

(3) shall not include contributions being used as a non-Federal share or match for another Federal award;

(4) shall be provided from State or local sources, contributions from philanthropy or other private organizations, or a combination of such sources and contributions; and

(5) shall count not more than 100 percent of the State's current spending on prekindergarten programs, calculated as the average amount of such spending by the State for fiscal years 2019, 2020, and 2021, toward the State's non-Federal share.

(h) MAINTENANCE OF EFFORT.—

(1) IN GENERAL.—If a State reduces its combined fiscal effort per child for the State preschool program (whether a publicly funded preschool program or a program under this section) or through State supplemental assistance funds for Head Start programs assisted under the Head Start Act, or through any State spending on preschool services for any fiscal year that a State receives payments under subsection (c)(2) (referred to in this paragraph as the ''reduction fiscal year'') relative to the previous fiscal year, the Secretary, in collaboration with the Secretary of Education, shall reduce support for such State under such subsection by the same amount as the total reduction in that State fiscal effort for such reduction fiscal year.

(2) WAIVER.—The Secretary, in collaboration with the Secretary of Education, may waive the requirements of paragraph (1) if—

(A) the Secretaries determine that a waiver would be appropriate due to a precipitous decline in the financial resources of a State as a result of unforeseen economic hardship, or a natural disaster, that has necessitated across-the-board reductions in State services during

the 5-year period preceding the date of the determination, including for early childhood education programs; or

(B) due to the circumstance of a State requiring reductions in specific programs, including early childhood education programs, the State presents to the Secretaries a justification 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.

(i) 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 prekindergarten programs in the State on the date of enactment of this Act, calculated as the average amount of such Federal, State, and local public funds expended for fiscal years 2019, 2020, and 2021.

(j) 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.

(2) Title VI of the Civil Rights Act of 1964.

(3) Section 504 of the Rehabilitation Act of 1973.

(4) The Americans with Disabilities Act of 1990.

(5) Section 654 of the Head Start Act.

(k) MONITORING AND ENFORCEMENT.—

(1) REVIEW OF COMPLIANCE WITH REQUIREMENTS AND STATE PLAN.—The Secretary shall review and monitor compliance of States, territories, Tribal entities, and local entities with this section and State compliance with the State plan described in subsection (c)(5).

(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.

# 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 2022–2027.—For each school year beginning on or after July 1, 2022, and ending before July 1, 2027, the Secretary shall use a multiplier of 2.5.

"(II) IMPLEMENTATION AFTER 2027.—For each school year beginning on or after July 1, 2027, 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 2022–2027.—For each school year beginning

on or after July 1, 2022, and ending before July 1, 2027, the threshold shall be not more than 25 percent.

"(II) IMPLEMENTATION AFTER 2027.—For each school year beginning on or after July 1, 2027, the threshold shall be not more than 40 percent.".

(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, 2027, the Secretary shall establish a statewide community eligibility program under which, in the case of a State agency that agrees to provide funding from sources other than Federal funds to ensure that local educational agencies in the State receive the free reimbursement rate for 100 percent of the meals served at applicable schools—

''(I) the multiplier described in clause (vii) shall apply;

''(II) notwithstanding clause (viii), the threshold shall be zero; 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. SUMMER ELECTRONIC BENEFITS TRANSFER FOR CHILDREN PROGRAM.**

The Richard B. Russell National School Lunch Act is amended by inserting after section 13 (42 U.S.C. 1761) the following:

**''SEC. 13A. SUMMER ELECTRONIC BENEFITS TRANSFER FOR CHILDREN PROGRAM.**

''(a) PROGRAM ESTABLISHED.—The Secretary shall establish a program under which States and covered Indian Tribal organizations participating in such program shall, for summer 2023 and summer 2024 issue to eligible households summer EBT benefits—

''(1) in accordance with this section; and

''(2) for the purpose of providing nutrition assistance through electronic benefits transfer during the summer months for eligible children, to ensure

continued access to food when school is not in session for the summer.

"(b) SUMMER EBT BENEFITS REQUIREMENTS.—

"(1) PURCHASE OPTIONS.—

"(A) BENEFITS ISSUED BY STATES.—

"(i) WIC PARTICIPATION STATES.—In the case of a State that participated in a demonstration program under section 749(g) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80; 123 Stat. 2132) during calendar year 2018 using a WIC model, summer EBT benefits issued pursuant to subsection (a) by such a State may only be used by the eligible household that receives such summer EBT benefits to purchase—

"(I) supplemental foods from retailers that have been approved for participation in—

"(aa) the special supplemental nutrition program for women, infants, and children under section 17 of the Child

Nutrition Act of 1966 (42 U.S.C. 1786); or

"(bb) the program under this section; or

"(II) food (as defined in section 3(k) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(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 9 of such Act (7 U.S.C. 2018).

"(ii) OTHER STATES.—Summer EBT benefits issued pursuant to subsection (a) by a State not described in clause (i) may only be used by the eligible household that receives such summer EBT benefits to purchase food (as defined in section 3(k) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(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 9(b) of such Act (7

U.S.C. 2018) or retail food stores that have been approved for participation in a Department of Agriculture grant funded nutrition assistance program in the Commonwealth of the Northern Mariana Islands, Puerto Rico, or American Samoa.

"(B) BENEFITS ISSUED BY COVERED INDIAN TRIBAL ORGANIZATIONS.—Summer EBT benefits issued pursuant to subsection (a) by a covered Indian Tribal organization may only be used by the eligible household that receives such summer EBT benefits to purchase supplemental foods from retailers that have been approved for participation in—

"(i) the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); or

"(ii) the program under this section.

"(2) AMOUNT.—Summer EBT benefits issued pursuant to subsection (a)—

"(A) shall be—

"(i) for calendar year 2023, in an amount equal to $65 for each child in the

eligible household per month during the summer; and

"(ii) for calendar year 2024, 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; and

"(B) require local educational agencies to allow eligible households to opt out of participation in the program under this section and es-

tablish 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 January 1, 2022, 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 an alternative method for determining the schedule and number of days during which 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 2024, out of any money in the Treasury not otherwise appropriated, such sums, to remain available for the 2-

year period following the date such amounts are made available, 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) 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, 2024.

''(h) DEFINITIONS.—In this section:

''(1) COVERED INDIAN TRIBAL ORGANIZATION.—The term 'covered Indian Tribal organization' means an Indian Tribal organization that participates in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

''(2) ELIGIBLE CHILD.—The term 'eligible child' means, with respect to a summer, a child who was, during the school year immediately preceding such summer—

"(A) certified to receive free or reduced price lunch under the school lunch program under this Act;

"(B) certified to receive free or reduced price breakfast under the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or

"(C) enrolled in a school described in subparagraph (B), (C), (D), (E), or (F) of section 11(a)(1).

"(3) ELIGIBLE HOUSEHOLD.—The term 'eligible household' means a household that includes at least 1 eligible child.".

**SEC. 24003. HEALTHY FOOD INCENTIVES DEMONSTRATION.**

(a) APPROPRIATION.—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, $250,000,000, to remain available until expended, to provide—

(1) technical assistance and evaluation with respect to the activities described in subparagraphs (A) through (D) of paragraph (2); and

(2) grants and monetary incentives to carry out 1 or more of the following:

(A) Improving the nutritional quality of meals and snacks served under a child nutrition program.

(B) Enhancing the nutrition and wellness environment of institutions participating in a child nutrition program, including by reducing the availability of less healthy foods during the school day.

(C) Increasing the procurement of fresh, local, regional, and culturally appropriate foods and foods produced by underserved or limited resource farmers, as defined by the Secretary of Agriculture, to be served as part of a child nutrition program.

(D) Funding a statewide nutrition education coordinator—

(i) to support individual school food authority nutrition education efforts; and

(ii) to facilitate collaboration with other nutrition education efforts in the State.

(b) STATE DEFINED.—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)).

**SEC. 24004. SCHOOL KITCHEN EQUIPMENT GRANTS.**

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, $30,000,000, to remain available until expended through fiscal year 2030, for training and technical assistance to support scratch cooking and to award grants to States (as defined in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d))) to make competitive subgrants to local educational agencies and schools to purchase equipment with a value of greater than $1,000 that, with respect to the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751–1769j) and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), is necessary to serve healthier meals, improve food safety, and increase scratch cooking.

# 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, for necessary expenses to

carry out the Assistive Technology Act of 1998 (29 U.S.C. 3003(a)).

**SEC. 25002. FAMILY VIOLENCE PREVENTION AND SERVICES FUNDING.**

In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $30,000,000, to remain available until expended, for necessary administrative expenses to carry out subsections (c) and (d) of 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 adding at the end the following new sentence:

''In addition, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

''(1) $25,000,000, to remain available until expended, to carry out this part in fiscal year 2022;

''(2) $25,000,000, to remain available until expended, to carry out this part in fiscal year 2023; and

"(3) $25,000,000, to remain available until expended, to carry out this part in fiscal year 2024.".

**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 for necessary expenses to carry out the activities of the Center under section 201(g) of the Older Americans Act of 1965 (OAA);

(2) $655,000,000 for necessary expenses to carry out part B of title III of the OAA, including for—

(A) supportive services of the type made available for fiscal year 2021 and authorized under such part;

(B) investing in the aging services network for the purposes of improving the availability of supportive services, including investing in the aging services network workforce;

(C) the acquisition, alteration, or renovation of facilities, including multipurpose senior centers and mobile units; and

(D) construction or modernization of facilities to serve as multipurpose senior centers;

(3) $140,000,000 for necessary expenses to carry out part C of title III of the OAA, 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 for necessary expenses to carry out part E of title III of the OAA, including section 373(e) of such part;

(5) $50,000,000 for necessary expenses to carry out title VI of the OAA, including part C of such title;

(6) $50,000,000 for necessary expenses to carry out the long-term care ombudsman program under title VII of the OAA;

(7) $59,000,000 for necessary expenses 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 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 necessary expenses 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 necessary expenses for efforts of national training and technical assistance centers supported under the OAA to—

(A) support expanding the reach of the aging services network to more effectively assist older individuals in remaining socially engaged and active;

(B) provide additional support in technical assistance and training to the aging services network to address the social isolation of older individuals;

(C) promote best practices and identify innovation in the field; and

(D) continue to support a repository for innovations designed to increase the ability of the aging services network to tailor social engagement activities to meet the needs of older individuals; and

(10) $5,000,000 for necessary expenses to carry out section 417 of the OAA.

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, and section 373(h)(2) of such Act, shall not apply to—

(1) any amounts made available under this section; or

(2) any amounts made available under section 2921 of the American Rescue Plan Act of 2021 (Public Law 117–2).

**SEC. 25005. 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, $20,000,000, to remain available until September 30, 2031, for necessary expenses to establish, directly or through grants, contracts, or cooperative agreements, a national technical assistance center (referred to in this section as the ''Center'') to—

(1) provide technical assistance for supporting direct care workforce recruitment, education and training, retention, career advancement, and for supporting family caregivers and caregiving activities;

(2) develop and disseminate a set of replicable models or evidence-based or evidence-informed strategies or best practices for—

(A) recruitment, education and training, retention, and career advancement of direct support 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 support workers; and

(4) provide recommendations for activities to further support paid and unpaid family caregivers, including expanding respite care.

(b) DIRECT SUPPORT WORKER DEFINED.—The term ''direct support worker'' has the meaning given such term in section 22301.

**SEC. 25006. FUNDING TO SUPPORT UNPAID CAREGIVERS.**

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until expended, for carrying out the purpose described in subsection (b).

(b) USE OF FUNDING.—The Secretary, acting through the Assistant Secretary for Aging, shall use amounts appropriated by subsection (a) for necessary expenses to make awards, pursuant to section 373(i) of the Older Americans Act of 1965 (42 U.S.C. 3030s–1(i)), to States, public agencies, private nonprofit agencies, institutions of higher education, and organizations, including Tribal organizations, for initiatives to address the behavioral health needs of family caregivers and older relative caregivers.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated by this section shall be used to supplement and not supplant other Federal, State, or local public funds to support unpaid caregivers.

**SEC. 25007. FUNDING TO SUPPORT INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.**

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services (referred to in this section as 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 the purpose described in subsection (b).

(b) USE OF FUNDING.—The Secretary, acting through the Administrator of the Administration for Community Living, shall use amounts appropriated by subsection (a) for necessary expenses to award grants, contracts, or cooperative agreements to public or private nonprofit entities pursuant to section 162 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15082) for initiatives to address the behavioral health needs of individuals with intellectual and developmental disabilities.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated by this section shall be used to supplement and not supplant other Federal, State, or local public funds to support individuals with intellectual and developmental disabilities.

**SEC. 25008. 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.

# Subtitle G—National Service and Workforce Development in Support of Climate Resilience and Mitigation

**SEC. 26001. CORPORATION FOR NATIONAL AND COMMUNITY SERVICE AND THE NATIONAL SERVICE TRUST.**

(a) AMERICORPS STATE AND NATIONAL.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $3,200,000,000, to remain available until September 30, 2026, which shall be used to make funding adjustments to existing (as of the date of enactment of this Act) awards and make new awards to entities (whether or not such entities are already recipients of a grant or other agreement on the date of enactment of this Act) to support national service programs described in paragraphs (1)(A), (2)(A), (3)(A), and (5)(A) of subsection (a), and subsection (b)(2), of section 122 of the National and Community Service Act of 1990 and national service programs carrying out activities described in clauses (i), (ii), (iii), (v), (vi), and (vii) of paragraph (4)(B) of subsection (a) of such section, to increase living allowances and improve benefits of participants in such programs.

(2) REQUIREMENTS.—For the purposes of carrying out paragraph (1)—

(A) the Corporation shall waive the requirements described in section 121(e)(1) of the National and Community Service Act of 1990,

in whole or in part, if a recipient of a grant or other agreement for such a national service program demonstrates—

(i) the recipient will serve underserved or low-income communities, and a significant percentage of participants in such program are low-income individuals; and

(ii) without such waiver, the recipient cannot meet the requirements of this section;

(B) section 189(a) of such Act shall be applied by substituting ''125 percent of the amount of the minimum living allowance of a full-time participant per full-time equivalent position'' for ''$18,000 per full-time equivalent position''; and

(C) section 140(a)(1) of such Act shall be applied by substituting ''200 percent of the poverty line'' for ''the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955)''.

(b) STATE COMMISSIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year

2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $400,000,000, to remain available until September 30, 2026, which shall be used to make funding adjustments to existing (as of the date of enactment of this Act) awards and make new awards to States to establish or operate State Commissions on National and Community Service.

(2) MATCH WAIVER.—For the purposes of carrying out paragraph (1), the Corporation shall waive the matching requirement described in section 126(a)(2) of the National and Community Service Act of 1990, in whole or in part, for a State Commission, if such State Commission demonstrates need for such waiver.

(c) NATIONAL CIVILIAN COMMUNITY CORPS.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $80,000,000, to remain available until September 30, 2029, which shall be used to increase the living allowance and benefits of participants in the National Civilian Community Corps authorized under section 152 of the National and Community Service Act of 1990.

(d) AMERICORPS VISTA.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $600,000,000 to remain available until September 30, 2029, which shall be used to increase the subsistence allowances and improve benefits of participants in the Volunteers in Service to America program authorized under section 102 of the Domestic Volunteer Service Act of 1973.

(2) REQUIREMENT.—For purposes of carrying out paragraph (1)—

(A) section 105(b)(2)(A) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting ''200 percent'' for ''95 percent''; and

(B) section 105(b)(2)(B) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting ''210 percent'' for ''105 percent''.

(e) NATIONAL SERVICE IN SUPPORT OF CLIMATE RESILIENCE AND MITIGATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $6,915,000,000, which shall be used for the purposes specified in paragraph (3).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under paragraph (1) shall—

(A) be available until September 30, 2026, for national service programs described in paragraphs (1)(A), (2)(A), (3)(A), and (5)(A) of subsection (a), and subsection (b)(2), of section 122 of the National and Community Service Act of 1990 and national service programs carrying out activities described in clauses (i), (ii), (iii), (v), (vi), and (vii) of paragraph (4)(B) of subsection (a) of such section; and

(B) be available until September 30, 2029, for National Civilian Community Corps programs authorized under section 152 of the National and Community Service Act of 1990 and Volunteers in Service to America programs authorized under section 102 of the Domestic Volunteer Service Act of 1973.

(3) USE OF FUNDS.—

(A) IN GENERAL.—The Corporation shall use amounts appropriated under paragraph (1) to fund programs described in subparagraph (B) to carry out projects or activities described in section 122(a)(3)(B) of the National and Community Service Act of 1990.

(B) PROGRAMS.—The programs described in subparagraph (A) shall include—

(i) national service programs described in paragraphs (1)(A), (2)(A), (3)(A), and (5)(A) of subsection (a), and subsection (b)(2), of section 122 of the National and Community Service Act of 1990 and national service programs carrying out activities described in clauses (i), (ii), (iii), (v), (vi), and (vii) of paragraph (4)(B) of subsection (a) of such section;

(ii) National Civilian Community Corps programs authorized under section 152 of the National and Community Service Act of 1990; and

(iii) Volunteers in Service to America programs authorized under section 102 of

the Domestic Volunteer Service Act of 1973.

(C) TERMS.—In funding programs described in subparagraph (A), the Corporation shall ensure—

(i) awards are made to entities that serve, and have representation from, low-income communities or communities experiencing (or at risk of experiencing) adverse health and environmental conditions;

(ii) such programs utilize culturally competent and multilingual strategies;

(iii) projects carried out through such programs are planned with community input, and implemented by diverse participants who are from communities being served by such programs; and

(iv) such programs provide participants with workforce development opportunities, such as pre-apprenticeships that articulate to registered apprenticeship programs, and pathways to post-service employment in high-quality jobs, including registered apprenticeships.

(4) REQUIREMENTS.—For the purposes of carrying out paragraph (1)—

(A) in implementing national service programs described in paragraph (3)(B)(i) and funded by the appropriations specified in paragraph (1)—

(i) the Corporation shall waive the requirements described in section 121(e)(1) of the National and Community Service Act of 1990, in whole or in part, if a recipient of a grant or other agreement for the national service program involved demonstrates—

(I) the recipient will serve underserved or low-income communities, and a significant percentage of participants in such program are low-income individuals; and

(II) without such waiver, the recipient cannot meet the requirements of this section;

(ii) section 189(a) of the National and Community Service Act of 1990 shall be applied by substituting ''125 percent of the amount of the minimum living allowance of

a full-time participant per full-time equivalent position'' for ''$18,000 per full-time equivalent position'';

(iii) section 140(a)(1) of the National and Community Service Act of 1990 shall be applied by substituting ''200 percent of the poverty line'' for ''the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955)''; and

(iv) the Corporation shall waive the matching requirement described in section 126(a)(2) of the National and Community Service Act of 1990, in whole or in part, for a State Commission, if such State Commission demonstrates need for such waiver; and

(B) in implementing national service programs described in paragraph (3)(B)(iii) and funded by the appropriations specified in paragraph (1)—

(i) section 105(b)(2)(A) of the Domestic Volunteer Service Act of 1973 shall be

applied by substituting ''200 percent'' for ''95 percent''; and

(ii) section 105(b)(2)(B) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting ''210 percent'' for ''105 percent''.

(f) ADMINISTRATIVE COSTS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $1,010,400,000, to remain available until September 30, 2029, which shall be used for Federal administrative expenses to carry out programs and activities funded under this section, including—

(A) corrective actions to address recommendations arising from audits of the financial statements of the Corporation and the National Service Trust, and, in consultation with the Inspector General of the Corporation, the development of fraud prevention and detection controls and risk-based anti-fraud monitoring for grants and other financial assistance funded under this section; and

(B) coordination of efforts and activities with the Departments of Labor and Education to support the national service programs funded under subsections (a), (c), (d), and (e) in improving the readiness of participants to transition to high-quality jobs or further education.

(2) FISCAL YEAR 2030 PROGRAM ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2030, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $79,800,000, to remain available until September 30, 2030, which shall be used, in fiscal year 2030, for Federal administrative expenses to carry out programs and activities funded under this section.

(3) PLAN.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation, $300,000, to remain available until September 30, 2023, which shall be used by the Chief Executive Officer of the Corporation to—

(A) develop, publish, and implement, not later than 180 days after the date of enactment

of this Act, a project, operations, and management plan for funds appropriated under this section; and

(B) consult with the Secretary of Labor and the Inspector General of the Corporation in developing the plan under subparagraph (A).

(4) OUTREACH.—In addition to amounts otherwise 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, $49,500,000, to remain available until September 30, 2030, for outreach to and recruitment of members from communities traditionally underrepresented in national service programs and members of a community experiencing a significant dislocation of workers, including energy transition communities.

(g) OFFICE OF INSPECTOR GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $75,000,000, to remain available until September 30, 2030, which shall be used for the Office of Inspector General of the Corporation for salaries

and expenses necessary for oversight and audit of programs and activities funded under this section.

(h) NATIONAL SERVICE TRUST.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the National Service Trust, $1,150,000,000, to remain available until September 30, 2030, for—

(A) administration of the National Service Trust; and

(B) payment to the Trust for the provision of national service educational awards and interest expenses—

(i) for participants, for a term of service supported by funds made available under subsection (e); and

(ii) pursuant to section 145(a)(1)(A) of the National and Community Service Act of 1990.

(2) SUPPLEMENTAL EDUCATIONAL AWARDS.—

(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, to

the National Service Trust, $1,660,000,000, to remain available until September 30, 2030, for payment to the National Service Trust for the purpose of providing a supplemental national service educational award to an individual eligible to receive a national service educational award pursuant to section 146(a), and the individual's transferee pursuant to section 148(f), of the National and Community Service Act of 1990, for a term of service that began after the date of enactment of this Act in a national service program (including a term of service supported by funds made available under subsection (e)).

(B) AWARD AVAILABILITY.—The supplemental educational award referred to in subparagraph (A) shall be available to an individual or their transferee described in subparagraph (A) in accordance with the paragraph (3).

(C) CALCULATION.—The amount of the supplemental educational award that shall be available to an individual or their transferee described in subparagraph (A) shall be calculated as follows:

(i) AMOUNT FOR FULL-TIME NATIONAL SERVICE.—For an individual who completes a required term of full-time national service, or the individual's transferee—

(I) in a case in which the award year for which the national service position is approved by the Corporation is award year 2022-2023, 50 percent of the maximum amount of a Federal Pell Grant under section 401 of the Higher Education Act of 1965 that a student eligible for such Grant may receive in the aggregate for such award year; and

(II) in a case in which the award year for which the national service position is approved by the Corporation is award year 2023-2024 or a subsequent award year, 50 percent of the total maximum Federal Pell Grant under section 401 of the Higher Education Act of 1965 that a student eligible for such Grant may receive in the aggregate for such award year.

(ii) AMOUNT FOR PART-TIME NATIONAL SERVICE.—For an individual who completes a required term of part-time national service, or the individual's transferee, 50 percent of the amount determined under clause (i).

(iii) AMOUNT FOR PARTIAL COMPLETION OF NATIONAL SERVICE.—For an individual released from completing the full-time or part-time term of service agreed to by the individuals, or the individual's transferee, the portion of the amount determined under clause (i) that corresponds to the portion of the term of service completed by the individual.

(3) PERIOD OF AVAILABILITY FOR NATIONAL SERVICE EDUCATIONAL AWARDS.—

(A) IN GENERAL.—Notwithstanding section 146(d) of the National and Community Service Act of 1990, relating to a period of time for use of a national service educational award, or any extensions to such time period granted under section 146(d)(2) of such Act, an individual eligible to receive a national service educational award for a term of service supported

by funds made available under subsection (e), or the individual's transferee, and an individual eligible to receive a supplemental educational award described in paragraph (2) for a term of service, or the individual's transferee, shall not use, after September 30, 2030, the national service educational award or supplemental educational award for the term of service involved, and the national service educational award and supplemental educational award shall be available for the lengths of time described in subparagraph (B).

(B) LENGTHS OF TIME.—The lengths of time described in this subparagraph are as follows:

(i) For an individual who completes the term of service involved by September 30, 2023 or the individual's transferee, until the end of the 7-year period beginning on that date.

(ii) For an individual who completes such term of service by September 30, 2024 or the individual's transferee, until the end of the 6-year period beginning on that date.

(iii) For an individual who completes such term of service by September 30, 2025 or the individual's transferee, until the end of the 5-year period beginning on that date.

(iv) For an individual who completes such term of service by September 30, 2026 or the individual's transferee, until the end of the 4-year period beginning on that date.

(v) For an individual who completes such term of service by September 30, 2027 or the individual's transferee, until the end of the 3-year period beginning on that date.

(vi) For an individual who completes such term of service by September 30, 2028 or the individual's transferee, until the end of the 2-year period beginning on that date.

(vii) For an individual who completes such term of service by September 30, 2029 or the individual's transferee, until the end of the 1-year period beginning on that date.

(i) LIMITATION.—The funds made available under this section are subject to the condition that the Corporation shall not—

(1) use such funds to make any transfer to the National Service Trust for any use, or enter into any agreement involving such funds—

(A) that is for a term extending beyond September 30, 2031; or

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

(2) use any other funds available to the Corporation to liquidate obligations made under this section.

(j) DEFINITION.—For purposes of this section, the term ''registered apprenticeship program'' means an apprenticeship program registered with the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor, or a State apprenticeship agency recognized by the Office of Apprenticeship, pursuant to the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663).

**SEC. 26002. WORKFORCE DEVELOPMENT IN SUPPORT OF CLIMATE RESILIENCE AND MITIGATION.**

(a) YOUTHBUILD.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $450,000,000, to remain available until September 30, 2026, to support activities aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation and aligned with the activities described in subsection (e)(3) of section 26001 by—

(1) carrying out activities described in section 171(c)(2) of the Workforce Innovation and Opportunity Act; and

(2) improving and expanding access to services, stipends, wages, and benefits described in subparagraphs (A)(vii) and (F) of section 171(c)(2) of such Act.

(b) JOB CORPS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $450,000,000, to remain available until September 30, 2026, to support activities aligned with high-quality employment opportunities in industry sectors

or occupations related to climate resilience or mitigation and aligned with the activities described in subsection (e)(3) of section 26001 by—

(A) providing funds to operators and service providers to—

(i) carry out the activities and services described in sections 148 and 149 of the Workforce Innovation and Opportunity Act; and

(ii) improve and expand access to allowances and services described in section 150 of such Act; and

(B) notwithstanding section 158(c) of such Act, constructing, rehabilitating, and acquiring Job Corps centers to support activities described in subparagraph (A).

(2) ELIGIBILITY.—For the purposes of carrying out paragraph (1), an entity in a State or outlying area may be eligible to be selected as an operator or service provider.

(c) PRE-APPRENTICESHIP, AND REGISTERED APPRENTICESHIP PROGRAMS.—

(1) PRE-APPRENTICESHIP PROGRAMS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year

2022, out of any amounts in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2026, to carry out activities through grants, cooperative agreements, contracts, or other arrangements, to create or expand pre-apprenticeship programs that articulate to registered apprenticeship programs, are aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation, and are aligned with the activities described in subsection (e)(3) of section 26001.

(2) PRE-APPRENTICESHIP PARTNERSHIPS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, to support partnerships between entities carrying out pre-apprenticeship programs that articulate to registered apprenticeship programs and entities funded under subsection (e) of section 26001 to ensure past and current participants in programs funded under subsection (e)(1) of section 26001 have access to such pre-apprenticeship programs.

(3) REGISTERED APPRENTICESHIP PROGRAMS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $450,000,000, to remain available until September 30, 2026, to carry out activities through grants, cooperative agreements, contracts, or other arrangements, to create or expand registered apprenticeship programs in climate-related nontraditional apprenticeship occupations.

(4) PARTICIPANTS WITH BARRIERS TO EMPLOYMENT AND NONTRADITIONAL APPRENTICESHIP POPULATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $350,000,000, to remain available until September 30, 2026, for entities to carry out pre-apprenticeship programs described in paragraph (1), and registered apprenticeship program described in paragraph (3), serving a high number or high percentage of individuals with barriers to employment, including individuals with disabilities, or nontraditional apprenticeship populations.

(d) REENTRY EMPLOYMENT OPPORTUNITIES PROGRAM.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2026, for the Reentry Employment Opportunities program, which amount shall be used to support activities aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation and aligned with the activities described in subsection (e)(3) of section 26001.

(e) PAID YOUTH EMPLOYMENT OPPORTUNITIES.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, $350,000,000, to remain available until September 30, 2026, to carry out activities through grants, contracts, or cooperative agreements, for the purposes of providing in-school youth and out-of-school youth with paid work experiences authorized under section 129(c)(2)(C) of the Workforce Innovation and Opportunity Act, notwithstanding section 194(10) of such Act, that are—

(1) carried out by public agencies or private nonprofit entities, including community-based organizations;

(2) provided in conjunction with supportive services and other elements described in section 129(c)(2) of such Act;

(3) aligned with the activities described in subsection (e)(3) of section 26001; and

(4) designed to prepare participants for—

(A) high-quality, unsubsidized employment opportunities in industry sectors or occupations related to climate resilience or mitigation;

(B) enrollment in an institution of higher education (as defined in section 101 or 102(c) of the Higher Education Act of 1965); and

(C) registered apprenticeship programs.

(f) DEPARTMENT OF LABOR INSPECTOR GENERAL.—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, $10,000,000, 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 section.

(g) ADMINISTRATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $69,800,000, to remain available until September 30, 2029, for program administration within the Department of Labor for salaries and expenses necessary to implement this section.

(2) PLAN.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, $200,000, to remain available until September 30, 2023, which shall be used by the Secretary to—

(A) develop, publish, and implement, not later than 180 days after the date of enactment of this Act, a project, operations, and management plan for funds appropriated under this section; and

(B) consult with the Chief Executive Officer of the Corporation for National and Community Service in developing the plan under subparagraph (A).

(h) DEFINITION.—For purposes of this section:

(1) CLIMATE-RELATED NONTRADITIONAL APPRENTICESHIP OCCUPATION.—The term ''climate-related nontraditional apprenticeship occupation'' means an apprenticeable occupation—

(A) that aligns with the activities described in subsection (e)(3) of section 26001;

(B) in an industry sector that trains less than 10 percent of all civilian registered apprentices as of the date of the enactment of this Act; and

(C) that is related to climate resilience or mitigation.

(2) REGISTERED APPRENTICESHIP PROGRAM.—The term ''registered apprenticeship program'' means an apprenticeship program registered with the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor, or a State apprenticeship agency recognized by the Office of Apprenticeship, pursuant to the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663).

(3) WIOA DEFINITIONS.—The terms ''community-based organization'', ''individual with a barrier to employment'', ''in-school youth'', ''outlying area'',

and ''out-of-school youth'' have the meanings given such terms in paragraphs (10), (24), (27), (45), and (46), respectively, of section 3 of the Workforce Innovation and Opportunity Act.

# Subtitle H—Prescription Drug Coverage Provisions

## SEC. 27001. REQUIREMENTS WITH RESPECT TO COST-SHARING FOR CERTAIN INSULIN PRODUCTS.

(a) 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. 1185 et seq.) is amended by adding at the end the following:

### ''SEC. 726. REQUIREMENTS WITH RESPECT TO COST-SHARING FOR CERTAIN INSULIN PRODUCTS.

''(a) IN GENERAL.—For plan years beginning on or after January 1, 2023, a group health plan or health insurance issuer offering group health insurance coverage shall provide coverage of selected insulin products, and with respect to such products, shall not—

''(1) apply any deductible; or

''(2) impose any cost-sharing in excess of the lesser of, per 30-day supply—

''(A) $35; or

''(B) the amount equal to 25 percent of the negotiated price of the selected insulin prod-

uct net of all price concessions received by or on behalf of the plan or coverage, including price concessions received by or on behalf of third-party entities providing services to the plan or coverage, such as pharmacy benefit management services.

''(b) DEFINITIONS.—In this section:

''(1) SELECTED INSULIN PRODUCTS.—The term 'selected insulin products' means at least one of each dosage form (such as vial, pump, or inhaler dosage forms) of each different type (such as rapid-acting, short-acting, intermediate-acting, long-acting, ultra long-acting, and premixed) of insulin (as defined below), when available, as selected by the group health plan or health insurance issuer.

''(2) INSULIN DEFINED.—The term 'insulin' means insulin that is licensed under subsection (a) or (k) of section 351 of the Public Health Service Act (42 U.S.C. 262) and continues to be marketed under such section, including any insulin product that has been deemed to be licensed under section 351(a) of such Act pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009 (Public Law 111–148) and continues to be marketed pursuant to such licensure.

"(c) OUT-OF-NETWORK PROVIDERS.—Nothing in this section requires a plan or issuer that has a network of providers to provide benefits for selected insulin products described in this section that are delivered by an out-of-network provider, or precludes a plan or issuer that has a network of providers from imposing higher cost-sharing than the levels specified in subsection (a) for selected insulin products described in this section that are delivered by an out-of-network provider.

"(d) RULE OF CONSTRUCTION.—Subsection (a) shall not be construed to require coverage of, or prevent a group health plan or health insurance coverage from imposing cost-sharing other than the levels specified in subsection (a) on, insulin products that are not selected insulin products, to the extent that such coverage is not otherwise required and such cost-sharing is otherwise permitted under Federal and applicable State law.

"(e) APPLICATION OF COST-SHARING TOWARDS DEDUCTIBLES AND OUT-OF-POCKET MAXIMUMS.—Any cost-sharing payments made pursuant to subsection (a)(2) shall be counted toward any deductible or out-of-pocket maximum that applies under the plan or coverage.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security

Act of 1974 (29 U.S.C. 1001 et seq.) is amended by inserting after the item relating to section 725 the following:

"Sec. 726. Requirements with respect to cost-sharing for certain insulin products.".

**SEC. 27002. OVERSIGHT OF PHARMACY BENEFIT MANAGER SERVICES.**

(a) IN GENERAL.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021 et seq.) is amended—

(1) in subpart B of part 7 (29 U.S.C. 1185 et seq.), by adding at the end the following:

**"SEC. 727. OVERSIGHT OF PHARMACY BENEFIT MANAGER SERVICES.**

"(a) IN GENERAL.—For plan years beginning on or after January 1, 2023, a group health plan (or health insurance issuer offering group health insurance coverage in connection with such a plan) or an entity or subsidiary providing pharmacy benefits management services on behalf of such a plan or issuer shall not enter into a contract with a drug manufacturer, distributor, wholesaler, subcontractor, rebate aggregator, or any associated third party that limits the disclosure of information to plan sponsors in such a manner that prevents the plan or issuer, or an entity or subsidiary providing pharmacy benefits management services on behalf of a plan or issuer, from making the reports described in subsection (b).

"(b) REPORTS.—

"(1) IN GENERAL.—For plan years beginning on or after January 1, 2023, not less frequently than once every 6 months, a health insurance issuer offering group health insurance coverage or an entity providing pharmacy benefits management services on behalf of a group health plan or an issuer providing group health insurance coverage shall submit to the plan sponsor (as defined in section 3(16)(B)) of such group health plan or group health insurance coverage a report in accordance with this subsection and make such report available to the plan sponsor in a machine-readable format. Each such report shall include, with respect to the applicable group health plan or health insurance coverage—

"(A) as applicable, information collected from drug manufacturers by such issuer or entity on the total amount of copayment assistance dollars paid, or copayment cards applied, that were funded by the drug manufacturer with respect to the participants and beneficiaries in such plan or coverage;

"(B) a list of each drug covered by such plan, issuer, or entity providing pharmacy benefit management services that was dispensed

during the reporting period, including, with respect to each such drug during the reporting period—

"(i) the brand name, chemical entity, and National Drug Code;

"(ii) the number of participants and beneficiaries for whom the drug was filled during the plan year, the total number of prescription fills for the drug (including original prescriptions and refills), and the total number of dosage units of the drug dispensed across the plan year, including whether the dispensing channel was by retail, mail order, or specialty pharmacy;

"(iii) the wholesale acquisition cost, listed as cost per days supply and cost per pill, or in the case of a drug in another form, per dose;

"(iv) the total out-of-pocket spending by participants and beneficiaries on such drug, including participant and beneficiary spending through copayments, coinsurance, and deductibles; and

"(v) for any drug for which gross spending of the group health plan or

health insurance coverage exceeded $10,000 during the reporting period—

"(I) a list of all other drugs in the same therapeutic category or class, including brand name drugs and biological products and generic drugs or biosimilar biological products that are in the same therapeutic category or class as such drug; and

"(II) the rationale for preferred formulary placement of such drug in that therapeutic category or class;

"(C) a list of each therapeutic category or class of drugs that were dispensed under the health plan or health insurance coverage during the reporting period, and, with respect to each such therapeutic category or class of drugs, during the reporting period—

"(i) total gross spending by the plan, before manufacturer rebates, fees, or other manufacturer remuneration;

"(ii) the number of participants and beneficiaries who filled a prescription for a drug in that category or class;

"(iii) if applicable to that category or class, a description of the formulary tiers and utilization mechanisms (such as prior authorization or step therapy) employed for drugs in that category or class;

"(iv) the total out-of-pocket spending by participants and beneficiaries, including participant and beneficiary spending through copayments, coinsurance, and deductibles; and

"(v) for each therapeutic category or class under which 3 or more drugs are included on the formulary of such plan or coverage—

"(I) the amount received, or expected to be received, from drug manufacturers in rebates, fees, alternative discounts, or other remuneration—

"(aa) to be paid by drug manufacturers for claims incurred during the reporting period; or

"(bb) that is related to utilization of drugs, in such therapeutic category or class;

"(II) the total net spending, after deducting rebates, price concessions, alternative discounts or other remuneration from drug manufacturers, by the health plan or health insurance coverage on that category or class of drugs; and

"(III) the net price per course of treatment or single fill, such as a 30-day supply or 90-day supply, incurred by the health plan or health insurance coverage and its participants and beneficiaries, after manufacturer rebates, fees, and other remuneration for drugs dispensed within such therapeutic category or class during the reporting period;

"(D) total gross spending on prescription drugs by the plan or coverage during the reporting period, before rebates and other manufacturer fees or remuneration;

"(E) total amount received, or expected to be received, by the health plan or health insurance coverage in drug manufacturer rebates, fees, alternative discounts, and all other remu-

neration received from the manufacturer or any third party, other than the plan sponsor, related to utilization of drug or drug spending under that health plan or health insurance coverage during the reporting period;

"(F) the total net spending on prescription drugs by the health plan or health insurance coverage during the reporting period; and

"(G) amounts paid directly or indirectly in rebates, fees, or any other type of remuneration to brokers, consultants, advisors, or any other individual or firm who referred the group health plan's or health insurance issuer's business to the pharmacy benefit manager.

"(2) PRIVACY REQUIREMENTS.—Health insurance issuers offering group health insurance coverage and entities providing pharmacy benefits management services on behalf of a group health plan shall provide information under paragraph (1) in a manner consistent with the privacy, security, and breach notification regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996, and shall restrict the use and disclosure of such information according to such privacy regulations.

"(3) DISCLOSURE AND REDISCLOSURE.—

"(A) LIMITATION TO BUSINESS ASSOCIATES.—A group health plan receiving a report under paragraph (1) may disclose such information only to business associates of such plan as defined in section 160.103 of title 45, Code of Federal Regulations (or successor regulations).

"(B) CLARIFICATION REGARDING PUBLIC DISCLOSURE OF INFORMATION.—Nothing in this section prevents a health insurance issuer offering group health insurance coverage or an entity providing pharmacy benefits management services on behalf of a group health plan from placing reasonable restrictions on the public disclosure of the information contained in a report described in paragraph (1), except that such issuer or entity may not restrict disclosure of such report to the Department of Health and Human Services, the Department of Labor, or the Department of the Treasury.

"(C) LIMITED FORM OF REPORT.—The Secretary shall define through rulemaking a limited form of the report under paragraph (1) required of plan sponsors who are drug manufacturers, drug wholesalers, or other direct par-

ticipants in the drug supply chain, in order to prevent anti-competitive behavior.

"(4) REPORT TO GAO.—A health insurance issuer offering group health insurance coverage or an entity providing pharmacy benefits management services on behalf of a group health plan shall submit to the Comptroller General of the United States each of the first 4 reports submitted to a plan sponsor under paragraph (1) with respect to such coverage or plan, and other such reports as requested, in accordance with the privacy requirements under paragraph (2) and the disclosure and redisclosure standards under paragraph (3), and such other information that the Comptroller General determines necessary to carry out the study under section 30606(b) of the Act entitled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'.

"(c) ENFORCEMENT.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services and the Secretary of the Treasury, shall enforce this section.

"(2) FAILURE TO PROVIDE TIMELY INFORMATION.—A health insurance issuer or an entity pro-

viding pharmacy benefit management services that violates subsection (a) or fails to provide information required under subsection (b), or a drug manufacturer that fails to provide information under subsection (b)(1)(A) in a timely manner, shall be subject to a civil monetary penalty in the amount of $10,000 for each day during which such violation continues or such information is not disclosed or reported.

''(3) FALSE INFORMATION.—A health insurance issuer, entity providing pharmacy benefit management services, or drug manufacturer that knowingly provides false information under this section shall be subject to a civil money penalty in an amount not to exceed $100,000 for each item of false information. Such civil money penalty shall be in addition to other penalties as may be prescribed by law.

''(4) PROCEDURE.—The provisions of section 1128A of the Social Security Act, other than subsection (a) and (b) and the first sentence of subsection (c)(1) of such section shall apply to civil monetary penalties under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A of the Social Security Act.

"(5) WAIVERS.—The Secretary may waive penalties under paragraph (2), or extend the period of time for compliance with a requirement of this section, for an entity in violation of this section that has made a good-faith effort to comply with this section.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit a health insurance issuer, group health plan, or other entity to restrict disclosure to, or otherwise limit the access of, the Department of Labor to a report described in subsection (b)(1) or information related to compliance with subsection (a) by such issuer, plan, or entity.

"(e) DEFINITION.—In this section, the term 'wholesale acquisition cost' has the meaning given such term in section 1847A(c)(6)(B) of the Social Security Act."; and

(2) in section 502(b)(3) (29 U.S.C. 1132(b)(3)), by inserting "(other than section 727)" after "part 7".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) is amended by inserting after the item relating to section 726 the following new item:

"Sec. 727. Oversight of pharmacy benefit manager services.".

# TITLE III—COMMITTEE ON ENERGY AND COMMERCE

## Subtitle A—Air Pollution

**SEC. 30101. CLEAN HEAVY-DUTY VEHICLES.**

The Clean Air Act is amended by inserting after section 131 of such Act (42 U.S.C. 7431) the following:

**"SEC. 132. CLEAN HEAVY-DUTY VEHICLES.**

''(a) APPROPRIATIONS.—

''(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000,000, to remain available until September 30, 2031, to carry out this section.

''(2) NONATTAINMENT AREAS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2031, to make awards under this section to eligible recipients and to eligible contractors that propose to replace eligible vehicles to serve 1 or more communities located in an air quality area designated pursuant to section 107 as nonattainment for any air pollutant.

"(3) RESERVATION.—Of the funds appropriated by paragraph (1), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section.

"(b) PROGRAM.—Beginning not later than 180 days after the date of enactment of this section, the Administrator shall implement a program to make awards of grants and rebates to eligible recipients, and to make awards of contracts to eligible contractors for providing rebates, for up to 100 percent of costs for—

"(1) replacing eligible vehicles with zero-emission vehicles;

"(2) purchasing, installing, operating, and maintaining infrastructure needed to charge, fuel, or maintain zero-emission vehicles;

"(3) workforce development and training to support the 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.

"(c) APPLICATIONS.—To seek an award under this section, an eligible recipient or eligible contractor shall submit to the Administrator an application at such time,

in such manner, and containing such information as the Administrator shall prescribe.

''(d) DEFINITIONS.—For purposes of this section:

''(1) ELIGIBLE CONTRACTOR.—The term 'eligible contractor' means a contractor that has the capacity—

''(A) to sell 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;

''(B) a municipality;

''(C) an Indian tribe; or

''(D) a nonprofit school transportation association.

''(3) ELIGIBLE VEHICLE.—The term 'eligible vehicle' means a Class 6 or Class 7 heavy-duty vehicle as defined in section 1037.801 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this section).

''(4) ZERO-EMISSION VEHICLE.—The term 'zero-emission vehicle' means a vehicle that has a drivetrain that produces, under any possible operational mode or condition, zero exhaust 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. 30102. GRANTS TO REDUCE AIR POLLUTION AT PORTS.**

The Clean Air Act is amended by inserting after section 132 of such Act, as added by section 30101 of this Act, the following:

**''SEC. 133. GRANTS TO REDUCE AIR POLLUTION AT PORTS.**

''(a) APPROPRIATIONS.—

''(1) GENERAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,625,000,000, to remain available until September 30, 2027, to award rebates and grants to eligible recipients on a competitive basis—

''(A) to purchase or install zero-emission port equipment or technology for use at, or to directly serve, one or more ports;

"(B) to conduct any relevant planning or permitting in connection with the purchase or installation of such zero-emission port equipment or technology; and

"(C) to develop qualified climate action plans.

"(2) NONATTAINMENT AREAS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $875,000,000, to remain available until September 30, 2027, to award rebates and grants to eligible recipients to carry out activities described in paragraph (1) with respect to ports located in air quality areas designated pursuant to section 107 as nonattainment for an air pollutant.

"(b) LIMITATION.—Funds awarded under this section shall not be used by any recipient or subrecipient to purchase or install zero-emission port equipment or technology that will not be located at, or directly serve, the one or more ports involved.

"(c) 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.

"(d) DEFINITIONS.—In this section:

"(1) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

"(A) a port authority;

"(B) a State, regional, local, or Tribal agency that has jurisdiction over a port authority or a port;

"(C) an air pollution control agency; or

"(D) a private entity (including a nonprofit organization) that—

"(i) applies for a grant under this section in partnership with an entity described in any of subparagraphs (A) through (C); and

"(ii) owns, operates, or uses the facilities, cargo-handling equipment, transportation equipment, or related technology of a port.

"(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 toward stated goals) to reduce emissions at one or more ports of—

"(i) greenhouse gases;

"(ii) an air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

"(iii) hazardous air pollutants;

"(B) includes a strategy to collaborate with, communicate with, and address potential effects on stakeholders that may be affected by implementation of the plan, including low-income and disadvantaged near-port communities; and

"(C) describes how an eligible recipient has implemented or will implement measures to increase the resilience of the one or more ports involved, including measures related to withstanding and recovering from extreme weather events.

"(3) ZERO-EMISSION PORT EQUIPMENT OR TECHNOLOGY.—The term 'zero-emission port equipment or technology' means human-operated equipment or human-maintained 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 the emissions described in subparagraph (A) that are produced by an ocean-going vessel at berth.".

**SEC. 30103. GREENHOUSE GAS REDUCTION FUND.**

The Clean Air Act is amended by inserting after section 133 of such Act, as added by section 30102 of this Act, the following:

**"SEC. 134. GREENHOUSE GAS REDUCTION FUND.**

"(a) APPROPRIATIONS.—

"(1) ZERO-EMISSION TECHNOLOGIES.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $7,000,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to States, municipalities, Tribal governments, and eligible recipients for the purposes of providing grants, loans, or other forms of financial assistance, as well as technical assistance, to enable low-income and disadvantaged communities to de-

ploy or benefit from zero-emission technologies, including distributed technologies on residential rooftops, and to carry out other greenhouse gas emission reduction activities, as determined appropriate by the Administrator in accordance with this section.

"(2) ZERO-EMISSION VEHICLE SUPPLY EQUIPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to States, municipalities, Tribal governments, and eligible recipients to support the purchase, installation, or operation of publicly available equipment to charge or fuel light-duty zero-emission vehicles, including in low-income and disadvantaged communities, through grants, rebates, or other forms of financial assistance, and to carry out related greenhouse gas emission reduction activities, as determined appropriate by the Administrator in accordance with this section.

"(3) GENERAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to

the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $11,970,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to eligible recipients for the purposes of providing financial assistance and technical assistance in accordance with subsection (b).

''(4) LOW-INCOME AND DISADVANTAGED COMMUNITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $8,000,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to eligible recipients for the purposes of providing financial assistance and technical assistance in low-income and disadvantaged communities in accordance with subsection (b).

''(5) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated,

$30,000,000, to remain available until 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 use the grant in accordance with the following:

"(1) DIRECT INVESTMENT.—The eligible recipient shall—

"(A) use a broad range of finance and investment tools to provide financial assistance to qualified projects at the national, regional, State, and local levels, including, as applicable, through both concessionary and market rate financing;

"(B) prioritize investment in qualified projects that would otherwise lack access to financing;

"(C) retain, manage, recycle, and monetize all repayments and other revenue received from fees, interest, repaid loans, and all other types of financial assistance provided using grant funds under this section to ensure continued operability; and

"(D) meet any requirements set forth by the Administrator to ensure accountability and

proper management of funds appropriated by this section.

"(2) INDIRECT INVESTMENT.—The eligible recipient shall provide funding and technical assistance to establish new or support existing public, quasi-public, or nonprofit entities that provide financial assistance to qualified projects at the State, local, territorial, or Tribal level or in the District of Columbia, including community- and low-income-focused lenders and capital providers.

"(c) DEFINITIONS.—In this section:

"(1) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means a nonprofit organization that—

"(A) is designed to provide capital, including by leveraging private capital, and other forms of financial assistance for the rapid deployment of low- and zero-emission products, technologies, and services;

"(B) does not take deposits other than deposits 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 project, activity, or technology that—

"(A) reduces or avoids greenhouse gas emissions and other forms of air pollution in partnership with, and by leveraging investment from, the private sector; or

"(B) assists communities in the efforts of those communities to reduce or avoid greenhouse gas emissions and other forms of air pollution.

"(3) PUBLICLY AVAILABLE EQUIPMENT.—The term 'publicly available equipment' means equipment that—

"(A) is located at a multi-unit housing structure;

"(B) is located at a workplace and is available to employees of such workplace or employees of a nearby workplace; or

"(C) is at a location that is publicly accessible for a minimum of 12 hours per day at least 5 days per week and networked or otherwise capable of being monitored remotely.

"(4) 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.

"(5) ZERO-EMISSION VEHICLE.—The term 'zero-emission vehicle' means a vehicle that has a drivetrain that produces, under any possible operational mode or condition, zero exhaust emissions of—

"(A) any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

"(B) any greenhouse gas.".

**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 September 30, 2031, for grants authorized under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C.

7403(a)–(c)) to assist eligible entities in developing and implementing collaborative community plans to prepare for smoke from wildfires, reduce risks of smoke exposure due to wildfires, and mitigate the health and environmental effects of smoke from wildfires.

(b) TECHNICAL ASSISTANCE.—The Administrator of the Environmental Protection Agency may use amounts made available under subsection (a) to provide technical assistance to any eligible entity in—

(1) submitting an application for a grant to be made pursuant to this section; or

(2) carrying out a project using a grant made pursuant to this section.

(c) ADMINISTRATIVE COSTS.—Of the amounts made available under subsection (a), the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs to carry out this section.

(d) ELIGIBLE ENTITIES.—In this section, the term ''eligible entity'' means a State, an air pollution control agency, a municipality, or an Indian tribe (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)).

**SEC. 30105. DIESEL EMISSIONS REDUCTIONS.**

(a) GOODS MOVEMENT.—In addition to amounts otherwise available, there is appropriated to the Adminis-

trator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $60,000,000, to remain available until September 30, 2031, for grants, rebates, and loans under section 792 of the Energy Policy Act of 2005 (42 U.S.C. 16132) to identify and reduce diesel emissions resulting from goods movement facilities, and vehicles servicing goods movement facilities, in low-income and disadvantaged communities to address the health impacts of such emissions on such communities.

(b) ADMINISTRATIVE COSTS.—The Administrator of the Environmental Protection Agency shall reserve 2 percent of the amounts made available under this section for the administrative costs necessary to carry out activities pursuant to this section.

**SEC. 30106. FUNDING TO ADDRESS AIR POLLUTION.**

(a) APPROPRIATIONS.—

(1) FENCELINE AIR MONITORING AND SCREENING AIR MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $117,500,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a)

through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, support, and maintain fenceline air monitoring, screening air monitoring, national air toxics trend stations, and other air toxics and community monitoring.

(2) MULTIPOLLUTANT MONITORING STATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405)—

(A) to expand the national ambient air quality monitoring network with new multipollutant monitoring stations; and

(B) to replace, repair, operate, and maintain existing monitors.

(3) AIR QUALITY SENSORS IN LOW-INCOME AND DISADVANTAGED COMMUNITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection

Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, and operate air quality sensors in low-income and disadvantaged communities.

(4) EMISSIONS FROM WOOD HEATERS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for testing and other agency activities to address emissions from wood heaters.

(5) METHANE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000,

to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for monitoring emissions of methane.

(6) CLEAN AIR ACT GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405).

(7) OTHER ACTIVITIES.—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, $45,000,000, to remain available until September 30, 2031, to carry out, with respect to greenhouse gases, sections 111, 115, 165, 177, 202, 211, 213, 231, and 612 of the Clean Air Act (42 U.S.C. 7411, 7415, 7475, 7507, 7521, 7545, 7547, 7571, and 7671k).

(8) GREENHOUSE GAS AND ZERO-EMISSION STANDARDS FOR MOBILE SOURCES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to provide grants to States to adopt and implement greenhouse gas and zero-emission standards for mobile sources 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 paragraphs (1), (2), (5) and (6) of subsection (a), 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.**

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $37,500,000, to remain available until September 30, 2031, for grants and other activities to monitor and re-

duce 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(a)–(c)) and section 105 of that Act (42 U.S.C. 7405).

(b) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2031, for providing technical assistance to schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405)—

(1) to address environmental issues;

(2) to develop school environmental quality plans 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.**

The Clean Air Act is amended by inserting after section 134 of such Act, as added by section 30103 of this Act, the following:

**"SEC. 135. LOW EMISSIONS ELECTRICITY PROGRAM.**

"(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

"(1) $17,000,000 for consumer-related education and partnerships with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

"(2) $17,000,000 for education, technical assistance, and partnerships within low-income and disadvantaged communities with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

"(3) $17,000,000 for industry-related outreach and technical assistance, including through partnerships, with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

"(4) $17,000,000 for outreach and technical assistance to State and local governments, including through partnerships, with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(5) $1,000,000 to assess, not later than 1 year after the date of enactment of this section, the reductions in greenhouse gas emissions that result from changes in domestic electricity generation and use that are anticipated to occur on an annual basis through fiscal year 2031; and

''(6) $18,000,000 to carry out this section to ensure that reductions in greenhouse gas emissions from domestic electricity generation and use are achieved through use of the authorities of this Act, including through the establishment of requirements under this Act, incorporating the assessment under paragraph (5) as a baseline.

''(b) ADMINISTRATION OF FUNDS.—Of the amounts made available under subsection (a), the Administrator shall reserve 2 percent for the administrative costs necessary to carry out activities pursuant to that subsection.''.

**SEC. 30109. FUNDING FOR SECTION 211(O) OF THE CLEAN AIR ACT.**

(a) TEST AND PROTOCOL DEVELOPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to re-

main available until September 30, 2031, to carry out section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) with respect to—

(1) the development and establishment of tests and protocols regarding the environmental and public health effects of a fuel or fuel additive;

(2) internal and extramural data collection and analyses to regularly update applicable regulations, guidance, and procedures for determining lifecycle greenhouse gas emissions of a fuel; and

(3) the review, analysis and evaluation of the impacts of all transportation fuels, including fuel lifecycle implications, on the general public and on low-income and disadvantaged communities.

(b) INVESTMENTS IN ADVANCED BIOFUELS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for new grants to industry and other related activities under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) to support investments in advanced biofuels.

**SEC. 30110. FUNDING FOR IMPLEMENTATION OF THE AMERICAN INNOVATION AND MANUFACTURING ACT.**

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(2) IMPLEMENTATION AND COMPLIANCE TOOLS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,500,000, to remain available until September 30, 2026, to deploy new implementation and compliance tools to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(3) COMPETITIVE GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection

Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2026, for competitive grants for reclaim and innovative destruction technologies under subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(b) ADMINISTRATION OF FUNDS.—Of the funds made available pursuant to subsection (a)(3), the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out activities pursuant to such subsection.

**SEC. 30111. FUNDING FOR ENFORCEMENT TECHNOLOGY AND PUBLIC INFORMATION.**

(a) COMPLIANCE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $37,000,000, to remain available until September 30, 2031, to update the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems, necessary information technology infrastructure, or public access software tools to ensure access to compliance data and related information.

(b) COMMUNICATIONS WITH ICIS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $7,000,000, to remain available until September 30, 2031, for grants to States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)) to update their systems to ensure communication with the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems.

(c) INSPECTION SOFTWARE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $6,000,000, to remain available until September 30, 2031—

(1) to acquire or update inspection software for use by the Environmental Protection Agency, States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)); or

(2) 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 Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, for the Environmental Protection Agency to support—

(1) enhanced standardization and transparency of corporate climate action commitments and plans to reduce greenhouse gas emissions;

(2) enhanced transparency regarding progress toward meeting such commitments and implementing such plans; and

(3) progress toward meeting such commitments and implementing such plans.

**SEC. 30113. ENVIRONMENTAL PRODUCT DECLARATION ASSISTANCE.**

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to develop and carry out a 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, and to States, Indian Tribes, and nonprofit organizations that will support such businesses;

(2) providing technical assistance to businesses that manufacture construction materials and products in developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses; and

(3) carrying out other activities that assist in measuring, reporting, and steadily reducing the quantity of embodied carbon of construction materials and products.

(b) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out this section.

(c) DEFINITIONS.—In this section:

(1) EMBODIED CARBON.—The term ''embodied carbon'' means the quantity of greenhouse gas emissions associated with all relevant stages of production of a material or product, measured in kilograms

of carbon dioxide-equivalent per unit of such material or product.

(2) ENVIRONMENTAL PRODUCT DECLARATION.—The term ''environmental product declaration'' means a document that reports the environmental impact of a material or product that—

(A) includes measurement of the embodied carbon of the material or product;

(B) conforms with international standards, such as a Type III environmental product declaration, as defined by the International Organization for Standardization standard 14025; and

(C) is developed in accordance with any standardized reporting criteria specified by the Administrator of the Environmental Protection Agency.

(3) STATE.—The term ''State'' has the meaning given to that term in section 302(d) of the Clean Air Act (42 U.S.C. 7602(d)).

**SEC. 30114. METHANE EMISSIONS REDUCTION PROGRAM.**

The Clean Air Act is amended by inserting after section 135 of such Act, as added by section 30108 of this Act, the following:

**"SEC. 136. METHANE EMISSIONS AND WASTE REDUCTION INCENTIVE PROGRAM FOR PETROLEUM AND NATURAL GAS SYSTEMS.**

"(a) INCENTIVES FOR METHANE MITIGATION AND MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $775,000,000, to remain available until September 30, 2028—

"(1) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to prepare and submit greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations (or any successor regulations);

"(2) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency authorized under subsections (a) through (c) of section 103 for methane emissions monitoring;

"(3) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to reduce methane and other greenhouse gas emissions from petroleum and nat-

ural gas systems, mitigate legacy air pollution from petroleum and natural gas systems, and provide support for communities, including funding for—

"(A) improving climate resiliency of communities and petroleum and natural gas systems;

"(B) improving and deploying industrial equipment and processes that reduce methane and other greenhouse gas emissions and waste;

"(C) supporting innovation in reducing methane and other greenhouse gas emissions and waste from petroleum and natural gas systems;

"(D) 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

"(E) supporting environmental restoration; and

"(4) to cover all direct and indirect costs required to administer this section, including the costs of implementing the waste emissions charge under subsection (b), preparing inventories, gathering empirical data, and tracking emissions.

''(b) WASTE EMISSIONS CHARGE.—The Administrator shall impose and collect a charge on methane emissions that exceed an applicable waste emissions threshold under subsection (e) from an owner or operator of an 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).

''(c) APPLICABLE FACILITY.—For purposes of this section, the term 'applicable facility' means a facility within the following industry segments, as defined in subpart W of part 98 of title 40, Code of Federal Regulations (or any successor regulations):

''(1) Offshore petroleum and natural gas production.

''(2) Onshore petroleum and natural gas production.

''(3) Onshore natural gas processing,

''(4) Onshore natural gas transmission compression.

''(5) Underground natural gas storage.

''(6) Liquefied natural gas storage.

''(7) Liquefied natural gas import and export equipment.

''(8) Onshore petroleum and natural gas gathering and boosting.

''(9) Onshore natural gas transmission pipeline.

''(d) CHARGE AMOUNT.—The amount of a charge under subsection (b) for an applicable facility shall be equal to the product obtained by multiplying—

''(1) the number of tons of methane emissions reported pursuant to subpart W of part 98 of title 40, Code of Federal Regulations (or any successor regulations) for the applicable facility that exceed the applicable annual waste emissions threshold listed in subsection (e) during the previous reporting period; and

''(2)(A) $900 for emissions reported for calendar year 2023;

''(B) $1200 for emissions reported for calendar year 2024; or

''(C) $1500 for emissions reported for calendar year 2025 and each year thereafter.

''(e) WASTE EMISSIONS THRESHOLD.—

''(1) PETROLEUM AND NATURAL GAS PRODUCTION.—With respect to imposing and collecting the charge under subsection (b) for an applicable facility in an industry segment listed in paragraph (1) or (2) of subsection (c), the Administrator shall impose and collect the charge on the reported tons of methane emissions that exceed—

"(A) 0.20 percent of the natural gas sent to sale from such facility; or

"(B) 10 metric tons of methane per million barrels of oil sent to sale from such facility, if such facility sent no natural gas to sale.

"(2) NONPRODUCTION PETROLEUM AND NATURAL GAS SYSTEMS.—With respect to imposing and collecting the charge under subsection (b) for an applicable facility in an industry segment listed in paragraph (3), (6), (7), or (8) of subsection (c), the Administrator shall impose and collect the charge 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 charge under subsection (b) for an applicable facility in an industry segment listed in paragraph (4), (5), or (9) of subsection (c), the Administrator shall impose and collect the charge on the reported tons of methane emissions that exceed 0.11 percent of the natural gas sent to sale from such facility.

"(4) EXEMPTION.—Charges shall not be imposed pursuant to paragraph (1) on emissions that exceed the waste emissions threshold specified in

such paragraph if such emissions are caused by unreasonable delay in environmental permitting of gathering infrastructure.

''(f) PERIOD.—The charge under subsection (b) shall be imposed and collected beginning with respect to emissions reported for calendar year 2023 and for each year thereafter.

''(g) 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.

''(h) 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 charge 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 charges under subsections (d) and (e) of this section, are based on empirical

data and accurately reflect the total methane emissions and waste emissions from the applicable facilities.

''(i) LIABILITY FOR CHARGE PAYMENT.—A facility owner or operator's liability for payment of the charge under subsection (b) is not affected in any way by emission standards, permit fees, penalties, or other requirements under this Act or any other legal authorities.''.

**SEC. 30115. FUNDING FOR THE OFFICE OF THE INSPECTOR GENERAL OF THE ENVIRONMENTAL PROTECTION AGENCY.**

In addition to amounts otherwise made available, there is appropriated to the Office of the Inspector General of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for oversight of activities supported with funds appropriated to the Environmental Protection Agency in this Act.

**SEC. 30116. CLIMATE POLLUTION REDUCTION GRANTS.**

The Clean Air Act is amended by inserting after section 136 of such Act, as added by section 30114 of this Act, the following:

**"SEC. 137. GREENHOUSE GAS AIR POLLUTION PLANS AND IMPLEMENTATION GRANTS.**

"(a) APPROPRIATIONS.—

"(1) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to carry out subsection (b).

"(2) GREENHOUSE GAS AIR POLLUTION IMPLEMENTATION GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $4,750,000,000, to remain available until September 30, 2026, to carry out subsection (c).

"(3) ADMINISTRATIVE COSTS.—Of the funds made available under paragraph (2), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section, including providing technical assistance to eligible entities, developing a plan that could be used as a model by grantees in developing a plan under subsection (b), and modeling the effects of plans described in this section.

"(b) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—The Administrator shall make a grant to at least one eligible entity in each State for the costs of developing a plan for the reduction of greenhouse gas air pollution to be submitted with an application for a grant under subsection (c). Each such plan shall include programs, policies, measures, and projects that will achieve or facilitate the reduction of greenhouse gas air pollution. Not later than 270 days after the date of enactment of this section, the Administrator shall publish a funding opportunity announcement for grants under this subsection.

"(c) GREENHOUSE GAS AIR POLLUTION REDUCTION IMPLEMENTATION GRANTS.—

"(1) IN GENERAL.—The Administrator shall competitively award grants to eligible entities to implement plans developed under subsection (b).

"(2) APPLICATION.—To apply for a grant under this subsection, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall require, which such application shall include information regarding—

"(A) the degree to which greenhouse gas air pollution is projected to be reduced, includ-

ing with respect to low-income and disadvantaged communities; and

"(B) the quantifiability, specificity, additionality, permanence, and verifiability of such projected greenhouse gas air pollution reduction.

"(3) TERMS AND CONDITIONS.—The Administrator shall make funds available to a grantee under this subsection in such amounts, upon such a schedule, and subject to such conditions based on its performance in implementing its plan submitted under this section and in achieving projected greenhouse gas air pollution reduction, as determined by the Administrator.

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

"(1) a State;

"(2) an air pollution control agency;

"(3) a municipality;

"(4) an Indian tribe; and

"(5) a group of one or more entities listed in paragraphs (1) through (4).".

**SEC. 30117. ENVIRONMENTAL PROTECTION AGENCY EFFICIENT, ACCURATE, AND TIMELY REVIEWS.**

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to provide for the development of efficient, accurate, and timely reviews for permitting and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

**SEC. 30118. LOW-EMBODIED CARBON LABELING FOR CONSTRUCTION MATERIALS FOR TRANSPORTATION PROJECTS.**

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30,

2026, to develop and carry out a program, in consultation with the Administrator of the Federal Highway Administration, to identify and label, based on environmental product declarations, low-embodied carbon construction materials and products used for transportation projects, and for necessary administrative costs of the Administrator of the Environmental Protection Agency to carry out this section.

(b) DEFINITIONS.—In this section:

(1) EMBODIED CARBON.—The term ''embodied carbon'' means the quantity of greenhouse gas emissions associated with all relevant stages of production of a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

(2) ENVIRONMENTAL PRODUCT DECLARATION.—The term ''environmental product declaration'' means a document that reports the environmental impact of a material or product that—

(A) includes measurement of the embodied carbon of the material or product;

(B) conforms with international standards, such as a Type III environmental product declaration as defined by the International Organization for Standardization standard 14025; and

(C) is developed in accordance with any standardized reporting criteria specified by the Administrator of the Environmental Protection Agency.

(3) LOW-EMBODIED CARBON CONSTRUCTION MATERIALS AND PRODUCTS.—The term ''low-embodied carbon construction materials and products'' means construction materials and products identified by the Administrator of the Environmental Protection Agency as having substantially lower levels of embodied carbon as compared to estimated industry averages of similar materials or products.

# Subtitle B—Hazardous Materials

**SEC. 30201. GRANTS TO REDUCE WASTE IN COMMUNITIES.**

The Solid Waste Disposal Act is amended by inserting after section 7010 (42 U.S.C. 6979b) the following:

**''SEC. 7011. GRANTS TO REDUCE WASTE IN COMMUNITIES.**

''(a) APPROPRIATIONS.—

''(1) ORGANICS RECYCLING AND FOOD WASTE.—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, $95,000,000, to remain available until September 30, 2031, to make grants, on a competitive basis, to eligible recipients for

projects in, or directly serving, low-income or disadvantaged communities to—

"(A) construct, expand, or modernize infrastructure for recycling and reuse of organic material, including any facility, machinery, or equipment used to collect and process organic material; or

"(B) measure, reduce, and prevent food waste.

"(2) OTHER WASTE REDUCTION ACTIVITIES.—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, $95,000,000, to remain available until September 30, 2031, to make grants, on a competitive basis, to eligible recipients for projects in, or directly serving, low-income or disadvantaged communities to—

"(A) reduce 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;

"(B) create market demand or manufacturing capacity for recovered, recyclable, or recycled commodities and products, including compost; or

"(C) support the development and implementation of activities that reduce the amount of waste disposed of in landfills or prevent the disposal of waste in landfills, including—

"(i) expanding the availability of source-separated organic waste collection;

"(ii) encouraging diversion of organic waste from landfills; or

"(iii) increasing fees imposed on the disposal of waste, including organic waste, at landfills.

"(b) ADMINISTRATION OF FUNDS.—Of the amounts made available under subsection (a), the Administrator shall reserve 5 percent for the administrative costs necessary to carry out activities pursuant to that subsection.

"(c) DEFINITION OF ELIGIBLE RECIPIENT.—In this section, the term 'eligible recipient' means—

"(1) a single unit of State, local, or Tribal government; or

"(2) a nonprofit organization.".

**SEC. 30202. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.**

The Clean Air Act is amended by inserting after section 137, as added by subtitle A of this title, the following:

**"SEC. 138. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.**

"(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

"(1) $2,800,000,000 to remain available until September 30, 2026, to award grants for the activities described in subsection (b); and

"(2) $200,000,000 to remain available until September 30, 2026, to provide technical assistance to eligible entities related to grants awarded under this section.

"(b) GRANTS.—

"(1) IN GENERAL.—The Administrator shall use amounts made available under subsection (a)(1) to award grants for periods of up to 3 years to eligible entities to carry out activities described in paragraph (2) that benefit disadvantaged communities, as defined by the Administrator.

"(2) ELIGIBLE ACTIVITIES.—An eligible entity may use a grant awarded under this subsection for—

"(A) community-led air and other pollution monitoring, prevention, and remediation, and investments in low- and zero-emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas emissions and other air pollutants;

"(B) mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;

"(C) climate resiliency and adaptation;

"(D) reducing indoor toxics and indoor air pollution; or

"(E) facilitating engagement of disadvantaged communities in State and Federal public processes, including facilitating such engagement in advisory groups, workshops, and rulemakings.

"(3) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

"(A) a partnership between—

"(i) an Indian tribe, a local government, or an institution of higher education; and

"(ii) a community-based nonprofit organization;

"(B) a community-based nonprofit organization; or

"(C) a partnership of community-based nonprofit organizations.

"(c) ADMINISTRATIVE COSTS.—The Administrator shall reserve 7 percent of the amounts made available under subsection (a) for administrative costs to carry out this section.".

**SEC. 30203. FUNDING FOR DATA COLLECTION ON NATIONAL RECYCLING EFFORTS.**

In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, to support data collection activities with respect to recycling efforts throughout the nation, with a particular focus on recycling efforts in disadvantaged, low-income, and rural communities that lack access to recycling services.

# Subtitle C—Drinking Water

**SEC. 30301. LEAD REMEDIATION PROJECTS.**

(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, $9,000,000,000, to remain available until September 30, 2026, for—

(1) grants under the lead reduction grant program under section 1459B(b) of the Safe Drinking Water Act (42 U.S.C. 300j–19b(b)) to entities eligible for grants under that program that serve communities determined to be disadvantaged communities pursuant to paragraph (3)(A) of such subsection, for full service line replacement within those disadvantaged communities;

(2) grants for the installation and maintenance of lead filtration stations at schools and child care programs (as defined in section 1464(d)(1) of that Act (42 U.S.C. 300j–24(d)(1)) that serve disadvantaged communities; and

(3) grants under subsection (d) of section 1464 of that Act (42 U.S.C. 300j–24)—

(A) to pay the costs of replacement of drinking water fountains in schools and child

care programs that serve disadvantaged communities;

(B) for lead remediation projects in buildings operated by entities eligible for grants under that subsection that serve disadvantaged communities; and

(C) for compliance monitoring in disadvantaged communities.

(b) COST-SHARE WAIVER.—An entity receiving assistance pursuant to this section shall not be required to provide a share of the costs of carrying out the project or activity funded by that assistance.

(c) ADMINISTRATIVE COSTS.—Of the amounts made available under subsection (a), the Administrator of the Environmental Protection Agency shall reserve 7 percent for the administrative costs of carrying out this section.

**SEC. 30302. FUNDING FOR WATER ASSISTANCE PROGRAM.**

(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, $225,000,000, to remain available until expended, to provide grants to States, Indian Tribes, and Tribal organizations to assist low-income households that pay a high proportion of household income for drinking water and wastewater (including stormwater) services, particu-

larly households with an annual income that is less than or equal to 150 percent of the Federal poverty line, by providing amounts to community water systems (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)) or publicly owned treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)) to reduce the arrearages of and rates charged to those households for those services by up to 100 percent.

(b) REQUIREMENT.—Of the amounts made available under subsection (a), the Administrator of the Environmental Protection Agency shall reserve not more than 3 percent to provide the assistance described in that subsection to Indian Tribes and Tribal organizations.

(c) COST-SHARE WAIVER.—An entity receiving assistance pursuant to this section shall not be required to provide a share of the costs of carrying out the activity funded by that assistance.

(d) ADMINISTRATIVE COSTS.—Of the amounts made available under subsection (a), the Administrator of the Environmental Protection Agency shall reserve 7 percent for the administrative costs of carrying out this section.

(e) DEFINITION OF STATE.—In this section, the term ''State'' means—

(1) each of the 50 States;

(2) the District of Columbia;

(3) the Commonwealth of Puerto Rico;

(4) American Samoa;

(5) Guam;

(6) the United States Virgin Islands; and

(7) the Commonwealth of the Northern Mariana Islands.

# Subtitle D—Energy

## PART 1—RESIDENTIAL EFFICIENCY AND ELECTRIFICATION REBATES

### SEC. 30411. HOME ENERGY PERFORMANCE-BASED, WHOLE-HOUSE REBATES AND TRAINING GRANTS.

(a) HOME ON-LINE PERFORMANCE-BASED ENERGY EFFICIENCY (HOPE) CONTRACTOR TRAINING 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, $360,000,000, to remain available until September 30, 2030, to award grants to States to develop and implement a State program described in section 362(d)(13) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)(13)), which shall partner with nonprofit organizations to fund qualifying programs described in

paragraph (2) 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 subsection (b), and for administrative expenses associated with carrying out this subsection.

(2) QUALIFYING PROGRAMS.—For the purposes of this paragraph, qualifying programs are programs that—

(A) provide the equivalent of at least 30 hours in total course time;

(B) 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;

(C) are, with respect to a particular job, aligned with the relevant National Renewable Energy Laboratory Job Task Analysis, or other credentialing program foundation that helps identify the necessary core knowledge areas, critical work functions, or skills, as approved by the Secretary;

(D) have established learning objectives;

(E) include, as the Secretary determines appropriate, an appropriate assessment of such learning objectives that may include a final exam, to be proctored on-site or through remote proctoring, or an in-person field exam; and

(F) include training related to—

(i) contractor certification;

(ii) energy auditing or assessment;

(iii) home energy systems (including Energy Star-qualified HVAC systems and Wi-Fi-enabled home energy communications technology, or any future technology that achieves the same goals);

(iv) insulation installation and air leakage control;

(v) health and safety regarding the installation of energy efficiency measures or health and safety impacts associated with energy efficiency retrofits;

(vi) indoor air quality;

(vii) energy efficiency retrofits in manufactured housing; and

(viii) residential electrification training and conversion training.

(3) 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 subsection to administer a qualifying program described in paragraph (2), including for the conduct of design and operations activities.

(4) TERMS AND CONDITIONS.—

(A) ELIGIBLE USE OF FUNDS.—Of the amounts made available to a State under this subsection, 85 percent shall be used by the State—

(i) to support the operations of qualifying programs, including establishing, modifying, or maintaining the online systems, staff time, and software and online program management, through a course that meets the applicable criteria;

(ii) to reimburse the contractor company for training costs for employees;

(iii) to provide any home technology support needed for an employee to receive training pursuant to this subsection; and

(iv) to support wages of employees during training.

(B) TIMING OF OBLIGATIONS.—Amounts made available under this subsection shall be used, as necessary, to cover or reimburse allowable costs incurred after the date of enactment of this Act.

(C) UNOBLIGATED AMOUNTS.—Amounts made available under this subsection which are not accepted, are voluntarily returned, or otherwise recaptured for any reason shall be used to fund grants under subsection (b).

(b) HOME OWNER MANAGING ENERGY SAVINGS (HOMES) REBATES.—

(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, $5,890,000,000, to remain available until September 30, 2030, to award grants, in accordance with the formula for the State Energy Program under part D of title III of the Energy Policy and Conservation Act in effect on January 1, 2021, to State energy offices to establish Home Owner Managing Energy Savings (HOMES) Rebate Programs pursuant to section 362(d)(5) of such Act (42 U.S.C.

6322(d)(5)), and for administrative expenses associated with carrying out this subsection.

(2) COORDINATION.—In carrying out this subsection, 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.

(3) APPLICATION.—In order to receive a grant under this subsection, a State shall submit to the Secretary an application that includes a plan to implement a qualifying State program that includes—

(A) 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 ret-

rofits, in aggregated home energy use for such portfolio;

(B) a plan—

(i) to utilize, for purposes of modeled performance home rebates, modeling software, methods, and procedures for determining and documenting the reductions in home energy use resulting from the implementation of a home energy efficiency retrofit that is calibrated to historical energy usage for a home consistent with BPI 2400, that are approved by the Secretary, that can provide evidence for necessary improvements to a State program, and that can help to calibrate models for accuracy;

(ii) to utilize, for purposes of measured performance home rebates, open-source advanced measurement and verification software approved by the Secretary for determining and documenting the monthly and hourly (if available) weather-normalized baseline energy use of a home, the reductions in monthly and hourly (if available) weather-normalized energy use of a home resulting from the

implementation of a home energy efficiency retrofit, and open-source advanced measurement and verification software approved by the Secretary; and

(iii) to value savings based on time, location, or greenhouse gas emissions;

(C) 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;

(D) 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;

(E) 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

(F) 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.

(4) AMOUNT OF REBATES FOR SINGLE FAMILY AND MULTIFAMILY HOMES.—Of the amounts provided to a State energy office under this subsection, 85 percent shall be used to provide Home Owner Managing Energy Savings (HOMES) Rebates to—

(A) individuals and aggregators for the energy efficiency upgrades of single-family homes of not more than 4 units—

(i) $2,000 for a retrofit that achieves at least 20 percent modeled energy system savings or 50 percent of the project cost, whichever is lower;

(ii) $4,000 for a retrofit that achieves at least 35 percent modeled energy system savings or 50 percent of the project cost, whichever is lower; or

(iii) for measured energy savings, a payment per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 for a 20 percent reduction of energy use for the average home in the State, for homes or portfolios of homes that achieve at least 15 percent energy savings, or 50 percent of the project cost, whichever is lower;

(B) multifamily building owners and aggregators for the energy efficiency upgrades of multifamily buildings—

(i) $2,000 per dwelling unit for a retrofit that achieves at least 20 percent modeled energy system savings up a maximum of $200,000 per multifamily building;

(ii) $4,000 per dwelling unit for a retrofit that achieves at least 35 percent modeled energy system savings up to a maximum of $400,000 per multifamily building; or

(iii) for measured energy savings, a payment rate per kilowatt hours saved, or kilowatt hour-equivalent saves, equal to $2,000 for a 20 percent reduction of en-

ergy 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

(C) 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 publicly by the Department of Housing and Urban Development—

(i) $4,000 for a retrofit that achieves at least 20 percent modeled energy system savings or 80 percent of the project cost, whichever is lower;

(ii) $8,000 for a retrofit that achieves at least 35 percent modeled energy system savings or 80 percent of the project cost, whichever is lower; or

(iii) for measured energy savings, a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $4,000 for a 20 percent reduction of en-

ergy 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.

(5) REQUIREMENT.—Not less than 25 percent of the funds provided to a State energy office under this subsection shall be used for the purposes of each of subparagraphs (A), (B), and (C) of paragraph (4).

(6) ELIGIBILITY OF CERTAIN APPLIANCES.—In calculating total energy savings for single family or multifamily homes under this subsection, a program may include savings from the purchase of high-efficiency natural gas HVAC systems and water heaters certified under the Energy Star program until the date that is 6 years after the date of enactment of this Act.

(7) PLANNING.—Not to exceed 20 percent of any grant made with funds made available under this subsection shall be expended for planning and management development and administration.

(8) TECHNICAL ASSISTANCE.—Amounts made available under this subsection shall be used for single family, multifamily, and manufactured housing

rebates and the Secretary shall, in consultation with States, contractors, and other local technical experts design support, methodology, and contractor criteria as appropriate for the different building stock.

(9) 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 (as amended by this subtitle) may be used in conjunction with the funds made available under this subsection.

(c) DEFINITIONS.—In this section:

(1) AGGREGATOR.—The term ''aggregator'' means a gas utility, electric utility, commercial entity, nonprofit entity, or State or local 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 (b).

(3) CONTRACTOR COMPANY.—The term ''contractor company'' means a company—

(A) the business of which is to provide services to residential building owners with respect to HVAC systems, insulation, air sealing, or other services that are approved by the Secretary;

(B) that holds the licenses and insurance required by the State in which the company provides services; and

(C) that provides services for which a rebate may be provided pursuant to the HOMES Rebate Program established under subsection (b).

(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 manu-

factured 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;

(C) is occupied at least 6 months out of the year; and

(D) is not on a military base.

(6) HVAC SYSTEM.—The term ''HVAC system'' means a system—

(A) is certified under the Energy Star program;

(B) consisting of a heating component, a ventilation component, and an air-conditioning component; and

(C) the components of which may include central air conditioning, a heat pump, a furnace, a boiler, a rooftop unit, and a window unit.

(7) MULTIFAMILY BUILDING.—The term ''multifamily building'' means a building—

(A) with 5 or more dwelling units; and

(B) that is not on a military base.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(9) STATE ENERGY OFFICE.—The term ''State energy office'' has the meaning given the term ''State energy agency'' in section 391(10) of the Energy Policy and Conservation Act (42 U.S.C. 6371(10)).

(10) UNDERSERVED COMMUNITY.—The term ''underserved community'' means—

(A) a community located in a ZIP Code that includes 1 or more census tracts that are identified as—

(i) a low-income community; or

(ii) a community of racial or ethnic minority concentration; or

(B) any other community that the Secretary determines is disproportionately vulnerable to, or bears a disproportionate burden of, any combination of economic, social, and environmental stressors.

**SEC. 30412. 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—

"(A) $2,226,000,000, to remain available until September 30, 2031, to provide rebates under this section;

"(B) $4,000,000, to remain available until September 30, 2031, for community and consumer education and outreach related to carrying out this section; and

"(C) $220,000,000, to remain available until September 30, 2031, to administer this section and 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, $3,800,000,000, to remain available until September 30, 2031, for—

"(A) rebates under this section relating to qualified electrification projects carried out in Tribal communities or for low- or moderate-income households; and

"(B) any necessary administrative or technical support for those qualified electrification projects.

"(b) HIGH-EFFICIENCY ELECTRIC HOME REBATES FOR QUALIFIED ELECTRIFICATION PROJECTS.—

"(1) HIGH-EFFICIENCY ELECTRIC HOME REBATES.—The Secretary shall establish a program within the Department, to be known as the 'High-Efficiency Electric Home Rebate Program', under which the Secretary shall provide to homeowners and owners of multifamily buildings high-efficiency electric home rebates, in accordance with this subsection, for qualified electrification projects carried out at, or relating to, the homes or multifamily buildings, as applicable.

"(2) AMOUNT OF REBATE.—

"(A) IN GENERAL.—Subject to subsection (c)(1)(A), a high-efficiency electric home rebate under paragraph (1) shall be equal to—

"(i) in the case of a qualified electrification project described in subsection

(d)(11)(A)(i)(II) that installs a heat pump used for water heating, not more than $1,250;

"(ii) in the case of a qualified electrification project described in subsection (d)(11)(A)(i)(II) that installs a heat pump HVAC system—

"(I)(aa) not more than $3,000 if the heat pump HVAC system has a heating capacity of not less than 27,500 Btu per hour; or

"(bb) not more than $4,000 if the heat pump HVAC system meets Energy Star program cold climate criteria and is installed in a cold climate, as determined by the Secretary;

"(II)(aa) not more than $1,500 if the heat pump HVAC system has a heating capacity of less than 27,500 Btu per hour; or

"(bb) not more than $2,000 if the heat pump HVAC system meets Energy Star program cold climate criteria and is installed in a cold climate, as determined by the Secretary; and

"(III) $250, in addition to the amount described in subclause (I) or (II), if a qualified electrification project described in subsection (d)(11)(A)(i)(V) that installs insulation, air sealing, and ventilation in accordance with clause (v) is completed within 6 months before or after the qualified electrification project described in that subclause;

"(iii) in the case of a qualified electrification project described in subclause (III) or (IV) of subsection (d)(11)(A)(i), not more than $600;

"(iv) in the case of a qualified electrification project described in subsection (d)(11)(A)(i)(I) that installs an electric load or service center panel that enables the installation and use of any upgrade, appliance, system, equipment, infrastructure, component, or other item installed pursuant to any other qualified electrification project, not more than $3,000;

"(v) in the case of a qualified electrification project described in subsection

(d)(11)(A)(i)(V) that installs insulation and air sealing, not more than $800; and

''(vi) in the case of any other qualified electrification project, including a qualified electrification project described in any of subclauses (I) through (III) of subsection (d)(11)(A)(ii), for which the Secretary provides a high-efficiency electric home rebate, not more than an amount determined by the Secretary for that qualified electrification project, subject to subparagraph (B).

''(B) LIMITATIONS ON AMOUNT OF REBATE.—

''(i) MAXIMUM TOTAL AMOUNT.—Subject to subsection (c)(1)(B), the maximum total amount that may be awarded as high-efficiency electric home rebates under this subsection shall be $10,000 with respect to each home for which a high-efficiency electric home rebate is provided.

''(ii) COSTS.—

''(I) IN GENERAL.—Subject to subsection (c)(1)(C), the amount of a high-efficiency electric home rebate provided to a homeowner under this

subsection shall not exceed 50 percent of the total cost of the applicable qualified electrification project.

"(II) LABOR COSTS.—Subject to subsection (c)(1)(C), not more than 50 percent of the labor costs associated with a qualified electrification project may be included in the 50 percent of total costs for which a high-efficiency electric home rebate is provided under this subsection, as described in subclause (I), subject to the condition that labor costs account for not more than 50 percent of the amount of the high-efficiency electric home rebate.

"(3) LIMITATIONS ON QEPS.—

"(A) CONTRACTORS.—A high-efficiency electric home rebate may be provided for a qualified electrification project carried out by a contractor company only if that contractor company is a certified contractor company.

"(B) HEAT PUMP HVAC SYSTEMS.—A high-efficiency electric home rebate may be provided for a qualified electrification project that

installs or enables the installation of a heat pump HVAC system only if the heat pump HVAC system—

"(i) replaces—

"(I) a nonelectric HVAC system;

"(II) an electric resistance HVAC system; or

"(III) an air conditioning unit that—

"(aa) does not have a reversing valve; and

"(bb) has a lower seasonal energy-efficiency ratio than the heat pump HVAC system; or

"(ii) is part of new construction, as determined by the Secretary.

"(C) HEAT PUMPS FOR WATER HEATING.—A high-efficiency electric home rebate may be provided for a qualified electrification project that installs or enables the installation of a heat pump used for water heating only if the heat pump—

"(i) replaces—

"(I) a nonelectric heat pump water heater;

"(II) a nonelectric water heater; or

"(III) an electric resistance water heater; or

"(ii) is part of new construction, as determined by the Secretary.

"(D) ELECTRIC STOVES, COOKTOPS, RANGES, AND OVENS.—A high-efficiency electric home rebate may be provided for a qualified electrification project described in subsection (d)(11)(A)(i)(III) only if the applicable electric stove, cooktop, range, or oven—

"(i) replaces a nonelectric stove, cooktop, range, or oven; or

"(ii) is part of new construction, as determined by the Secretary.

"(E) ELECTRIC HEAT PUMP CLOTHES DRYERS.—A high-efficiency electric home rebate may be provided for a qualified electrification project described in subsection (d)(11)(A)(i)(IV) only if the applicable electric heat pump clothes dryer—

"(i) replaces a nonelectric clothes dryer; or

"(ii) is part of new construction.

"(4) ADDITIONAL INCENTIVES FOR CONTRACTORS AND QUALIFIED PROVIDERS.—

"(A) GENERAL INCENTIVE.—

"(i) IN GENERAL.—With respect to each qualified electrification project described in clause (ii), the Secretary shall provide a payment of $100 to the certified contractor company or qualified provider carrying out the qualified electrification project.

"(ii) QUALIFIED ELECTRIFICATION PROJECT DESCRIBED.—A qualified electrification project referred to in clause (i) is a qualified electrification project—

"(I) that is carried out at a home or multifamily building;

"(II) for which a rebate is provided under this subsection; and

"(III) with respect to which the certified contractor company or qualified provider is not eligible for a higher payment under any of subparagraphs (B) through (D).

"(B) INCENTIVE FOR QEPS IN CERTAIN COMMUNITIES AND HOUSEHOLDS.—

"(i) IN GENERAL.—With respect to each qualified electrification project described in clause (ii), the Secretary shall provide a payment of $200 to the certified contractor company or qualified provider carrying out the qualified electrification project.

"(ii) QUALIFIED ELECTRIFICATION PROJECT DESCRIBED.—A qualified electrification project referred to in clause (i) is a qualified electrification project—

"(I) that is carried out at a home or multifamily building that—

"(aa) is located in an underserved community or a Tribal community; or

"(bb) is certified, or the household of the homeowner of which is certified, as applicable, as low- or moderate-income;

"(II) for which a rebate is provided under this subsection; and

"(III) with respect to which the certified contractor company or qualified provider is not eligible for a high-

er payment under subparagraph (C) or (D).

"(C) INCENTIVE FOR CERTAIN LABOR PRACTICES.—

"(i) IN GENERAL.—With respect to each qualified electrification project described in clause (ii), the Secretary shall provide a payment of $250 to the certified contractor company or qualified provider carrying out the qualified electrification project.

"(ii) QUALIFIED ELECTRIFICATION PROJECT DESCRIBED.—A qualified electrification project referred to in clause (i) is a qualified electrification project—

"(I) that is carried out—

"(aa) at a home or multifamily building; and

"(bb) by a certified contractor company or qualified provider that allows for the use of collective bargaining agreements;

"(II) for which a rebate is provided under this subsection; and

"(III) with respect to which—

"(aa) all laborers and mechanics employed on the qualified electrification project are paid wages at rates not less than those prevailing on projects of a character similar in the locality; and

"(bb) the certified contractor company or qualified provider is not eligible for a higher payment under subparagraph (D).

"(D) MAXIMUM INCENTIVE.—

"(i) IN GENERAL.—With respect to each qualified electrification project described in clause (ii), the Secretary shall provide a payment of $500 to the certified contractor company or qualified provider carrying out the qualified electrification project.

"(ii) QUALIFIED ELECTRIFICATION PROJECT DESCRIBED.—A qualified electrification project referred to in clause (i) is a qualified electrification project—

"(I) that is carried out—

"(aa) at a home or multi-family building that—

"(AA) is located in an underserved community or a Tribal community; or

"(BB) is certified, or the household of the homeowner of which is certified, as applicable, as low- or moderate-income; and

"(bb) by a certified contractor company or qualified provider that allows for the use of collective bargaining agreements;

"(II) for which a rebate is provided under this subsection; and

"(III) with respect to which all laborers and mechanics employed on the qualified electrification project are paid wages at rates not less than those prevailing on projects of a character similar in the locality.

"(E) CLARIFICATION.—An amount provided to a certified contractor company or qualified provider under any of subparagraphs

(A) through (D) shall be in addition to the amount of any high-efficiency electric home rebate received by the certified contractor company or qualified provider.

"(5) CLAIM.—

"(A) IN GENERAL.—Subject to paragraph (2)(B), a homeowner, a certified contractor company, or a qualified provider may claim a separate high-efficiency electric home rebate under this subsection for each qualified electrification project carried out at a home.

"(B) TRANSFER.—The Secretary shall establish and publish procedures pursuant to which a homeowner or owner of a multifamily building may transfer the right to claim a rebate under this subsection to the certified contractor company or qualified provider carrying out the applicable qualified electrification project.

"(6) MULTIFAMILY BUILDINGS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the owner of a multifamily building may combine the amounts of high-efficiency electric home rebates for each dwelling unit in

the multifamily building into a single rebate, subject to—

"(i) the condition that the applicable qualified electrification projects benefit each dwelling unit with respect to which the rebate is claimed; and

"(ii) any maximum per-dwelling unit rate established by the Secretary.

"(B) COSTS.—

"(i) IN GENERAL.—Subject to clause (ii), the amount of a rebate under subparagraph (A) shall not exceed 50 percent of the total cost, including labor costs, of the applicable qualified electrification projects.

"(ii) LOW- OR MODERATE-INCOME BUILDINGS.—In the case of a multifamily building that is certified by the Secretary as low- or moderate-income, the amount of a rebate under subparagraph (A) shall not exceed 100 percent of the total cost of the applicable qualified electrification projects.

"(C) PROCEDURES.—The Secretary shall establish and publish procedures—

"(i) pursuant to which the owner of a multifamily building may combine rebate

amounts in accordance with this subsection; and

"(ii) for the enforcement of any limitations under this subsection.

"(7) PROCESS.—

"(A) REBATE PROCESS.—Not later than July 1, 2022, the Secretary shall establish a rebate processing system that provides immediate price relief for consumers who purchase and have installed qualified electrification projects, in accordance with this section.

"(B) QUALIFIED ELECTRIFICATION PROJECT LIST.—

"(i) IN GENERAL.—Not later than July 1, 2022, the Secretary shall publish a list of qualified electrification projects for which a high-efficiency electric home rebate may be provided under this subsection that includes, at a minimum, the qualified electrification projects described in subsection (d)(11)(A).

"(ii) REQUIREMENTS.—The list published under clause (i) shall include specifications for each qualified electrification project included on the list, including—

"(I) appropriate certifications under the Energy Star program; and

"(II) other applicable requirements, such as requirements relating to grid-interactive capability.

"(iii) UPDATES.—

"(I) IN GENERAL.—Not less frequently than once every 3 years and subject to subclause (II), the Secretary shall publish an updated list of qualified electrification projects for which a high-efficiency electric home rebate may be provided under this subsection.

"(II) LIMITATION.—An updated list under subclause (I) shall not allow for any reductions in efficiency levels for qualified electrification projects included on the updated list that are below an efficiency level provided in a previously published version of the list.

"(c) SPECIAL PROVISIONS FOR LOW- AND MODERATE-INCOME HOUSEHOLDS AND MULTIFAMILY BUILDINGS.—

"(1) MAXIMUM AMOUNTS.—With respect to a qualified electrification project carried out at a location described in paragraph (2)—

"(A) a high-efficiency electric home rebate shall be equal to—

"(i) in the case of a qualified electrification project described in subsection (b)(2)(A)(i), not more than $1,750;

"(ii) in the case of a qualified electrification project described in subsection (b)(2)(A)(ii)—

"(I)(aa) not more than $6,000 if the applicable heat pump HVAC system has a heating capacity of not less than 27,500 Btu per hour; or

"(bb) not more than $7,000 if the applicable heat pump HVAC system meets Energy Star program cold climate criteria and is installed in a cold climate, as determined by the Secretary; and

"(II)(aa) not more than $3,000 if the applicable heat pump HVAC system has a heating capacity of less than 27,500 Btu per hour; or

"(bb) not more than $3,500 if the applicable heat pump HVAC system meets Energy Star program cold climate criteria and is installed in a cold climate, as determined by the Secretary;

"(iii) in the case of a qualified electrification project described in subsection (b)(2)(A)(iii), not more than $840;

"(iv) in the case of a qualified electrification project described in subsection (b)(2)(A)(iv), not more than $4,000;

"(v) in the case of a qualified electrification project described in subsection (b)(2)(A)(v) that installs insulation and air sealing, not more than $1,600; and

"(vi) in the case of a qualified electrification project described in subsection (b)(2)(A)(vi), not more than an amount determined by the Secretary for that qualified electrification project, subject to subparagraph (B);

"(B) the maximum total amount of high-efficiency electric home rebates that may be

awarded with respect to each home of a homeowner shall be $14,000; and

"(C) the amount of a high-efficiency electric home rebate may be used to cover not more than 100 percent of the costs, including labor costs, of the applicable qualified electrification project.

"(2) LOCATION DESCRIBED.—The maximum amounts described in paragraph (1) shall apply to—

"(A) a home—

"(i) with respect to which the household of the homeowner is certified as low- or moderate-income;

"(ii) that is located in a Tribal community; or

"(iii) in the case of a home that is rented, with respect to which the household of the renter is certified as low- or moderate-income; or

"(B) a multifamily building—

"(i) that—

"(I) is certified as low- or moderate-income; or

"(II) is located in a Tribal community; and

"(ii) with respect to which more than more than ½ of the dwelling units in the multifamily building—

"(I) are occupied by households the annual household incomes of which do not exceed 80 percent of the median annual household income for the area in which the multifamily building is located; and

"(II) have average monthly rental prices that are equal to, or less than, an amount that is equal to 30 percent of the average monthly household income for the area in which the multifamily building is located.

"(3) REQUIREMENT.—The Secretary may provide a rebate in an amount described in paragraph (1) to the owner of a multifamily building or home (in the case of a home that is rented) that meets the requirements of this section if the owner agrees in writing to provide commensurate benefits of future savings to renters in the multifamily building or home.

"(d) DEFINITIONS.—In this section:

"(1) CERTIFIED CONTRACTOR.—The term 'certified contractor' means a contractor with a certification reflecting training, education, or other technical expertise relating to qualified electrification projects for residential buildings, as identified by the Secretary.

"(2) CERTIFIED CONTRACTOR COMPANY.—The term 'certified contractor company' means a company—

"(A) the business of which is to provide services—

"(i) to residential building owners; and

"(ii) for which a rebate may be provided pursuant to this section;

"(B) that holds the licenses and insurance required by the State in which the company provides services; and

"(C) that employs 1 or more certified contractors that perform the services for which a rebate may be provided under this section.

"(3) ELECTRIC LOAD OR SERVICE CENTER UPGRADE.—The term 'electric load or service center upgrade' means an improvement to a circuit breaker panel that enables the installation and use of—

"(A) a QEP described in any of subclauses (II) through (IV) of paragraph (9)(A)(i); or

"(B) a QEP described in any of subclauses (I) through (III) of paragraph (9)(A)(ii).

"(4) ENERGY STAR PROGRAM.—The term 'Energy Star program' means the program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a).

"(5) HEAT PUMP.—The term 'heat pump' means a heat pump used for water heating, space heating, or space cooling that—

"(A) relies solely on electricity for its source of power; and

"(B) is air-sourced, geothermal- or ground-sourced, or water-sourced.

"(6) HIGH-EFFICIENCY ELECTRIC HOME REBATE.—The term 'high-efficiency electric home rebate' means a rebate provided in accordance with subsection (b).

"(7) HOME.—The term 'home' means each of—

"(A) a building with not more than 4 dwelling units, individual condominium units, or manufactured housing units, that—

"(i) is located in a State; and

"(ii)(I) is the primary residence of—

"(aa) the owner of that building, condominium unit, or manufactured housing unit, as applicable; or

"(bb) a renter; or

"(II) is a new-construction single-family residential home; and

"(B) a unit of a multifamily building that—

"(i) is owned by an individual who is not the owner of the multifamily building;

"(ii) is located in a State; 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, which such annual median income of the area is determined according to publicly available data; or

"(B) that is low-income as determined by the Secretary.

"(10) MULTIFAMILY BUILDING.—The term 'multifamily building' means any building—

"(A) with 5 or more dwelling units that—

"(i) are built on top of one another or side-by-side;

"(ii) may share common facilities; and

"(B) that is not a home; and

"(C) that is not on a military base.

"(11) QUALIFIED ELECTRIFICATION PROJECT; QEP.—

"(A) IN GENERAL.—The terms 'qualified electrification project' and 'QEP' mean a project that, as applicable—

"(i) installs, or enables the installation and use of, in a home or multifamily building—

"(I) an electric load or service center upgrade;

"(II) an electric heat pump;

"(III) an induction or noninduction electric stove, cooktop, range, or oven;

"(IV) an electric heat pump clothes dryer; or

"(V) insulation, air sealing, and ventilation, in accordance with requirements established by the Secretary; or

"(ii) installs, or enables the installation and use of, in a home or multifamily building described in subparagraph (B)—

"(I) a solar photovoltaic system, including any electrical equipment, wiring, or other components necessary for the installation and use of the solar photovoltaic system, including a battery storage system;

"(II) electric vehicle charging infrastructure or electric vehicle support equipment necessary to recharge an electric vehicle on-site; or

"(III) electrical rewiring, power sharing plugs, or other installation tasks directly related to and necessary for the safe and effective functioning of a QEP in a home or multifamily building.

"(B) HOME OR MULTIFAMILY BUILDING DESCRIBED.—A home or multifamily building referred to in subparagraph (A)(ii) is a home or multifamily building that is certified, or the household of the homeowner of which is certified, as applicable, as low- or moderate-income.

"(C) EXCLUSIONS.—The terms 'qualified electrification project' and 'QEP' do not include any project with respect to which the appliance, system, equipment, infrastructure, component, or other item described in clause (i) or (ii) of subparagraph (A) is not certified under the Energy Star program if, as of the date on which the project is carried out, the item is of a category for which a certification is provided under that program.

"(12) QUALIFIED PROVIDER.—The term 'qualified provider' means an electric utility, Tribal-owned entity or Tribally Designated Housing Entity (TDHE), or commercial, nonprofit, or government entity, including a retailer and a certified contractor company, that provides services for which a rebate may be provided pursuant to this section for 1 or

more portfolios that consist of 1 or more qualified electrification projects.

''(13) SOLAR PHOTOVOLTAIC SYSTEM.—The term 'solar photovoltaic system' means a system—

''(A) placed on-site at a home or multifamily building, or as part of the community of the home or multifamily building; and

''(B) that generates electricity from the sun specifically for the home, multifamily building, or community.

''(14) STATE.—The term 'State' means a State, the District of Columbia, or any territory or possession of the United States.

''(15) TRIBAL COMMUNITY.—The term 'Tribal community' means a Tribal tract or Tribal block group.

''(16) UNDERSERVED COMMUNITY.—The term 'underserved community' means a community located in a census tract that is identified by the Secretary as—

''(A) a low- or moderate-income community; or

''(B) a community of racial or ethnic minority concentration.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594) is amended by striking the item relating to section 124 and inserting the following:

"Sec. 124. High-Efficiency Electric Home Rebate Program.".

(2) Section 3201(c)(2)(A)(i) of the Energy Act of 2020 (42 U.S.C. 17232(c)(2)(A)(i)) is amended by striking "(a)" each place it appears.

## PART 2—BUILDING EFFICIENCY AND RESILIENCE

### SEC. 30421. CRITICAL FACILITY MODERNIZATION.

(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, $500,000,000, to remain available through September 30, 2031, to provide financial assistance to States to develop and implement State programs described in subsection (d)(5) of section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), as part of an approved State energy conservation plan under that section, to be distributed to States in accordance with the formula for the State Energy Program established in part 420 of title 10, Code of Federal Regulations (as in effect on January 1, 2021), to carry out projects to improve the energy resilience of public or nonprofit buildings, including projects to increase the energy efficiency and grid integra-

tion of public or nonprofit buildings or the renewable energy used at public or nonprofit buildings.

(b) USE OF FUNDS.—

(1) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidelines for measures for States to include in any program with respect to which a State receives financial assistance under this section.

(2) ADMINISTRATIVE EXPENSES.—A State receiving financial assistance under this section shall use not more than 10 percent for administrative purposes.

(3) NO MATCHING FUNDS REQUIREMENT.—The Secretary may not require a State receiving financial assistance under this section to provide matching funds.

(4) EXEMPTION.—Activities carried out using funds appropriated under subsection (a) shall not be subject to the expenditure prohibitions and limitations of the State Energy Program under section 420.18 of title 10, Code of Federal Regulations.

(c) DEFINITIONS.—In this section:

(1) ENERGY RESILIENCE.—The term ''energy resilience'' means the ability to withstand and quickly recover from an energy supply disruption.

(2) 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)).

(3) 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. 30422. 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—

(1) $100,000,000, 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) in accordance with subsection (b); and

(2) $200,000,000, 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) in accordance with subsection (c).

(b) LATEST BUILDING ENERGY CODE.—The Secretary of Energy shall use funds made available under subsection (a)(1) for grants to assist States, and units of local government that have authority to adopt building codes, to—

(1) adopt—

(A) a building energy code (or codes) for residential buildings that meets or exceeds the 2021 International Energy Conservation Code, or achieves equivalent or greater energy savings;

(B) a building energy code (or codes) for commercial buildings that meets or exceeds the ANSI/ASHRAE/IES Standard 90.1–2019, or achieves equivalent or greater energy savings; or

(C) any combination of building energy codes described in subparagraph (A) or (B); and

(2) implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under paragraph (1) in new and renovated residential or commercial buildings, as applicable, which plan shall include active training and

enforcement programs and measurement of the rate of compliance each year.

(c) ZERO ENERGY CODE.—The Secretary of Energy shall use funds made available under subsection (a)(2) for grants to assist States, and units of local government that have authority to adopt building codes, to—

(1) 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

(2) implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under paragraph (1) 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.

(d) STATE MATCH.—The State cost share requirement under the item relating to ''Department of Energy—Energy Conservation'' in title II of the Department of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6323a; 98 Stat. 1861) shall not apply to assistance provided under this section.

(e) STATE DEFINED.—In this section, the term ''State'' has the meaning given that term in section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202).

(f) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Secretary shall reserve 5 percent for administrative costs necessary to carry out this section.

## PART 3—ZERO-EMISSIONS VEHICLE INFRASTRUCTURE

### SEC. 30431. ZERO-EMISSIONS VEHICLE INFRASTRUCTURE GRANTS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available through September 30, 2028, to be distributed to States in accordance with the formula for the State Energy Program established in part 420 of title 10, Code of Federal Regulations (as in effect on January 1, 2021)—

(1) $600,000,000 to carry out a program to provide financial assistance to States to develop and implement State programs described in subsection (d)(5) of section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), as part of an ap-

proved State energy conservation plan under that section, to carry out projects to build out publicly accessible level 2 electric vehicle supply equipment in rural communities or underserved or disadvantaged communities;

(2) $200,000,000 to carry out a program to provide financial assistance to States to develop and implement State programs described in subsection (d)(5) of section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), as part of an approved State energy conservation plan under that section, to carry out projects to build out publicly accessible networked direct current fast charge electric vehicle supply equipment in rural communities or underserved or disadvantaged communities; and

(3) $200,000,000 to carry out a program to provide financial assistance to States to develop and implement State programs described in subsection (d)(5) of section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), as part of an approved State energy conservation plan under that section, to carry out projects to build out hydrogen fueling stations in rural communities or underserved or disadvantaged communities.

(b) REQUIREMENTS.—

(1) MEASURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish requirements for measures to be included in any program with respect to which a State receives financial assistance under this section.

(2) ADMINISTRATIVE EXPENSES.—A State receiving financial assistance under this section shall use not more than 5 percent for administrative purposes.

(3) NO MATCHING FUNDS REQUIREMENT.—The Secretary may not require a State receiving financial assistance under this section to provide matching funds.

(4) ELIGIBLE ENTITIES.—Financial assistance provided by a State using funds made available under this section shall only be available to eligible entities.

(5) THIRD-PARTY CONTRACTS.—A State or eligible entity may enter into a contract with a private third-party entity for the build out of electric vehicle supply equipment or hydrogen fueling stations under subsection (a).

(6) USE OF PRIVATE PROPERTY.—A State or eligible entity may enter into an agreement for the use of publicly accessible private property.

(7) LIMITATION.—The Secretary shall ensure that no entity receives a profit for access to or hosting of electric vehicle supply equipment or hydrogen fueling stations built out under a contract entered into under paragraph (5) or pursuant to an agreement entered into under paragraph (6), except that the Secretary shall determine an appropriate amount of profit that an entity may receive for the sale of electricity or hydrogen and the operation and maintenance of such electric vehicle supply equipment or hydrogen fueling stations.

(8) REALLOCATION OF FUNDS.—A State shall return to the Secretary any funds received under subsection (a) that the State does not award within 3 years of receiving such funds, and the Secretary shall reallocate such funds to other States.

(c) DEFINITIONS.—In this section:

(1) 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, stationary energy storage systems, 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) ELIGIBLE ENTITY.—The term ''eligible entity'' means a local, Tribal, or territorial government, a not-for-profit entity, a nonprofit entity, a metropolitan planning organization, or an entity with fewer than 50 employees, as determined by the Secretary.

(3) LEVEL 2 ELECTRIC VEHICLE SUPPLY EQUIPMENT.—The term ''level 2 electric vehicle supply equipment'' means electric vehicle supply equipment that provides an alternating current power source at a minimum of 208 volts.

(4) NETWORKED DIRECT CURRENT FAST CHARGE ELECTRIC VEHICLE SUPPLY EQUIPMENT.—The term ''networked direct current fast charge electric vehicle supply 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 at least data collection and access.

(5) PRIVATE THIRD-PARTY ENTITY.—The term ''private third-party entity'' means a non-governmental entity, including a private business, that is

able to contract with the State or an eligible entity to carry out projects to build out electric vehicle supply equipment or hydrogen fueling stations.

(6) PUBLICLY ACCESSIBLE.—The term ''publicly accessible'' means available to members of the public, including within or around—

(A) multiunit housing structures;

(B) workplaces;

(C) commercial locations that are accessible for a minimum of 12 hours per day at least 5 days a week, and capable of being monitored remotely; or

(D) other locations that are accessible for a minimum of 12 hours per day at least 5 days a week, and capable of being monitored remotely.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(8) UNDERSERVED OR DISADVANTAGED COMMUNITY.—The term ''underserved or disadvantaged community'' means a community or geographic area that is identified by the Secretary 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) disproportionately vulnerable to, or bearing a disproportionate burden of, any combination of economic, social, environmental, or climate stressors.

## PART 4—DOE LOAN AND GRANT PROGRAMS

### SEC. 30441. 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 $40,000,000,000, to remain available until September 30, 2026: *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 President has certified in advance in writing that the loan guarantee and the project comply with the

provisions under this section: *Provided further*, That none of such loan guarantee authority made available by this section shall be available for commitments to guarantee loans for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project: *Provided further*, That the previous proviso shall not be interpreted as precluding the use of the loan guarantee authority provided by this section for commitments to guarantee loans for—

(1) projects as a result of such projects benefitting from otherwise allowable Federal tax benefits;

(2) projects as a result of such projects benefitting from being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is—

(A) paid exclusively in cash;

(B) deposited in the Treasury as offsetting receipts; and

(C) equal to the fair market value;

(3) projects as a result of such projects benefitting from the Federal insurance program under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210); 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, $3,600,000,000, to remain available until September 30, 2026, 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.

(c) ADMINISTRATIVE EXPENSES.—Of the amount made available under subsection (b), the Secretary of Energy shall reserve 3 percent for administrative expenses to carry out title XVII of the Energy Policy Act of 2005 and for carrying out section 1702(h)(3) of such Act.

**SEC. 30442. 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 September 30, 2028, for the costs of—

(1) providing direct loans under section 136(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)); and

(2) providing direct loans, in accordance with section 136 of such Act, for reequipping, expanding, or establishing a manufacturing facility in the United States to produce, or for engineering integration performed in the United States of—

(A) a medium duty vehicle or a heavy duty vehicle; or

(B) any of the following that emit, under any possible operational mode or condition, zero exhaust emissions of any greenhouse gas:

(i) A train or locomotive.

(ii) A maritime vessel.

(iii) An aircraft.

(iv) Hyperloop technology.

(b) ADMINISTRATIVE COSTS.—The Secretary shall reserve $25,000,000 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. 30443. 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, $3,500,000,000, to remain available until expended, for grants relating to domestic production of plug-in electric hybrid, plug-in electric drive, and hydrogen fuel cell electric vehicles, in accordance with section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062).

(b) ADMINISTRATIVE COSTS.—The Secretary shall reserve 3 percent of amounts made available under subsection (a) for administrative costs of making grants described in such subsection (a) pursuant to section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062).

**SEC. 30444. ENERGY COMMUNITY REINVESTMENT FINANCING.**

Title XVII of the Energy Policy Act of 2005 is amended by inserting after section 1705 (42 U.S.C. 16516) the following:

**"SEC. 1706. ENERGY COMMUNITY REINVESTMENT FINANCING 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, $5,000,000,000, to remain available until September 30, 2026, for the cost of providing financial support under this section, the gross principal amount of which shall not exceed $250,000,000,000.

"(b) 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 making or enabling low-carbon reinvestments in energy communities, which such reinvestments may include—

"(1) supporting workers who are or have been engaged in providing, or have been affected by the provision of, energy-intensive goods or services by

helping such workers find employment opportunities, including by providing training and education;

"(2) redeveloping a community that is or was engaged in providing, or has been affected by the provision of, energy-intensive goods or services;

"(3) accelerating remediation of environmental damage caused by the provision of energy-intensive goods or services; and

"(4) mitigating the effects on customers of any significant reduction in the carbon intensity of goods or services provided by the eligible entity, including by the cost-effective abatement of greenhouse gas emissions from continuing operations and the repowering, retooling, repurposing, redeveloping, or remediating of any long-lived assets, lands, or infrastructure currently or previously used by the eligible entity primarily to support the provision of energy-intensive goods or services.

"(c) APPLICATION REQUIREMENT.—To apply for financial support provided under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, which such application shall include—

''(1) a detailed plan describing the activities to be carried out in accordance with subsection (b), 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.

''(d) 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) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Any cost for any financial support provided under this section shall be paid in accordance with subsection (b) of section 1702 (for purposes of

which any reference in such subsection to a guarantee shall be considered to be a reference to financial support).

"(e) DEFINITIONS.—In this section:

"(1) COST.—Notwithstanding section 1701, the term 'cost' has the meaning given such term 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 line of credit; and

"(B) a guarantee, including of a letter of credit for the purposes of subsection (b)(3).".

**SEC. 30445. TRIBAL ENERGY LOAN GUARANTEE PROGRAM.**

(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, $200,000,000, to remain available until September 30, 2028, to carry out section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)).

(b) INCLUSIONS IN TITLE XVII DEFINITION OF GUARANTEE.—Section 1701(4)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16511(4)(B)) is amended by striking the period at the end and inserting ''and, for purposes of minimizing financing costs, includes a guarantee by the Secretary of 100 percent of the unpaid principal and interest due on any obligation to the Federal Financing Bank.''.

(c) DEPARTMENT OF ENERGY TRIBAL ENERGY LOAN GUARANTEE PROGRAM.— Section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)) is amended—

(1) in paragraph (1), by striking ''(as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) for an amount equal to not more than 90 percent of'' and inserting ''(as defined in section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511)) for''; and

(2) in paragraph (4), by striking ''$2,000,000,000'' and inserting ''$20,000,000,000''.

## PART 5—ELECTRIC TRANSMISSION

### SEC. 30451. TRANSMISSION LINE AND INTERTIE INCENTIVES.

(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, to remain available until September 30, 2030, $1,500,000,000 for purposes of providing grants under subsection (b) and for administrative expenses associated with carrying out this section, and $500,000,000 for the costs of providing direct loans under subsection (b): *Provided*, That the Secretary shall not enter into any loan agreement pursuant to this section that could result in disbursements after September 30, 2031, or any grant agreement pursuant to this section that could result in any outlays after September 30, 2031: *Provided further*, That none of such loan authority made available by this section shall be available for loans for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements,

sales, other transaction authority, or other arrangements to support the project or to obtain goods or services from the project: *Provided further*, That the previous proviso shall not be interpreted as precluding the use of the loan authority provided by this section for commitments to loans for: (1) projects benefitting from otherwise allowable Federal tax benefits; (2) projects benefitting from being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is: (A) paid exclusively in cash; (B) deposited in the Treasury as offsetting receipts; and (C) equal to the fair market value; (3) projects benefitting from the Federal insurance program under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210); 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 President has certified in advance in writing that the loan and the project comply with the provisions under this section.

(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) RECOVERY OF COSTS FOR GRANTS.—A grant provided under this section may not be used to cover the portion of costs for the construction of new, or for making upgrades to existing, eligible transmission lines or eligible interties, including the related facilities thereof, that are approved for recovery through a Transmission Organization, regional planning authority, governing or ratemaking body of

an electric cooperative, State commission, or another similar body.

(3) NO DUPLICATE ASSISTANCE.—No eligible entity may receive both a grant and a direct loan for the same construction of, or upgrade to, an eligible transmission line or eligible intertie under this section.

(d) DEFINITIONS.—In this section:

(1) CLEAN ENERGY FACILITY.—The term ''clean energy facility'' means any electric generating unit that does not emit carbon dioxide.

(2) DIRECT LOAN.—The term ''direct loan'' means a disbursement of funds by the Government to a non-Federal borrower under a contract that requires the repayment of such funds with or without interest. The term includes the purchase of, or participation in, a loan made by another lender and financing arrangements that defer payment for more than 90 days, including the sale of a government asset on credit terms.

(3) ELIGIBLE ENTITY.—The term ''eligible entity'' means a non-Federal entity.

(4) ELIGIBLE INTERTIE.—The term ''eligible intertie'' means—

(A) any interties across the seam between the Western Interconnection and the Eastern Interconnection;

(B) the Pacific Northwest-Pacific Southwest Intertie;

(C) any interties between the Electric Reliability Council of Texas and the Western Interconnection or the Eastern Interconnection; or

(D) such other interties that the Secretary determines contribute to—

(i) a more robust and resilient electric grid; and

(ii) the integration of electricity from a clean energy facility into the electric grid.

(5) ELIGIBLE TRANSMISSION LINE.—The term ''eligible transmission line'' means an electric power transmission line that—

(A) in the case of new construction under subsection (b), has a transmitting capacity of not less than 1,000 megawatts;

(B) in the case of an upgrade made under subsection (b), the upgrade to which will increase its transmitting capacity by not less than 500 megawatts; and

(C) is capable of transmitting electricity—

(i) across any eligible intertie;

(ii) from an offshore wind generating facility; or

(iii) along a route, or in a corridor, determined by the Secretary of Energy to be necessary to meet interregional or national electricity transmission needs.

(6) STATE COMMISSION; TRANSMISSION ORGANIZATION.—The terms ''State commission'' and ''Transmission Organization'' have the meanings given such terms in section 3 of the Federal Power Act (16 U.S.C. 796).

**SEC. 30452. 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, 2029, for making grants in accordance with this section and for administrative expenses associated with carrying out this section.

(b) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary may make a grant under this section to a siting authority for,

with respect to a covered transmission project, any of the following activities:

(A) Studies and analyses of the impacts of the covered transmission project.

(B) Examination of up to 3 alternate siting corridors within which the covered transmission project feasibly could be sited.

(C) Hosting and facilitation of negotiations in settlement meetings involving the siting authority, the covered transmission project applicant, and opponents of the covered transmission project, for the purpose of identifying and addressing issues that are preventing approval of the application relating to the siting or permitting of the covered transmission project.

(D) Participation by the siting authority in regulatory proceedings or negotiations in another jurisdiction, or under the auspices of a Transmission Organization (as defined in section 3 of the Federal Power Act (16 U.S.C. 796)) that is also considering the siting or permitting of the covered transmission project.

(E) Participation by the siting authority in regulatory proceedings at the Federal Energy Regulatory Commission or a State regulatory

commission for determining applicable rates and cost allocation for the covered transmission project.

(F) Other measures and actions that may improve the chances of, and shorten the time required for, approval by the siting authority of the application relating to the siting or permitting of the covered transmission project, as the Secretary determines appropriate.

(2) ECONOMIC DEVELOPMENT.—The Secretary may make a grant under this section to a siting authority, or other State, local, or Tribal governmental entity, for economic development activities for communities that may be affected by the construction and operation of a covered transmission project, provided that the Secretary shall not enter into any grant agreement pursuant to this section that could result in any outlays after September 30, 2031.

(c) CONDITIONS.—

(1) FINAL DECISION ON APPLICATION.—In order to receive a grant for an activity described in subsection (b)(1), the Secretary shall require a siting authority to agree, in writing, to reach a final decision on the application relating to the siting or permitting of the applicable covered transmission

project not later than 2 years after the date on which such grant is provided, unless the Secretary authorizes an extension for good cause.

(2) FEDERAL SHARE.—The Federal share of the cost of an activity described in subparagraph (D) or (E) of subsection (b)(1) shall not exceed 50 percent.

(3) ECONOMIC DEVELOPMENT.—The Secretary may only disburse grant funds for economic development activities under subsection (b)(2)—

(A) to a siting authority upon approval by the siting authority of the applicable covered transmission project; and

(B) to any other State, local, or Tribal governmental entity upon commencement of construction of the applicable covered transmission project in the area under the jurisdiction of the entity.

(d) RETURNING FUNDS.—If a siting authority that receives a grant for an activity described in subsection (b)(1) fails to use all grant funds within 2 years of receipt, the siting authority shall return to the Secretary any such unused funds.

(e) DEFINITIONS.—In this section:

(1) COVERED TRANSMISSION PROJECT.—The term ''covered transmission project'' means a high-voltage interstate or offshore 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.

(3) STATE.—The term ''State'' means a State, the District of Columbia, or any territory or possession of the United States.

**SEC. 30453. 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, $40,000,000, to remain available until fiscal year 2031, for purposes of carrying out a program to provide—

(1) technical assistance and grants to States to evaluate forming, participating in, expanding, or improving organized wholesale electricity markets; and

(2) grants to States to procure data or technology systems related to forming, participating in, expanding, or improving organized wholesale electricity markets.

(b) APPLICATIONS.—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.

(c) DEFINITIONS.—In this section:

(1) INDEPENDENT SYSTEM OPERATOR; REGIONAL TRANSMISSION ORGANIZATION.—The terms ''Independent System Operator'' and ''Regional Transmission Organization'' have the meanings given such terms in section 3 of the Federal Power Act (16 U.S.C. 796).

(2) ORGANIZED WHOLESALE ELECTRICITY MARKET.—The term ''organized wholesale electricity

market'' means an Independent System Operator or a Regional Transmission Organization.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(4) STATE.—The term ''State'' means a State or the District of Columbia.

**SEC. 30454. 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, to carry out this section.

(b) USE OF FUNDS.—The Secretary of Energy shall use amounts made available under subsection (a) to—

(1) pay expenses associated with convening relevant stakeholders, including States, generation and transmission developers, regional transmission organizations, independent system operators, environmental organizations, electric utilities, and other stakeholders the Secretary determines appropriate, to address the development of interregional elec-

tricity transmission and transmission of electricity that is generated by offshore wind; and

(2) conduct planning, modeling, and analysis regarding interregional electricity transmission and transmission of electricity that is generated by offshore wind, taking into account the local, regional, and national economic, reliability, resilience, security, public policy, and environmental benefits of interregional electricity transmission and transmission of electricity that is generated by offshore wind, including planning, modeling, and analysis, as the Secretary determines appropriate, pertaining to—

(A) clean energy integration into the electric grid, including the identification of renewable energy zones;

(B) the effects of changes in weather due to climate change on the reliability and resilience of the electric grid;

(C) cost allocation methodologies that facilitate the expansion of the bulk power system;

(D) the benefits of coordination between generator interconnection processes and transmission planning processes;

(E) the effect of increased electrification on the electric grid;

(F) power flow modeling;

(G) the benefits of increased interconnections or interties between or among the Western Interconnection, the Eastern Interconnection, the Electric Reliability Council of Texas, and other interconnections, as applicable;

(H) the cooptimization of transmission and generation, including variable energy resources, energy storage, and demand-side management;

(I) the opportunities for use of nontransmission alternatives, energy storage, and grid-enhancing technologies;

(J) economic development opportunities for communities arising from development of interregional electricity transmission and transmission of electricity that is generated by offshore wind;

(K) evaluation of existing rights-of-way and the need for additional transmission corridors; and

(L) a planned national transmission grid, which would include a networked transmission

system to optimize the existing grid for interconnection of offshore wind farms.

## PART 6—ENVIRONMENTAL REVIEWS

### SEC. 30461. 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, $125,000,000, to remain available until September 30, 2031, to provide for the development of more efficient, accurate, and timely reviews for planning, permitting, and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of data or information systems, stakeholder and community engagement, the purchase of new equipment for analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

### SEC. 30462. FEDERAL ENERGY REGULATORY COMMISSION.

(a) IN GENERAL.—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, $75,000,000, to remain available until September 30,

2031, to provide for the development of more efficient, accurate, and timely reviews for planning, permitting, and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of data or information systems, stakeholder and community engagement, the purchase of new equipment for analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

(b) FEES AND CHARGES.—Section 3401(a) of the Omnibus Budget Reconciliation Act of 1986 (42 U.S.C. 7178(a)) shall not apply to the costs incurred by the Federal Energy Regulatory Commission in carrying out this section.

## PART 7—INDUSTRIAL

### SEC. 30471. ADVANCED INDUSTRIAL FACILITIES DEPLOYMENT PROGRAM.

(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, $4,000,000,000, to remain available until September 30, 2026, to carry out this section.

(b) PROGRAM.—The Secretary shall use funds appropriated by subsection (a) to establish a program to provide financial assistance, on a competitive basis, to eligible entities to carry out projects for—

(1) the purchase and installation, or implementation, of advanced industrial technology at an eligible facility;

(2) retrofits, upgrades to, or operational improvements at an eligible facility to install or implement advanced industrial technology; or

(3) engineering studies and other work needed to prepare an eligible facility for activities described in paragraph (1) or (2).

(c) APPLICATION.—To be eligible to receive financial assistance under the program established under subsection (b), an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including the expected greenhouse gas emissions reductions to be achieved by carrying out the project.

(d) PRIORITY.—In providing financial assistance under the program established under subsection (b), the Secretary shall give priority consideration to projects on the basis of, as determined by the Secretary—

(1) the expected greenhouse gas emissions reductions to be achieved by carrying out the project;

(2) the extent to which the project would provide the greatest benefit for the greatest number of people within the area in which the eligible facility is located; and

(3) whether the eligible entity participates or would participate in a partnership with purchasers of the output of the eligible facility.

(e) COST SHARE.—The Secretary may require an eligible entity to provide not more than 50 percent of the cost of a project carried out pursuant to this section.

(f) ADMINISTRATIVE COSTS.—The Secretary shall reserve $200,000,000 of amounts made available under subsection (a) for administrative costs of carrying out this section.

(g) DEFINITIONS.—

(1) ADVANCED INDUSTRIAL TECHNOLOGY.—The term ''advanced industrial technology'' means technology or processes designed to accelerate greenhouse gas emissions reduction progress to net-zero at an eligible facility, as determined by the Secretary, including—

(A) industrial energy efficiency technologies;

(B) equipment to electrify industrial processes;

(C) equipment to utilize low- or zero-carbon fuels, feedstocks, and energy sources;

(D) low- or zero-carbon process heat systems; and

(E) carbon capture, transport, utilization, and storage systems.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means the owner or operator of an eligible facility.

(3) ELIGIBLE FACILITY.—The term ''eligible facility'' means a domestic, non-Federal, nonpower industrial or manufacturing facility engaged in energy-intensive industrial processes, including production processes for iron, steel, steel mill products, aluminum, cement, concrete, glass, pulp, paper, and industrial ceramics.

(4) FINANCIAL ASSISTANCE.—The term ''financial assistance'' means a grant, rebate, or cooperative agreement.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

### PART 8—OTHER ENERGY MATTERS

**SEC. 30481. 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, $5,000,000, to remain available until 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.

**SEC. 30482. ENERGY INFORMATION ADMINISTRATION.**

In addition to amounts otherwise available, there is appropriated to the Administrator of the Energy Information Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2031, for data collection, research, and analysis activities.

## Subtitle E—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, 2024, and 2025, 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 who is determined at any point to have a household income for 2022 that does not exceed 138 percent of the poverty line for a family of the size involved, such individual shall, for each month during such year, be treated as having a 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, 2024, and 2025, 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 re-

spect to plan years 2023, 2024, and 2025, 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, 2024, and 2025 for enrollees who are specified enrollees (as defined in subparagraph (C)) in a manner sufficient to increase the plan's share of the total allowed costs of 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, 2024, and 2025.

"(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 plan year, an eligible insured who is determined at any point to have a household income for such plan year that does not exceed 138 percent of the poverty

line for a family of the size involved. Such insured shall be deemed to be a specified enrollee for each 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, 2025, enrollment periods described in subparagraph (A) of paragraph (8) for individuals described in subparagraph (B) of such paragraph.''; and

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

"(8) SPECIAL ENROLLMENT PERIOD FOR CERTAIN LOW-INCOME POPULATIONS.—

"(A) IN GENERAL.—The enrollment period described in this paragraph is, in the case of an individual described in subparagraph (B), the continuous period beginning on the first day that such individual is so described.

"(B) INDIVIDUAL DESCRIBED.—For purposes of subparagraph (A), an individual described in this subparagraph is an individual—

"(i) with a household income that does not exceed 138 percent of the poverty line for a family of the size involved; and

"(ii) who is not eligible for minimum essential coverage (as defined in section 5000A(f) of the Internal Revenue Code of 1986), other than for coverage described in any of subparagraphs (B) through (E) of paragraph (1) of such section.".

(c) ADDITIONAL BENEFITS FOR CERTAIN LOW-INCOME INDIVIDUALS FOR PLAN YEARS 2024 AND 2025.—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 and 2025, for benefits described in paragraph (5) in the case of an individual who has a household income that does not exceed 138 percent of the poverty line for a family of the size involved, and who is eligible to receive cost-sharing reductions under section 1402.''; and

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

''(5) ADDITIONAL BENEFITS FOR CERTAIN LOW-INCOME INDIVIDUALS FOR PLAN YEAR 2024 AND 2025.—

''(A) IN GENERAL.—

''(i) BENEFITS.—For purposes of paragraph (1)(D), the benefits described in this paragraph to be provided by a quali-

fied health plan are benefits consisting of—

"(I) non-emergency medical transportation services (as described in section 1902(a)(4) of the Social Security Act) for which Federal payments would have been available under title XIX of the Social Security Act had such services been furnished to an individual enrolled under a State plan (or waiver of such plan) under such title; and

"(II) services described in subsection (a)(4)(C) of section 1905 of such Act for which Federal payments would have been so available;

which are not otherwise provided under such plan as part of the essential health benefits package described in section 1302(a).

"(ii) CONDITION ON PROVISION OF BENEFITS.—Benefits described in this paragraph shall be provided—

"(I) without any restriction on the choice of a qualified provider from

whom an individual may receive such benefits; and

"(II) without any imposition of cost sharing.

"(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 or 2025 shall notify the Secretary of such payments and the Secretary shall, out of funds made available under clause (ii), make periodic and timely payments to the issuer equal to payments for such services so furnished.

"(ii) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to the Secretary to make payments under clause (i).".

(d) EDUCATION AND OUTREACH ACTIVITIES.——

(1) IN GENERAL.—Section 1321(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18041(c)) is amended by adding at the end the following new paragraph:

"(3) OUTREACH AND EDUCATIONAL ACTIVITIES.—

"(A) IN GENERAL.—In the case of an Exchange established or operated by the Secretary within a State pursuant to this subsection, the Secretary shall carry out outreach and educational activities for purposes of informing individuals described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act who reside in States that have not expended amounts under a State plan (or waiver of such plan) under title XIX of such Act for all such individuals about qualified health plans offered through the Exchange, including by informing such individuals of the availability of coverage under such plans and financial assistance for coverage under such plans. Such outreach and educational activities shall be provided in a manner that is culturally and linguistically appropriate to the needs of the populations being served by the Exchange (including

hard-to-reach populations, such as racial and sexual minorities, limited English proficient populations, individuals residing in areas where the unemployment rates exceeds the national average unemployment rate, individuals in rural areas, veterans, and young adults).

"(B) LIMITATION ON USE OF FUNDS.—No funds appropriated under this paragraph shall be used for expenditures for promoting non-ACA compliant health insurance coverage.

"(C) NON-ACA COMPLIANT HEALTH INSURANCE COVERAGE.—For purposes of subparagraph (B):

"(i) The term 'non-ACA compliant health insurance coverage' means health insurance coverage, or a group health plan, that is not a qualified health plan.

"(ii) Such term includes the following:

"(I) An association health plan.

"(II) Short-term limited duration insurance.

"(D) FUNDING.—In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, to remain available until expended,

$105,000,000 for fiscal year 2022 to carry out this paragraph, of which—

"(i) $15,000,000 shall be used to carry out this paragraph in fiscal year 2022; and

"(ii) $30,000,000 shall be used to carry out this paragraph for each of fiscal years 2023 through 2025.".

(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 not less than $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 not less than $20,000,000 for each of fiscal years 2023, 2024, and 2025. Such amount so obligated for a fiscal year shall remain available until expended.''.

(e) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $65,000,000, to remain available until expended, for purposes of carrying out the provisions of, and the amendments made by, this section, section 30602, and section 30603.

**SEC. 30602. 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 section 1343 (42 U.S.C. 18063) 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 Sec-

retary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services (in this section referred to as the 'Administrator'), to provide funding, in accordance with this part, to the 50 States and the District of Columbia (each referred to in this section as a 'State') beginning on January 1, 2023, for the purposes described in section 1352.

**"SEC. 1352. USE OF FUNDS.**

''(a) IN GENERAL.—A State shall use the funds allocated to the State under this part for one of the following purposes:

''(1) To provide reinsurance payments to health insurance issuers with respect to individuals enrolled under individual health insurance coverage (other than through a plan described in subsection (b)) offered by such issuers.

''(2) To provide assistance (other than through payments described in paragraph (1)) to reduce out-of-pocket costs, such as copayments, coinsurance, premiums, and deductibles, of individuals enrolled under qualified health plans offered on the individual market through an Exchange and of individuals enrolled under standard health plans offered through a basic health program established under section 1331.

"(b) EXCLUSION OF CERTAIN GRANDFATHERED PLANS, TRANSITIONAL PLANS, STUDENT HEALTH PLANS, AND EXCEPTED BENEFITS.—For purposes of subsection (a), a plan described in this subsection is the following:

"(1) A grandfathered health plan (as defined in section 1251).

"(2) A plan (commonly referred to as a 'transitional plan') continued under the letter issued by the Centers for Medicare & Medicaid Services on November 14, 2013, to the State Insurance Commissioners outlining a transitional policy for coverage in the individual and small group markets to which section 1251 does not apply, and under the extension of the transitional policy for such coverage set forth in the Insurance Standards Bulletin Series guidance issued by the Centers for Medicare & Medicaid Services on March 5, 2014, February 29, 2016, February 13, 2017, April 9, 2018, March 25, 2019, January 31, 2020, and January 19, 2021, or under any subsequent extensions thereof.

"(3) Student health insurance coverage (as defined in section 147.145 of title 45, Code of Federal Regulations, or any successor regulation).

"(4) Excepted benefits (as defined in section 2791(c) of the Public Health Service Act).

**"SEC. 1353. STATE ELIGIBILITY AND APPROVAL; DEFAULT SAFEGUARD.**

"(a) ENCOURAGING STATE OPTIONS FOR ALLOCATIONS.—

"(1) IN GENERAL.—Subject to subsection (b), to be eligible for an allocation of funds under this part for a year (beginning with 2023), a State shall submit to the Administrator an application at such time (but, in the case of allocations for 2023, not later than 120 days after the date of the enactment of this part and, in the case of allocations for a subsequent year, not later than January 1 of the previous year) and in such form and manner as specified by the Administrator containing—

"(A) a description of how the funds will be used; and

"(B) such other information as the Administrator may require.

"(2) AUTOMATIC APPROVAL.—An application so submitted is approved (as outlined in the terms of the plan) unless the Administrator notifies the State submitting the application, not later than 90 days after the date of the submission of such application,

that the application has been denied for not being in compliance with any requirement of this part and of the reason for such denial.

"(3) SUBSEQUENT 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 subsequent year through 2025.

"(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, 2024, AND 2025 FOR CERTAIN STATES.—

"(1) IN GENERAL.—For 2023, 2024, and 2025, in the case of a State described in paragraph (5), with respect to such year, the State shall not be eligible to submit an application under subsection (a), and the Administrator, in consultation with the applicable State authority, shall from the amount calculated under paragraph (3) for such year, carry out the purpose described in paragraph (2) in such State for such year.

"(2) SPECIFIED USE.—The amount described in paragraph (3), with respect to a State described in paragraph (5) for 2023, 2024, or 2025, 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, 2024, or 2025, is the amount equal to the total sum of amounts that the Secretary would otherwise estimate under section 1354(b)(2)(A)(i) for such year for each State described in paragraph (5) for such year, as applicable, if each such State were not so described for such year.

"(4) ADJUSTMENT.—For purposes of this subsection, the Secretary may apply a percentage under paragraph (3) with respect to a year that is less than the percentage otherwise 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, 2024, and 2025, is a State that, as of January 1 of 2022, 2023, or 2024, 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 through 2025 to provide allocations for States under subsection (b) and payments under section 1353(b).

"(b) ALLOCATIONS.—

"(1) PAYMENT.—

"(A) IN GENERAL.—From amounts appropriated under subsection (a) for a year, the Secretary shall, with respect to a State not described in section 1353(b) for such year and not later than the date specified under subparagraph (B) for such year, allocate for such State the amount determined for such State and year under paragraph (2).

"(B) SPECIFIED DATE.—For purposes of subparagraph (A), the date specified in this subparagraph is—

"(i) for 2023, the date that is 90 days after the date of the enactment of this part; and

"(ii) for 2024 or 2025, January 1 of the previous year.

"(C) NOTIFICATIONS OF ALLOCATION AMOUNTS.—For 2024 and 2025, the Secretary shall notify each State of the amount determined for such State under paragraph (2) for such year by not later than January 1 of the previous year.

"(2) ALLOCATION AMOUNT DETERMINATIONS.—

"(A) IN GENERAL.—For purposes of paragraph (1), the amount determined under this paragraph for a year for a State described in paragraph (1)(A) for such year is the amount equal to—

"(i) the amount that the Secretary estimates would be expended under this part for such year on attachment range claims of individuals residing in such State if such State used such funds only for the purpose described in paragraph (1) of section 1352(a) at the dollar amounts and percentage specified under subparagraph (B) for such year; minus

"(ii) the amount, if any, by which the Secretary determines—

"(I) the estimated amount of premium tax credits under section 36B of the Internal Revenue Code of 1986 that would be attributable to 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 such year if section 1353(b) applied for such year and applied with respect to such State for such year.

For purposes of the previous sentence and section 1353(b)(3), the term 'attachment range claims' means, with respect to an individual, the claims for such individual that exceed a dollar amount specified by the Secretary for a year, but do not exceed a ceiling dollar amount specified by the Secretary for such year, under subparagraph (B).

"(B) SPECIFICATIONS.—For purposes of subparagraph (A) and section 1353(b)(3), the

Secretary shall determine the dollar amounts and the percentage to be specified under this subparagraph for a year in a manner to ensure that the total amount of expenditures under this part for such year is estimated to equal the total amount appropriated for such year under subsection (a) if such expenditures were used solely for the purpose described in paragraph (1) of section 1352(a) for attachment range claims at the dollar amounts and percentage so specified for such year.

''(3) AVAILABILITY.—Funds allocated to a State under this subsection for a year shall remain available through the end of the subsequent year.''.

(b) BASIC HEALTH PROGRAM FUNDING ADJUSTMENTS.—Section 1331 of the Patient Protection and Affordable Care Act (42 U.S.C. 18051) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(3) PROVISION OF INFORMATION ON QUALIFIED HEALTH PLAN PREMIUMS.—

''(A) IN GENERAL.—For plan years beginning on or after January 1, 2023, the program described in paragraph (1) shall provide that a State may not establish a basic health program

unless such State furnishes to the Secretary, with respect to each qualified health plan offered in such State during a year that receives any reinsurance payment from funds made available under part 6 for such year, the adjusted premium amount (as defined in subparagraph (B)) for each such plan and year.

''(B) ADJUSTED PREMIUM AMOUNT DEFINED.—For purposes of subparagraph (A), the term 'adjusted premium amount' means, with respect to a qualified health plan and a year, the monthly premium for such plan and year that would have applied had such plan not received any payments described in subparagraph (A) for such year.''; and

(2) in subsection (d)(3)(A)(ii), by adding at the end the following new sentence: ''In making such determination, the Secretary shall calculate the value of such premium tax credits that would have been provided to such individuals enrolled through a basic health program established by a State during a year using the adjusted premium amounts (as defined in subsection (a)(3)(B)) for qualified health plans offered in such State during such year.''.

(c) IMPLEMENTATION AUTHORITY.—The Secretary of Health and Human Services may implement the provisions of, and the amendments made by, this section by subregulatory guidance or otherwise.

**SEC. 30603. FUNDING FOR THE PROVISION OF HEALTH INSURANCE CONSUMER INFORMATION.**

Section 2793(e) of the Public Health Service Act (42 U.S.C. 300gg–93(e)) is amended by adding at the end the following new paragraph:

"(3) FUNDING FOR 2022 THROUGH 2025.—In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, $100,000,000 for 2022, to remain available until expended, of which $25,000,000 shall be used for each of 2022 through 2025 to carry out this section.".

**SEC. 30604. REQUIREMENTS WITH RESPECT TO COST-SHARING FOR INSULIN PRODUCTS.**

(a) IN GENERAL.—Part D of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–111 et seq.) is amended by adding at the end the following:

**"SEC. 2799A–11. REQUIREMENTS WITH RESPECT TO COST-SHARING FOR CERTAIN INSULIN PRODUCTS.**

"(a) IN GENERAL.—For plan years beginning on or after January 1, 2023, a group health plan or health in-

surance issuer offering group or individual health insurance coverage shall provide coverage of selected insulin products, and with respect to such products, shall not—

"(1) apply any deductible; or

"(2) impose any cost-sharing in excess of the lesser of, per 30-day supply—

"(A) $35; or

"(B) the amount equal to 25 percent of the negotiated price of the selected insulin product net of all price concessions received by or on behalf of the plan or coverage, including price concessions received by or on behalf of third-party entities providing services to the plan or coverage, such as pharmacy benefit management services.

"(b) DEFINITIONS.—In this section:

"(1) SELECTED INSULIN PRODUCTS.—The term 'selected insulin products' means at least one of each dosage form (such as vial, pump, or inhaler dosage forms) of each different type (such as rapid-acting, short-acting, intermediate-acting, long-acting, ultra long-acting, and premixed) of insulin (as defined below), when available, as selected by the group health plan or health insurance issuer.

"(2) INSULIN DEFINED.—The term 'insulin' means insulin that is licensed under subsection (a) or (k) of section 351 and continues to be marketed under such section, including any insulin product that has been deemed to be licensed under section 351(a) pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009 and continues to be marketed pursuant to such licensure.

"(c) OUT-OF-NETWORK PROVIDERS.—Nothing in this section requires a plan or issuer that has a network of providers to provide benefits for selected insulin products described in this section that are delivered by an out-of-network provider, or precludes a plan or issuer that has a network of providers from imposing higher cost-sharing than the levels specified in subsection (a) for selected insulin products described in this section that are delivered by an out-of-network provider.

"(d) RULE OF CONSTRUCTION.—Subsection (a) shall not be construed to require coverage of, or prevent a group health plan or health insurance coverage from imposing cost-sharing other than the levels specified in subsection (a) on, insulin products that are not selected insulin products, to the extent that such coverage is not otherwise re-

quired and such cost-sharing is otherwise permitted under Federal and applicable State law.

''(e) APPLICATION OF COST-SHARING TOWARDS DEDUCTIBLES AND OUT-OF-POCKET MAXIMUMS.—Any cost-sharing payments made pursuant to subsection (a)(2) shall be counted toward any deductible or out-of-pocket maximum that applies under the plan or coverage.''.

(b) NO EFFECT ON OTHER COST-SHARING.—Section 1302(d)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(d)(2)) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE RELATING TO INSULIN COVERAGE.—The exemption of coverage of selected insulin products (as defined in section 2799A–11(b) of the Public Health Service Act) from the application of any deductible pursuant to section 2799A–11(a)(1) of such Act, section 726(a)(1) of the Employee Retirement Income Security Act of 1974, or section 9826(a)(1) of the Internal Revenue Code of 1986 shall not be considered when determining the actuarial value of a qualified health plan under this subsection.''.

(c) COVERAGE OF CERTAIN INSULIN PRODUCTS UNDER CATASTROPHIC PLANS.—Section 1302(e) of the

Patient Protection and Affordable Care Act (42 U.S.C. 18022(e)) is amended by adding at the end the following:

"(4) COVERAGE OF CERTAIN INSULIN PRODUCTS.—

"(A) IN GENERAL.—Notwithstanding paragraph (1)(B)(i), a health plan described in paragraph (1) shall provide coverage of selected insulin products, in accordance with section 2799A–11 of the Public Health Service Act, for a plan year before an enrolled individual has incurred cost-sharing expenses in an amount equal to the annual limitation in effect under subsection (c)(1) for the plan year.

"(B) TERMINOLOGY.—For purposes of subparagraph (A)—

"(i) the term 'selected insulin products' has the meaning given such term in section 2799A–11(b) of the Public Health Service Act; and

"(ii) the requirements of section 2799A–11 of such Act shall be applied by deeming each reference in such section to 'individual health insurance coverage' to be a reference to a plan described in paragraph (1).".

**SEC. 30605. COST-SHARING REDUCTIONS FOR INDIVIDUALS RECEIVING UNEMPLOYMENT COMPENSATION.**

Section 1402(f) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071(f)) is amended—

(1) in the header, by striking ''2021'' and inserting ''CERTAIN YEARS'';

(2) in the matter preceding paragraph (1), by striking ''2021'' and inserting ''any of years 2021 through 2022''; and

(3) in paragraph (2), by striking ''133 percent'' and inserting ''150 percent''.

**SEC. 30606. OVERSIGHT OF PHARMACY BENEFIT MANAGER SERVICES.**

(a) IN GENERAL.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.), as amended by section 30604, is further amended—

(1) in part D (42 U.S.C. 300gg–111 et seq.), by adding at the end the following new section:

**''SEC. 2799A–12. OVERSIGHT OF PHARMACY BENEFIT MANAGER SERVICES.**

''(a) IN GENERAL.—For plan years beginning on or after January 1, 2023, a group health plan or health insurance issuer offering group health insurance coverage or an entity or subsidiary providing pharmacy benefits management services on behalf of such a plan or issuer

shall not enter into a contract with a drug manufacturer, distributor, wholesaler, subcontractor, rebate aggregator, or any associated third party that limits the disclosure of information to plan sponsors in such a manner that prevents the plan or issuer, or an entity or subsidiary providing pharmacy benefits management services on behalf of a plan or issuer, from making the reports described in subsection (b).

''(b) REPORTS.—

''(1) IN GENERAL.—For plan years beginning on or after January 1, 2023, not less frequently than once every 6 months, a health insurance issuer offering group health insurance coverage or an entity providing pharmacy benefits management services on behalf of a group health plan or an issuer providing group health insurance coverage shall submit to the plan sponsor (as defined in section 3(16)(B) of the Employee Retirement Income Security Act of 1974) of such group health plan or health insurance coverage a report in accordance with this subsection and make such report available to the plan sponsor in a machine-readable format. Each such report shall include, with respect to the applicable group health plan or health insurance coverage—

"(A) as applicable, information collected from drug manufacturers by such issuer or entity on the total amount of copayment assistance dollars paid, or copayment cards applied, that were funded by the drug manufacturer with respect to the participants and beneficiaries in such plan or coverage;

"(B) a list of each drug covered by such plan, issuer, or entity providing pharmacy benefit management services that was dispensed during the reporting period, including, with respect to each such drug during the reporting period—

"(i) the brand name, chemical entity, and National Drug Code;

"(ii) the number of participants and beneficiaries for whom the drug was filled during the plan year, the total number of prescription fills for the drug (including original prescriptions and refills), and the total number of dosage units of the drug dispensed across the plan year, including whether the dispensing channel was by retail, mail order, or specialty pharmacy;

"(iii) the wholesale acquisition cost, listed as cost per days supply and cost per pill, or in the case of a drug in another form, per dose;

"(iv) the total out-of-pocket spending by participants and beneficiaries on such drug, including participant and beneficiary spending through copayments, coinsurance, and deductibles; and

"(v) for any drug for which gross spending of the group health plan or health insurance coverage exceeded $10,000 during the reporting period—

"(I) a list of all other drugs in the same therapeutic category or class, including brand name drugs and biological products and generic drugs or biosimilar biological products that are in the same therapeutic category or class as such drug; and

"(II) the rationale for preferred formulary placement of such drug in that therapeutic category or class;

"(C) a list of each therapeutic category or class of drugs that were dispensed under the

health plan or health insurance coverage during the reporting period, and, with respect to each such therapeutic category or class of drugs, during the reporting period—

"(i) total gross spending by the plan, before manufacturer rebates, fees, or other manufacturer remuneration;

"(ii) the number of participants and beneficiaries who filled a prescription for a drug in that category or class;

"(iii) if applicable to that category or class, a description of the formulary tiers and utilization mechanisms (such as prior authorization or step therapy) employed for drugs in that category or class;

"(iv) the total out-of-pocket spending by participants and beneficiaries, including participant and beneficiary spending through copayments, coinsurance, and deductibles; and

"(v) for each therapeutic category or class under which 3 or more drugs are included on the formulary of such plan or coverage—

"(I) the amount received, or expected to be received, from drug manufacturers in rebates, fees, alternative discounts, or other remuneration—

"(aa) to be paid by drug manufacturers for claims incurred during the reporting period; or

"(bb) that is related to utilization of drugs, in such therapeutic category or class;

"(II) the total net spending, after deducting rebates, price concessions, alternative discounts or other remuneration from drug manufacturers, by the health plan or health insurance coverage on that category or class of drugs; and

"(III) the net price per course of treatment or single fill, such as a 30-day supply or 90-day supply, incurred by the health plan or health insurance coverage and its participants and beneficiaries, after manufacturer rebates, fees, and other remuneration

for drugs dispensed within such therapeutic category or class during the reporting period;

"(D) total gross spending on prescription drugs by the plan or coverage during the reporting period, before rebates and other manufacturer fees or remuneration;

"(E) total amount received, or expected to be received, by the health plan or health insurance coverage in drug manufacturer rebates, fees, alternative discounts, and all other remuneration received from the manufacturer or any third party, other than the plan sponsor, related to utilization of drug or drug spending under that health plan or health insurance coverage during the reporting period;

"(F) the total net spending on prescription drugs by the health plan or health insurance coverage during the reporting period; and

"(G) amounts paid directly or indirectly in rebates, fees, or any other type of remuneration to brokers, consultants, advisors, or any other individual or firm who referred the group health plan's or health insurance issuer's business to the pharmacy benefit manager.

"(2) PRIVACY REQUIREMENTS.—Health insurance issuers offering group health insurance coverage and entities providing pharmacy benefits management services on behalf of a group health plan shall provide information under paragraph (1) in a manner consistent with the privacy, security, and breach notification regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996, and shall restrict the use and disclosure of such information according to such privacy regulations.

"(3) DISCLOSURE AND REDISCLOSURE.—

"(A) LIMITATION TO BUSINESS ASSOCIATES.—A group health plan receiving a report under paragraph (1) may disclose such information only to business associates of such plan as defined in section 160.103 of title 45, Code of Federal Regulations (or successor regulations).

"(B) CLARIFICATION REGARDING PUBLIC DISCLOSURE OF INFORMATION.—Nothing in this section prevents a health insurance issuer offering group health insurance coverage or an entity providing pharmacy benefits management services on behalf of a group health plan from placing reasonable restrictions on the public dis-

closure of the information contained in a report described in paragraph (1), except that such issuer or entity may not restrict disclosure of such report to the Department of Health and Human Services, the Department of Labor, or the Department of the Treasury.

"(C) LIMITED FORM OF REPORT.—The Secretary shall define through rulemaking a limited form of the report under paragraph (1) required of plan sponsors who are drug manufacturers, drug wholesalers, or other direct participants in the drug supply chain, in order to prevent anti-competitive behavior.

"(4) REPORT TO GAO.—A health insurance issuer offering group health insurance coverage or an entity providing pharmacy benefits management services on behalf of a group health plan shall submit to the Comptroller General of the United States each of the first 4 reports submitted to a plan sponsor under paragraph (1) with respect to such coverage or plan, and other such reports as requested, in accordance with the privacy requirements under paragraph (2) and the disclosure and redisclosure standards under paragraph (3), and such other information that the Comptroller General determines

necessary to carry out the study under section 30606(b) of An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14.

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Labor and the Secretary of the Treasury, shall enforce this section.

''(2) FAILURE TO PROVIDE TIMELY INFORMATION.—A health insurance issuer or an entity providing pharmacy benefit management services that violates subsection (a) or fails to provide information required under subsection (b), or a drug manufacturer that fails to provide information under subsection (b)(1)(A) in a timely manner, shall be subject to a civil monetary penalty in the amount of $10,000 for each day during which such violation continues or such information is not disclosed or reported.

''(3) FALSE INFORMATION.—A health insurance issuer, entity providing pharmacy benefit management services, or drug manufacturer that knowingly provides false information under this section shall be subject to a civil money penalty in an amount not to exceed $100,000 for each item of false informa-

tion. Such civil money penalty shall be in addition to other penalties as may be prescribed by law.

''(4) PROCEDURE.—The provisions of section 1128A of the Social Security Act, other than subsection (a) and (b) and the first sentence of subsection (c)(1) of such section shall apply to civil monetary penalties under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A of the Social Security Act.

''(5) WAIVERS.—The Secretary may waive penalties under paragraph (2), or extend the period of time for compliance with a requirement of this section, for an entity in violation of this section that has made a good-faith effort to comply with this section.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit a health insurance issuer, group health plan, or other entity to restrict disclosure to, or otherwise limit the access of, the Department of Health and Human Services to a report described in subsection (b)(1) or information related to compliance with subsection (a) by such issuer, plan, or entity.

"(e) DEFINITION.—In this section, the term 'wholesale acquisition cost' has the meaning given such term in section 1847A(c)(6)(B) of the Social Security Act."; and

(2) in section 2723 (42 U.S.C. 300gg–22)—

(A) in subsection (a)—

(i) in paragraph (1), by inserting "(other than subsections (a) and (b) of section 2799A–12)" after "part D"; and

(ii) in paragraph (2), by inserting "(other than subsections (a) and (b) of section 2799A–12)" after "part D";

(B) in subsection (b)—

(i) in paragraph (1), by inserting "(other than subsections (a) and (b) of section 2799A–12)" after "part D";

(ii) in paragraph (2)(A), by inserting "(other than subsections (a) and (b) of section 2799A–12)" after "part D"; and

(iii) in paragraph (2)(C)(ii), by inserting "(other than subsections (a) and (b) of section 2799A–12)" after "part D".

(b) GAO STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller

General of the United States shall report to Congress on—

(A) pharmacy networks of group health plans, health insurance issuers, and entities providing pharmacy benefit management services under such group health plan or group or individual health insurance coverage, including networks that have pharmacies that are under common ownership (in whole or part) with group health plans, health insurance issuers, or entities providing pharmacy benefit management services or pharmacy benefit administrative services under group health plan or group or individual health insurance coverage;

(B) as it relates to pharmacy networks that include pharmacies under common ownership described in subparagraph (A)—

(i) whether such networks are designed to encourage enrollees of a plan or coverage to use such pharmacies over other network pharmacies for specific services or drugs, and if so, the reasons the networks give for encouraging use of such pharmacies; and

(ii) whether such pharmacies are used by enrollees disproportionately more in the aggregate or for specific services or drugs compared to other network pharmacies;

(C) whether group health plans and health insurance issuers offering group or individual health insurance coverage have options to elect different network pricing arrangements in the marketplace with entities that provide pharmacy benefit management services, the prevalence of electing such different network pricing arrangements;

(D) pharmacy network design parameters that encourage enrollees in the plan or coverage to fill prescriptions at mail order, specialty, or retail pharmacies that are wholly or partially-owned by that issuer or entity; and

(E) the degree to which mail order, specialty, or retail pharmacies that dispense prescription drugs to an enrollee in a group health plan or health insurance coverage that are under common ownership (in whole or part) with group health plans, health insurance issuers, or entities providing pharmacy benefit management services or pharmacy benefit ad-

ministrative services under group health plan or group or individual health insurance coverage receive reimbursement that is greater than the median price charged to the group health plan or health insurance issuer when the same drug is dispensed to enrollees in the plan or coverage by other pharmacies included in the pharmacy network of that plan, issuer, or entity that are not wholly or partially owned by the health insurance issuer or entity providing pharmacy benefit management services.

(2) REQUIREMENT.—The Comptroller General of the United States shall ensure that the report under paragraph (1) does not contain information that would allow a reader to identify a specific plan or entity providing pharmacy benefits management services or otherwise contain commercial or financial information that is privileged or confidential.

(3) DEFINITIONS.—In this subsection, the terms ''group health plan'', ''health insurance coverage'', and ''health insurance issuer'' have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91).

**SEC. 30607. FUNDING TO SUPPORT STATE APPLICATIONS FOR SECTION 1332 WAIVERS AND ADMINISTRATION.**

Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) is amended by adding at the end the following:

''(f) ADMINISTRATION AND PLANNING GRANTS.—

''(1) APPROPRIATION.—In addition to any other amounts made available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, for purposes of implementing the grant program under paragraph (2) and awarding grants under such paragraph.

''(2) GRANTS.—From the amount appropriated under paragraph (1), the Secretary of Health and Human Services shall award grants to States for purposes of developing a new waiver application, preparing an application for a waiver extension or amendment, or implementing a State plan under this section. The amount of a grant awarded to a State under this subsection shall remain available until expended.

"(3) LIMITATION.—Each grant awarded to a State under this subsection shall be in an amount not to exceed $5,000,000.".

**SEC. 30608. ADJUSTMENTS TO UNCOMPENSATED CARE POOLS AND DISPROPORTIONATE SHARE HOSPITAL PAYMENTS.**

(a) ADJUSTMENTS TO UNCOMPENSATED CARE POOLS.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following new subsection:

"(cc) EXCLUDING EXPENDITURES FOR EXPANSION POPULATION FROM ASSISTANCE UNDER WAIVERS RELATING TO UNCOMPENSATED CARE.—With respect to a State with a State plan (or waiver of such plan) that does not provide, with respect to a fiscal year (beginning with fiscal year 2023), to all individuals described in section 1902(a)(10)(A)(i)(VIII) benchmark coverage described in section 1937(b)(1) or benchmark equivalent coverage described in section 1937(b)(2), in the case of any experimental, pilot, or demonstration project undertaken under section 1115, with respect to such State and fiscal year, that provides for Federal financial participation with respect to expenditures for payments to providers for otherwise uncompensated care that is furnished to low-income individuals, uninsured individuals, or underinsured indi-

viduals, notwithstanding any waiver authority available under such section, such project shall exclude from Federal financial participation any expenditures for care that is furnished with respect to such fiscal year to individuals described in section 1902(a)(10)(A)(i)(VIII).''.

(b) ADJUSTMENTS TO DISPROPORTIONATE SHARE HOSPITAL PAYMENTS.—

(1) IN GENERAL.—Section 1923(f) of the Social Security Act (42 U.S.C.1396r–4(f)) is amended—

(A) in paragraph (3)(A), by striking ''paragraphs (6), (7), and (8)'' and inserting ''paragraphs (6), (7), (8), and (10)'';

(B) in paragraph (6)(A)(vi), by inserting ''(except paragraph (10))'' before '', any other provision of law'';

(C) in paragraph (7)(A)(i), by inserting ''without regard to paragraph (10),'' before ''the Secretary''; and

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

''(10) STATE DSH ALLOTMENTS FOR NON-EXPANSION STATES BEGINNING WITH FISCAL YEAR 2023.—

''(A) IN GENERAL.—For fiscal year 2023 and each subsequent fiscal year—

"(i) in the case of a State with a State plan (or waiver of such plan) that, with respect to such fiscal year, does not provide to all individuals described in section 1902(a)(10)(A)(i)(VIII) benchmark coverage described in section 1937(b)(1) or benchmark equivalent coverage described in section 1937(b)(2), the Secretary shall reduce the DSH allotment to the State for such fiscal year in the amount equal to 12.5 percent of the DSH allotment that would (after the application of paragraph (6), and without the application of paragraphs (7), (8), or this paragraph) be determined under this subsection for the State for such fiscal year;

"(ii) in the case of a State with a State plan (or waiver of such plan) that, with respect to such fiscal year, initially provides to all individuals described in section 1902(a)(10)(A)(i)(VIII) benchmark coverage described in 1937(b)(1) or benchmark equivalent coverage described in section 1937(b)(2), but during such fiscal year stops providing to any such individual

such benchmark or benchmark equivalent coverage, the Secretary shall reduce the DSH allotment to the State for such fiscal year in the amount equal to the product of—

"(I) 12.5 percent of the DSH allotment that would (after the application of paragraph (6), and without the application of paragraphs (7), (8), or this paragraph) be determined under this subsection for the State for such fiscal year; and

"(II) expressed as a percentage, the number of days of such fiscal year during which such State plan (or waiver of such plan), with respect to such fiscal year, did not provide to such individuals such benchmark or benchmark equivalent coverage; or

"(iii) in the case of a State with a State plan (or waiver of such plan) that, with respect to such fiscal year, either—

"(I) initially does not provide to all individuals described in section 1902(a)(10)(A)(i)(VIII) benchmark

coverage described in 1937(b)(1) or benchmark equivalent coverage described in section 1937(b)(2), but during the fiscal year establishes a State plan (or waiver of such plan) that provides, for the remainder of the fiscal year, all such individuals such benchmark or benchmark equivalent coverage; or

"(II) did not provide to all such individuals such benchmark or benchmark equivalent coverage during the fiscal year preceding such fiscal year described in the matter preceding subclause (I), but on the first day of such fiscal year establishes a State plan (or waiver of such plan) that provides, for the entirety of such fiscal year, all such individuals such benchmark or benchmark equivalent coverage;

the DSH allotment for such State for such fiscal year is equal to the DSH allotment under this subsection (without application of this paragraph) for the State for the entirety of such fiscal year.

"(B) CALCULATION OF DSH ALLOTMENTS AFTER EXPANSION PERIOD.—The DSH allotment for a State for fiscal years after which a State provides under a State plan (or waiver of such plan) to all individuals described in section 1902(a)(10)(A)(i)(VIII) benchmark coverage described in section 1937(b)(1) or benchmark equivalent coverage described in section 1937(b)(2) and, for which the State continues to provide under the State plan (or waiver of such plan) such benchmark or benchmark equivalent coverage to such individuals, without the providing of such benchmark or benchmark equivalent coverage being stopped during a fiscal year (as described in the matter preceding subclause (I) of subparagraph (A)(ii)), shall be calculated under paragraph (3) without regard to this paragraph.".

(2) TECHNICAL AMENDMENT.—Section 1923(f)(7)(A)(i)(II) of the Social Security Act (42 U.S.C.1396r–4(f)(7)(A)(i)(II)) is amended by adding at period at the end.

**SEC. 30609. FURTHER INCREASE IN FMAP FOR MEDICAL ASSISTANCE FOR NEWLY ELIGIBLE MANDATORY INDIVIDUALS.**

Section 1905(y)(1) of the Social Security Act (42 U.S.C. 1396d(y)(1)) is amended—

(1) in subparagraph (D), by striking at the end ''and'';

(2) in subparagraph (E), by striking ''2020 and each year thereafter.'' and inserting ''2020, 2021, and 2022; and''; and

(3) by adding at the end the following new subparagraphs:

''(F) 93 percent for calendar quarters in 2023, 2024, and 2025; and

''(G) 90 percent for calendar quarters in 2026 and each year thereafter.''.

# Subtitle F—Medicaid

## PART 1—INVESTMENTS IN HOME AND COMMUNITY-BASED SERVICES AND LONG-TERM CARE QUALITY AND WORKFORCE

**SEC. 30711. 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.—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 purposes of issuing guidance and providing technical assistance to States intending to apply for, or which are awarded, a planning grant under this section, and for other administrative expenses related to awarding planning grants under this section.

(b) AWARD AND USE OF GRANTS.—

(1) DEADLINE FOR AWARD OF GRANTS.—From the amount appropriated under subsection (a)(1), the Secretary, not later than 12 months after the date of enactment of this Act, shall solicit State requests for HCBS improvement planning grants and award such grants to all States that meet such requirements as determined by the Secretary.

(2) USE OF FUNDS.—Subject to paragraph (3), 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). A State may use planning grant funds to support activities related to the implementation of the HCBS improvement plan for the State, collect and report information described in subsection (c), identify areas for improvement to the service delivery systems for home and community-based services, carry out activities related to evaluating payment rates for home and community-based services and identifying improvements to update the rate setting process, and make related infrastructure investments (such as case management or other information technology systems).

(3) LIMITATION ON USE OF FUNDS.—None of the funds awarded to a State under this section may be used by a State as the source of the non-Federal share of expenditures under the State plan (or waiver of such plan).

(c) HCBS IMPROVEMENT PLAN REQUIREMENTS.—In order to meet the requirements of this subsection, an HCBS improvement plan developed using funds awarded to a State under this section shall include, with respect to the State and subject to subsection (d), the following:

(1) EXISTING MEDICAID HCBS LANDSCAPE.—

(A) ELIGIBILITY AND BENEFITS.—A description of the existing standards, pathways, and methodologies for eligibility for home and community-based services pursuant to the State plan (or waiver of such plan), 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 direct care workers and home care agencies, or other similar organizations.

(ii) AVAILABILITY; UNMET NEED.—A summary, in accordance with guidance issued by the Secretary and as able to be practicably determined by the State, 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 waiting list for such services).

(C) UTILIZATION.—An assessment of the utilization of home and community-based services in the State (including the number of individuals receiving such services) 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.

(E) WORKFORCE.—A description of the direct care workforce, including 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, and the turnover and vacancy rates of direct care worker positions.

(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 man-

aged care capitation rates, when the State last updated payment rates for home and community-based services, and an estimate of the portion of the payment rate that goes toward direct care worker compensation.

(ii) ASSESSMENT.—An assessment of the relationship between payment rates for such services and workforce shortages, average beneficiary wait times for such services, and 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 in a year who receive items and services furnished by an institution for greater than 30 days in an institutional setting.

(I) HCBS SHARE OF OVERALL MEDICAID LTSS SPENDING.—For the most recent State fiscal year for which complete data is available,

the percentage of expenditures made by the State under the State Medicaid program for long-term services and supports that are for home and community-based services.

(J) DEMOGRAPHIC DATA.—To the extent available and as applicable with respect to the information required under subparagraphs (B), (C), and (H), demographic data for such information, disaggregated by age groups, primary disability, income brackets, gender, race, ethnicity, geography, primary language, and type of service setting.

(2) GOALS FOR HCBS IMPROVEMENTS.—A description of how the State will do the following:

(A) Conduct the activities required under subsection (jj) of section 1905 of the Social Security Act (as added under section 30712).

(B) Reduce barriers to and disparities in access or utilization of home and community-based services in the State.

(C) Monitor and report on access to home and community-based services under the State Medicaid program, disparities in access to such services, and the utilization of such services.

(D) Monitor and report 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.

(E) Monitor and report on wages, benefits, and vacancy and turnover rates for direct care workers.

(F) Assess and monitor the sufficiency of payment rates under the State Medicaid program, in a manner specified by the Secretary, 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.

(G) Coordinate implementation of the HCBS improvement plan among the State Medicaid agency and State health and human services agencies serving individuals with disabilities and the elderly.

(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 through a public notice and comment process that includes consultation with Medicaid eligible individuals who are recipients of home and community-based services, family caregivers of such recipients, providers, health plans, direct care workers, chosen representatives of direct care workers, and aging, disability, and workforce advocates.

(2) AUTHORITY TO ADJUST CERTAIN PLAN CONTENT REQUIREMENTS.—The Secretary may modify the requirements for any of the information specified in subsection (c)(1) if a State requests a modification and demonstrates to the satisfaction of the Secretary that it is impracticable for the State to collect and submit the information.

(3) SUBMISSION AND APPROVAL.—Not later than 24 months after the date on which a State is awarded a planning grant under this section, the State shall submit an HCBS improvement plan for approval by the Secretary, along with assurances by the State that the State will implement the plan in accordance with the requirements of the HCBS Im-

provement Program established under subsection (jj) of section 1905 of the Social Security Act (42 U.S.C. 1396d) (as added by section 30712). 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, if the State fails to comply with the requirements of this section.

(e) DEFINITIONS.—In the part:

(1) DIRECT CARE WORKER.—The term ''direct care worker'' means, with respect to a State, any of the following individuals who are paid to provide 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, 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.

(2) HCBS PROGRAM IMPROVEMENT STATE.—The term ''HCBS program improvement State'' means a State that is awarded a planning grant under subsection (b) and has an HCBS improvement plan approved by the Secretary under subsection (d)(3).

(3) 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 sec-

tion 438.2 of title 42, Code of Federal Regulations (or any successor regulation).

(4) HOME AND COMMUNITY-BASED SERVICES.—The term ''home and community-based services'' means any of the following (whether provided on a fee-for-service, risk, or other basis):

(A) Home health care services authorized under paragraph (7) of section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)).

(B) Private duty nursing services authorized under paragraph (8) of such section, when such services are provided in a Medicaid eligible individual's home.

(C) Personal care services authorized under paragraph (24) of such section.

(D) PACE services authorized under paragraph (26) of such section.

(E) Home and community-based services authorized under subsections (b), (c), (i), (j), and (k) of section 1915 of such Act (42 U.S.C. 1396n), authorized under a waiver under section 1115 of such Act (42 U.S.C. 1315), or provided through coverage authorized under section 1937 of such Act (42 U.S.C. 1396u–7).

(F) Case management services authorized under section 1905(a)(19) of the Social Security Act (42 U.S.C. 1396d(a)(19)) and section 1915(g) of such Act (42 U.S.C. 1396n(g)).

(G) Rehabilitative services, including those related to behavioral health, described in section 1905(a)(13) of such Act (42 U.S.C. 1396d(a)(13)).

(H) Such other services specified by the Secretary.

(5) 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 described in section 1905(d) of such Act (42 U.S.C. 1396d(d)));

(E) an institution which is a psychiatric hospital (as defined in section 1861(f) of such Act (42 U.S.C. 1395x(f))) or that provides in-

patient psychiatric services in a residential setting specified by the Secretary; and

(F) an institution described in section 1905(i) of such Act (42 U.S.C. 1396d(i)).

(6) 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 of such plan. Such term includes an individual who is on a waiting list and who would become eligible for medical assistance and enrolled under a State Medicaid plan, or waiver of such plan, upon receipt of home and community-based services.

(7) 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 through 1396w-6) (including any waiver or demonstration under such title or under section 1115 of such Act (42 U.S.C. 1315) relating to such title).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(9) 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 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 assist-

ance for home and community-based services, the Federal medical assistance percentage for such State and quarter (as determined for the State under subsection (b) and, if applicable, increased under subsection (y), (z), (aa), or (ii), section 6008(a) of the Families First Coronavirus Response Act), or section 1915(k)(2) shall be increased by 6 percentage points; and

''(ii) with respect to the State meeting the requirements described in paragraphs (2) and (4) and 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, home and community-based services ombudsman office activities (as reimbursable under section 1903(a)(7)), developing processes to identify direct care workers and assign such workers unique

identifiers (as so reimbursable), and adopting, carrying out, or enhancing programs that register direct care workers or connect beneficiaries to direct care workers, the per centum specified in sections 1903(a)(7) and 1903(a)(3) shall be increased to 80 percent.

In no case may the application of clause (i) result in the Federal medical assistance percentage determined for a State being more than 95 percent with respect to such expenditures. In no case shall the application of clause (ii) result in a reduction to the per centum otherwise specified without application of such clause. Any increase pursuant to clause (ii) shall be available to a State before the State meets the requirements of paragraphs (2) and (4).

''(B) ADDITIONAL HCBS IMPROVEMENT EFFORTS.—Subject to paragraph (5), in addition to the increase to the Federal medical assistance percentage under subparagraph (A)(i) for amounts expended during a quarter for medical assistance for home and community-based services by an HCBS program improvement State that meets the requirements of

paragraphs (2) and (4) for the quarter, the Federal medical assistance percentage for amounts expended by the State during the quarter for medical assistance for home and community-based services shall be further increased by 2 percentage points (but not to exceed 95 percent) during the first 6 fiscal quarters throughout which the State has implemented and has in effect a program 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 as-

sistance 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.—Subject to the last sentence of paragraph (1)(A), as conditions for receipt of the increase under paragraph (1) to the Federal medical assistance percentage determined for a State, with respect to a fiscal year quarter, the State shall meet each of the following requirements:

"(A) NONSUPPLANTATION.—The State uses the Federal funds attributable to the increase in the Federal medical assistance percentage for amounts expended during a quarter for medical assistance for home and community-based services under paragraph (1)(A) and paragraph (1)(B) (if applicable) 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 30711 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, as spec-

ified by the Secretary, to spend any accumulated unspent State funds attributable to the increase described in clause (i) in the Federal medical assistance percentage.

"(B) MAINTENANCE OF EFFORT.—

"(i) IN GENERAL.—The State does not—

"(I) reduce the amount, duration, or scope of home and community-based services available under the State plan (or waiver of such plan) relative to the home and community-based services available under the plan or a waiver of such plan as of the date on which the State was awarded a planning grant under section 30711 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, assumed payment rates for

such services that are included in managed care capitation rates as such rates are being prospectively built; or

"(III) except to the extent permitted under clause (ii), adopt more restrictive standards, methodologies, or procedures for determining eligibility for or the scope of medical assistance of home and community-based services, including with respect to cost-sharing, than the standards, methodologies, or procedures applicable as of the date described in subclause (I).

"(ii) CONDITIONS FOR FLEXIBILITY.—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) receiving home and community-based services, the calculation of which may be adjusted for demographic changes since the date described in clause (i)(I); or

"(III) increased cost-sharing (other than resulting from the rate of inflation) for home and community-based services.

"(C) ACCESS TO SERVICES.—Not later than an implementation date as specified by the Secretary (which may vary for each of the following clauses) after the first day of the first fiscal quarter for which a State receives an increase to the Federal medical assistance percentage or other applicable Federal matching percentage under paragraph (1), the State does all of the following to improve access to services:

"(i) Reduce access barriers and disparities in access or utilization of home and community-based services, as de-

scribed in the State HCBS improvement plan.

''(ii) Provides coverage of personal care services authorized under subsection (a)(24) for all individuals eligible for and enrolled in 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 furnished in home and community-based settings.

''(v) Improves coordination of home and community-based services with employment, housing, and transportation supports.

''(vi) Provides supports to family caregivers.

''(vii) Newly provides coverage under, or expands existing eligibility criteria for, 1 or more of the eligibility categories author-

ized under subclause (XIII), (XV), or (XVI) of section 1902(a)(10)(A)(ii).

"(D) 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 payment rates for home and community-based services are sufficient (as defined by the Secretary) to ensure that care and services are available to the extent described in the State HCBS improvement plan; and

"(II) updating qualification standards as appropriate, and developing and adopting training opportunities for direct care workers and family caregivers, at such times as the Secretary shall prescribe.

"(ii) PAYMENT RATES.—In carrying out clause (i)(I), the State shall—

"(I) update and, as appropriate, increase payment rates for home and community-based services to support

recruitment and retention of the direct care workforce by not later than 2 years after approval of the HCBS improvement plan and, at least every 3 years thereafter, using, through existing or other processes to determine provider payment, a transparent process involving meaningful input from nongovernmental stakeholders; and

"(II) ensure that increases in the payment rates for home and community-based services—

"(aa) at a minimum, result 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 (I); and

"(bb) are incorporated into provider payment rates for home and community-based services provided under this title by a health plan, 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 entities, including an agency with choice or a similar service delivery model, a program for the performance of all of the following functions to facilitate beneficiary use of self-directed care in the case the State covers home and community-based services under authorities that permit self-direction:

"(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.

"(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 services, providing support to beneficiaries who wish to hire a caregiver who is a family member or individual with whom they have an existing relationship.

"(G) Ensuring that the program under this paragraph does not promote or deter the ability of workers to form a labor organization or discriminate against workers who may join or decline to join such an 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 (or a long-term care ombudsman program office) that—

"(i) operates independently from the State Medicaid agency and health plans;

"(ii) provides direct assistance to recipients of home and community-based services available under the State Medicaid program and their families; and

"(iii) identifies and reports systemic problems to State officials, the public, and the Secretary.

"(B) Beginning with the last day of the 5th fiscal quarter for which the state is an HCBS program improvement State, and annually thereafter, the State reports to the Secretary, in a manner the Secretary shall prescribe, on the progress of implementation of the

activities described in subparagraphs (C) and (D) of paragraph (2), paragraph (3) (if applicable), the use of enhanced Federal funding provided under this subsection, and progress with respect to home and community-based services availability, utilization, disparities in access and use of services, spending on HCBS, and the status of 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) on or after the first date on which a State is an HCBS program improvement State if the State is found to be out of compliance with the requirements of this subsection and unless, at the end of the 29th fiscal quarter, the State demonstrates the following in the annual report required in paragraph (4) for such quarter:

"(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) 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', 'health plan'; and 'home and community-based services' have the meaning given those terms in section 30711(e) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'.".

**SEC. 30713. FUNDING FOR FEDERAL ACTIVITIES RELATED TO MEDICAID HCBS.**

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, $40,000,000, to remain available until expended, to carry out section 30712 (including the amendments made by such section), including by issuing necessary guidance and technical assistance to States, conducting program integrity and oversight efforts, and preparing and submitting to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate, beginning 5 years after the date of the enactment of this Act and every three years thereafter, a report describing the progress of the HCBS planning and improvement activities undertaken by States as applicable and as described in sections 30711 and 30712 (including the amendments made by such sections), and describing the impact of such activities on access to care, including with respect to disparities in access and utilization, and the direct care workforce.

**SEC. 30714. FUNDING FOR HCBS QUALITY MEASUREMENT AND IMPROVEMENT.**

(a) INCREASED FEDERAL MATCHING RATE FOR ADOPTION AND REPORTING OF HCBS QUALITY MEASURES.—

(1) IN GENERAL.—Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)) is amended—

(A) in subparagraph (F)(ii), by striking ''plus'' after the semicolon and inserting ''and''; and

(B) by inserting after subparagraph (F), the following:

''(G) 80 percent of so much of the sums expended during such quarter as are attributable to the reporting of information regarding the quality of home and community-based services in accordance with sections 1139A(a)(4)(B)(ii) and 1139B(b)(3)(C); and''.

(2) EXEMPTION FROM TERRITORIES' PAYMENT LIMITS.—Section 1108(g)(4) of the Social Security Act is amended by adding at the end the following new subparagraph:

''(C) ADDITIONAL EXEMPTION RELATING TO HCBS QUALITY REPORTING.—Payments under section 1903(a)(3)(G) shall not be taken into account in applying payment limits under subsections (f) and (g) of this subsection.''.

(b) HCBS QUALITY MEASURES FOR INCREASE.—Title XI of the Social Security Act (42 U.S.C. 1301 through 1320c–3) is amended—

(1) in section 1139A—

(A) in subsection (a)(4)(B)—

(i) by striking ''Beginning with the annual State report on fiscal year 2024'' and inserting the following:

''(i) IN GENERAL.—Subject to clause (ii), beginning with the annual State report on fiscal year 2024''; and

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

''(ii) REPORTING HCBS QUALITY MEASURES.—With respect to reporting on information regarding the quality of home and community-based services provided to children under title XIX or title XXI, beginning with the annual State report required under subsection (c)(1) 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 all such home and community-based quality measures developed under subsection (b)(5) (including any updates or changes to such measures).''; and

(B) in subsection (b)(5)—

(i) by striking ''Beginning no later than January 1, 2013'' and inserting the following:

''(A) IN GENERAL.—Beginning no later than January 1, 2013''; and

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

''(B) HCBS QUALITY MEASURES.—Beginning with the first year that begins on the date that is 2 years after the date of enactment of this subparagraph (or, in the case of measures that require development and testing prior to availability, not later than 4 years after the date of enactment of this subparagraph), the requirements of subparagraph (A) shall apply, and 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. The Secretary shall ensure that such measures reflect the full array of home and community-based services, and consult with nongovernmental stakeholders with expertise in home and community-based services (including recipients and providers of such services).'';

(C) in subsection (b)(6)—

(i) by inserting ''or support services'' before ''that is capable of'';

(ii) by striking ''and ambulatory health care settings'' and inserting '', ambulatory health care, and home and community-based settings''; and

(iii) by inserting ''and home and community-based'' before ''care system''; and

(D) in subsection (c)(1), in the matter preceding subparagraph (A), by inserting '', subject to subsection (a)(4)(B)(ii),'' before ''annually report''; and

(2) in section 1139B—

(A) in subsection (b)—

(i) in paragraph (3), by adding at the end the following new subparagraph:

"(C) MANDATORY REPORTING WITH RESPECT TO HCBS QUALITY MEASURES.—Beginning with the State report required under subsection (d)(1) for the first year that begins on or after the date that is 2 years after the date that the Secretary publishes the home and community-based quality measures developed under paragraph (5)(D), the Secretary shall require States to report information, using the standardized format for reporting information and procedures developed under subparagraph (A), regarding the quality of home and community-based services for Medicaid eligible adults using all of the home and community-based services quality measures included in the core set of adult health quality measures under paragraph (5)(D), and any updates or changes to such measures."; and

(ii) in paragraph (5), by adding at the end the following new subparagraph:

"(D) HCBS QUALITY MEASURES.—

"(i) FUNDING.—In addition to amounts otherwise available, there is ap-

propriated to the Secretary, for fiscal year 2022, to be available until expended, out of any money in the Treasury not otherwise appropriated, $22,000,000, for carrying out this subparagraph.

"(ii) INCLUSION OF HCBS QUALITY MEASURES.—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 (or, in the case of measures that require development and testing prior to availability, not later than 4 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.

"(iii) REQUIREMENTS.—

"(I) IN GENERAL.—In developing, 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 consult with non-governmental stakeholders with expertise in home and community-based services (including recipients and providers of such services) and ensure such measures reflect the full array of home and community-based services and recipients of such services.

"(II) DEFINITION.—For purposes of this section and section 1139A, the term 'home and community-based services' has the meaning given such term in section 30711(e) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'."; and

(B) in subsection (d)(1)(A), by striking "; and" and inserting "and, beginning with the report for the first year that begins after the date that is 2 years after the Secretary publishes the home and community-based quality measures developed under subsection (b)(5)(D), all 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; and''.

**SEC. 30715. PERMANENT EXTENSION OF MEDICAID PROTECTIONS AGAINST SPOUSAL IMPOVERISHMENT FOR RECIPIENTS OF HOME AND COMMUNITY-BASED SERVICES.**

(a) IN GENERAL.—Section 1924(h)(1)(A) of the Social Security Act (42 U.S.C. 1396r–5(h)(1)(A)) is amended by striking ''(at the option of the State) is described in section 1902(a)(10)(A)(ii)(VI)'' and inserting the following: ''is eligible for medical assistance for home and community-based services provided under subsection (c), (d), or (i) of section 1915 or under a waiver approved under section 1115, or who is eligible for such medical assistance by reason of being determined eligible under section 1902(a)(10)(C) or by reason of section 1902(f) or otherwise on the basis of a reduction of income based on costs incurred for medical or other remedial care, or who is eligible for medical assistance for home and community-based attendant services and supports under section 1915(k)''.

(b) CONFORMING AMENDMENT.—Section 2404 of the Patient Protection and Affordable Care Act (42 U.S.C. 1396r–5 note) is amended by striking ''September 30, 2023'' and inserting ''the date of the enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' ''.

**SEC. 30716. 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 2022.'';

(C) by striking subparagraph (K);

(2) in paragraph (2), by striking ''September 30, 2023'' and inserting ''September 30 of the subsequent fiscal year''; and

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

''(3) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022 and for each subsequent 3-year period, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until expended, for carrying out subsections (f), (g), 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. 30717. 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) a process to validate such measures and data''

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) a process to validate such measures, data, and information"; 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) ADDITIONAL FUNDING.—There is appropriated to the Secretary, out of any monies in the Treasury not otherwise appropriated, $50,000,000 for fiscal year 2022, to remain available through fiscal year 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 beginning with fiscal year 2018, in the case of a skilled nursing facility that does not submit'' and inserting the following:

''(I) FAILURE TO REPORT.—For fiscal years beginning with fiscal year 2018, in the case of a skilled nursing facility that does not submit quality measure data specified by the Secretary and''; 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 2026 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 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. 30718. 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 2022, to remain available through fiscal year 2031, for purposes of conducting an annual audit (beginning with 2023 and ending with 2031) of cost reports submitted under this title for a representative sample of skilled nursing facilities.''.

**SEC. 30719. 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 fiscal year 2022, to remain available through fiscal year 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 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 accuracy of the identification and appropriateness of the scope and severity of deficiencies cited at facilities.

"(D) The accuracy of the identification and appropriateness of the scoping and severity of life safety, infection control, and emergency preparedness deficiencies cited at facilities.

"(E) The timeliness of State agency investigations of—

"(i) complaints at facilities;

"(ii) facility-reported incidents at facilities; and

"(iii) 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 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 and Federal 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. 30720. 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 fiscal year 2022, to remain available through fiscal year 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

nursing assistants to residents at such skilled nursing facilities.

"(C) PROMULGATION OF REGULATIONS.—

"(i) IN GENERAL.—Not later than 1 year 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

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.

"(II) RENEWAL.—Any waiver in effect under this clause shall be subject to annual renewal.

"(iii) UPDATE.—Not later than 1 year 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 2—EXPANDING ACCESS TO MATERNAL HEALTH

### SEC. 30721. EXTENDING CONTINUOUS COVERAGE FOR PREGNANT AND POSTPARTUM INDIVIDUALS.

(a) MEDICAID.—

(1) REQUIRING FULL BENEFITS FOR PREGNANT AND POSTPARTUM INDIVIDUALS FOR 12-MONTH PERIOD POST PREGNANCY.—

(A) IN GENERAL.—Paragraph (5) of section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended—

(i) by striking ''(5) A woman who'' and inserting ''(5)(A) For any fiscal year quarter (beginning with the first fiscal year quarter beginning 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') with respect to which subparagraph (B) does not apply, an individual who''; and

(ii) 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 the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'), any individual who, while pregnant, is eligible for and received medical assistance under the State plan or a waiver of such plan (regardless of the basis for the individual's eligibility for medical assistance and including during a period of retroactive eligibility under subsection (a)(34)), shall remain eligible, notwithstanding section

1916(c)(3) or any other limitation under this title, for medical assistance through the end of the month in which the 12-month period (beginning on the last day of pregnancy of the individual) ends, and such medical assistance shall be in accordance with clauses (i) and (ii) of paragraph (16)(B).''.

(B) CONFORMING AMENDMENTS.—Title XIX of the Social Security Act (42 U.S.C. 1396 through 1396w-6) is amended—

(i) 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)'';

(ii) in section 1902(e)(6), by striking ''In the case of'' and inserting ''For any fiscal year quarter with respect to which paragraph (5)(B) does not apply, in the case of'';

(iii) in section 1902(l)(1)(A), by striking ''60-day period'' and inserting ''12-month period (or, for any fiscal year quarter with respect to which subsection (e)(5)(B) does not apply and for which the

State has not adopted the option under section 1902(e)(16)(A), 60-day period)'';

(iv) in section 1903(v)(4)—

(I) in subparagraph (A)(i), by striking ''the 60-day period'' and inserting ''the applicable period (as described in subparagraph (D))'';

(II) in subparagraph (A)(ii), by striking the period and inserting '', and, in the case of such an individual who is or becomes pregnant, such individual (regardless of age) during pregnancy and during the applicable period (as described in subparagraph (D)).'';

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

''(D) For purposes of subparagraph (A), the applicable period described in this subparagraph is—

''(i) beginning with the first fiscal year quarter that begins one year after the date of the enactment of the American Rescue Plan Act of 2021, for a State that has adopted the option under section

1902(e)(16)(A), the 12-month period;''; and

(IV) in the subparagraph (D) added by subclause (III), by adding at the end the following new clauses:

''(ii) beginning with the first fiscal year quarter beginning 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', the 12-month period; and

''(iii) for any fiscal year quarter (beginning with such first fiscal year quarter) with respect to which section 1902(e)(5)(B) does not apply and for which the State has not adopted the option under section 1902(e)(16)(A), the 60-day period.'';

(v) 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 section 1902(e)(5)(B) does not apply and for which the State has not adopted the option

under section 1902(e)(16)(A), 60-day period)''; and

(vi) in section 1905(y), by adding at the end the following new paragraph:

''(3) TREATMENT FOR CERTAIN INDVIDUALS.—Notwithstanding paragraphs (1) and (2), section 1902(a)(10)(A)(i)(III), and section 1902(a)(10)(A)(i)(IV), the term 'newly eligible' in paragraph (2)(A) and the phrase 'newly eligible individuals described in subclause (VIII) of section 1902(a)(10)(A)(i)' in paragraph (1) shall apply to individuals who but for the amendments made by section 30721(a) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' would be eligible under the State plan (or waiver) for medical assistance under section 1902(a)(10)(A)(i)(VIII) for the period beginning on the first day occurring after the end of such 60-day period and ending on the last day of the month in which the 12-month period (beginning on the last day of the pregnancy) ends.''.

(2) TRANSITION FROM STATE OPTION.—

(A) IN GENERAL.—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 paragraph (5)(B) does not apply, at the option of the State''.

(B) CONFORMING AMENDMENT.—Section 9812(b) of the American Rescue Plan Act of 2021 (Public Law 117–2) is amended by striking ''during the 5-year period''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the amendments made by this paragraph 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.

(B) EXCEPTION FOR CERTAIN AMERICAN RESCUE PLAN ACT OF 2021 CONFORMING AMENDMENTS.—The amendments made by subclauses (I), (II), and (III) of paragraph (1)(B)(iv) shall take effect on the first day of the first fiscal year quarter that begins one year after the date of the enactment of the American Rescue Plan Act of 2021 and shall apply with

respect to medical assistance provided on or after such date.

(C) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 through 1396w-6) that the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet any requirement imposed by amendments made by this subsection, 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.

(b) CHIP.—

(1) REQUIRING FULL BENEFITS FOR PREGNANT AND POSTPARTUM WOMEN FOR 12-MONTH PERIOD POST PREGNANCY.—

(A) IN GENERAL.—Section 2107(e)(1)(J) of the Social Security Act (42 U.S.C. 1397gg(e)(1)(J)) is amended—

(i) by striking ''Paragraphs (5) and (16)'' and inserting ''(i) For any fiscal year quarter with respect to which paragraph (5)(B) of section 1902(e) does not apply, paragraphs (5)(A) and (16) of such section''; and

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

''(ii) For any fiscal year quarter (beginning with the first fiscal year quarter beginning one year after the date of the enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'), 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 to targeted low-income children or pregnancy-related assistance 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).''.

(B) CONFORMING AMENDMENTS.—Section 2112 of the Social Security Act (42 U.S.C. 1397ll) is amended—

(i) in subsection (d)—

(I) in paragraph (1), by inserting ''and includes, through application of section 1902(e)(5)(B) pursuant to section 2107(e)(1)(J)(ii), continuous coverage for pregnant and postpartum individuals, including 12 months postpartum'' before the period at the end; and

(II) in paragraph (2)(A), 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 section 2107(e)(1)(J)(ii) does not apply and for which the State has not adopted the option under section

1902(e)(16)(A), 60-day period) ends''; and

(ii) in subsection (f)(2), by striking ''60-day period'' and inserting ''12-month period (or, for any fiscal year quarter (beginning with the first fiscal year quarter beginning 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') with respect to which section 2107(e)(1)(J)(ii) does not apply and for which the State has not adopted the option under section 1902(e)(16)(A), 60-day period)''.

(2) TRANSITION FROM STATE PLAN OPTION.—Section 9822(b) of the American Rescue Plan Act of 2021 (Public Law 117–2) is amended by striking '', during the 5-year period''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this subsection 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 assist-

ance and pregnancy-related assistance, as applicable, provided on or after such date.

(B) 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 through 1397mm) 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 subsection, 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. 30722. STATE OPTION TO PROVIDE COORDINATED CARE THROUGH A MATERNAL HEALTH HOME FOR PREGNANT AND POSTPARTUM INDIVIDUALS.**

Title XIX of the Social Security Act (42 U.S.C. 1396a) is amended by inserting after section 1945A the following new section:

**"SEC. 1945B. STATE OPTION TO PROVIDE COORDINATED CARE THROUGH A MATERNAL HEALTH HOME FOR PREGNANT AND POSTPARTUM INDIVIDUALS.**

"(a) IN GENERAL.—Notwithstanding section 1902(a)(1) (relating to statewideness) and section 1902(a)(10)(B) (relating to comparability), beginning 24 months after the date of enactment of this section, a State, at its option as a State plan amendment, may provide for medical assistance under this title to eligible individuals who choose to enroll in a maternal health home under this section and receive maternal health home services from a designated provider, a team of health professionals operating with such a provider, or a health team.

"(b) MATERNAL HEALTH HOME QUALIFICATION STANDARDS.—A maternal health home under this section shall demonstrate to the State the ability to do the following:

"(1) Develop an individualized comprehensive care plan for each eligible individual, working in a culturally and linguistically appropriate manner with such individual to develop and incorporate such care plan in a manner consistent with such individual's needs and choices, including—

"(A) primary care;

"(B) inpatient care;

"(C) social support services;

"(D) local hospital emergency care;

"(E) care management and planning related to a change in an eligible individual's eligibility for medical assistance or a change in health insurance coverage as needed; and

"(F) behavioral health services.

"(2) Coordinate all necessary services to support prenatal, labor and delivery, and postpartum care for eligible individuals.

"(3) Coordinate access to specialists, behavioral health providers, early intervention services, and pediatricians.

"(4) Collect and report information under subsection (d).

"(c) PAYMENTS.—

"(1) IN GENERAL.—A State shall provide a designated provider, a team of health professionals operating with such a provider, or a health team with payments for the provision of maternal health home services to each eligible individual enrolled in a maternal health home. Payments for maternal health home services made to a designated provider, a team of health professionals operating with such a provider, or a health team shall be treated as payments for medical assistance for purposes of section 1903(a), except that, during the first 8 fiscal quarters that the State plan amendment is in effect, the Federal medical assistance percentage otherwise applicable to such payments shall be increased by 15 percentage points, not to exceed 90 percent.

"(2) METHODOLOGY.—

"(A) IN GENERAL.—The State shall specify in the State plan amendment the methodology the State will use for determining payment for the provision of maternal health home services. Such methodology for determining payment—

"(i) may be tiered or adjusted to reflect, with respect to each individual provided such services by a designated pro-

vider, a team of health care professionals operating with such a provider, or a health team, the acuity of each individual receiving care, or the specific capabilities of the provider, team of health care providers, or health team; and

"(ii) shall be established consistent with section 1902(a)(30)(A).

"(B) ALTERNATE MODEL OF PAYMENT.—The methodology for determining payment for provision of maternal health home services under this section shall not be limited to a fee-for-service or per-member per-month payment model, and may provide for alternate models of payment that reflect the needs of a State, subject to the approval of the Secretary.

"(3) PLANNING GRANTS.—

"(A) IN GENERAL.—Beginning 12 months after the date of enactment of this section, the Secretary may award planning grants to States for purposes of developing a State plan amendment under this section. A planning grant awarded to a State under this paragraph shall remain available until expended.

"(B) STATE CONTRIBUTION.—A State awarded a planning grant shall contribute an amount equal to the State percentage determined under section 1905(b) for each fiscal year for which the grant is awarded.

"(C) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until expended, to carry out this paragraph, $5,000,000 for awarding grants under this section.

"(d) DATA COLLECTION AND REPORTING.—

"(1) PROVIDER REPORTING REQUIREMENTS.—

"(A) IN GENERAL.—In order to receive payments from a State under subsection (c), a designated provider, a team of health professionals operating with such a provider, or a health team shall report to the State, in accordance with such requirements as the Secretary shall specify, the following:

"(i) With respect to each such designated provider, team of health professionals, or health team, the name, national provider identification number, address,

and specific maternal health home services offered to be provided to eligible individuals who have selected such designated provider, team of health professionals, or health team as the maternal health home of such eligible individuals.

"(ii) Information on all applicable measures for determining the quality of maternal health home services provided by such designated provider, team of health professionals, or health team, including, to the extent applicable, the core set of child health quality measures published under section 1139A, the core set of adult health quality measures for Medicaid eligible adults published under section 1139B, and maternal health quality measures.

"(B) USE OF HEALTH INFORMATION TECHNOLOGY.—A designated provider, a team of health professionals operating with such a provider, or a health team shall use, to the extent practicable, health information technology to provide a State with the information required under subparagraph (A) and to improve care

coordination for eligible individuals, such as by—

"(i) facilitating the review of person-centered care plans;

"(ii) monitoring service delivery and identifying gaps in treatment; and

"(iii) communicating with eligible individuals and with primary, behavioral health and specialty care providers.

"(2) STATE REPORTING REQUIREMENTS.—A State with a State plan amendment approved under this section shall collect and report to the Secretary, at such time and in such form and manner as required by the Secretary, the following information:

"(A) The number of maternal health homes in a State in which individuals are enrolled pursuant to a State plan amendment under this section.

"(B) The number of individuals served who selected a maternal health home, disaggregated by race and ethnicity, pursuant to a State plan amendment under this section.

"(C) Information on the quality measures applicable for maternal health home services, including, to the extent applicable, the core set

of child health quality measures published under section 1139A, and the core set of adult health quality measures for Medicaid eligible adults published under section 1139B, and maternal health quality measures.

"(D) The type of delivery systems and payment models used to provide health home services to eligible individuals enrolled in a maternal health home under a State plan amendment under this section.

"(E) The number and characteristics of designated providers, teams of health professionals, and health teams selected as maternal health homes pursuant to a State plan amendment under this section.

"(F) Information on hospitalizations, morbidity, and mortality of eligible individuals and their infants enrolled in a maternal health home in such State alongside comparable data from a State's maternal mortality review committee.

"(G) A report on best practices for effective strategies in coordinating care to support access to comprehensive maternal health services.

"(H) Information reported to the State under paragraph (1).

"(e) STATE PLAN AMENDMENT.—

"(1) IN GENERAL.—A State plan amendment submitted pursuant to this section shall include—

"(A) eligibility criteria for maternal health homes;

"(B) services available to eligible individuals through the maternal health home;

"(C) a description of providers that may provide care through a maternal health home, and that include how such State will ensure any provider arrangement offered includes a person-centered planning approach to determining necessary services and supports and providing the appropriate care coordination to meet clinical and non-clinical needs of eligible individuals; and

"(D) reimbursement methodologies (as described in subsection (c)(2)).

"(2) HOSPITAL NOTIFICATION.—A State with a State plan amendment approved under this section shall require each hospital that is a participating provider under the State plan (or a waiver of such plan) to establish procedures for, in the case of an

individual who is enrolled in a maternal health home pursuant to this section and seeks treatment in the emergency department of such hospital, notifying the health home of such individual of such treatment.

"(3) EDUCATION WITH RESPECT TO AVAILABILITY OF MATERNAL HEALTH HOME SERVICES.—In order for a State plan amendment to be approved under this section, a State shall include in the State plan amendment—

"(A) a description of the State's process for educating providers participating in the State plan (or a waiver of such plan) on the availability of maternal health home services, including the process by which such providers can refer individuals to a designated provider, team of health care professionals operating such a provider, or health team for the purpose of establishing a maternal health home through which such individuals may receive such services; and

"(B) a description of the State's process for educating individuals on the availability of such services.

"(4) CONFIDENTIALITY.—A State with a State plan amendment approved under this section shall establish confidentiality protections to ensure, at a minimum, that the State does not disclose any identifying information with respect to any specific mortality case (including pursuant to the reporting of information required under subsection (d)(2)(F)).

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

"(1) to require an eligible individual to enroll in, or prohibit an eligible individual from disenrolling at any time from, a maternal health home under this section; or

"(2) to require a designated provider, team of health professionals, or health team to act as a maternal health home and provide services in accordance with this section if the designated provider, team of health professionals, or health team does not voluntarily agree to act as a maternal health home.

"(g) DEFINITIONS.—In this section:

"(1) DESIGNATED PROVIDER.—The term 'designated provider' means a physician, clinical practice or clinical group practice, rural health clinic, freestanding birth center, community health center, obstetrician gynecologist, midwife who meets at a min-

imum the international definition of the midwife and global standards for midwifery education as established by the International Confederation of Midwives, or any other health care entity or provider determined by the State and approved by the Secretary to be qualified to act as a maternal health home.

''(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual eligible for medical assistance under the State plan or under a waiver of such plan who—

''(A) is pregnant or in the postpartum period that begins on the last day of the pregnancy and ends on the last day of the month in which the 12-month period (beginning on the last day of the pregnancy of the individual) ends (or, if the State provides for a longer period of postpartum coverage period under such plan or waiver, on the last day of such longer period); and

''(B) is not enrolled in a health home under section 1945 or 1945A.

''(3) HEALTH TEAM.—The term 'health team' has the meaning given such term for purposes of section 3502 of Public Law 111–148.

"(4) MATERNAL HEALTH HOME.—The term 'maternal health home' means a designated provider (including a provider that operates in coordination with a team of health care professionals), or a health team selected by a State to provide maternal health home services to pregnant and postpartum individuals.

"(5) MATERNAL HEALTH HOME SERVICES.—

"(A) IN GENERAL.—The term 'maternal health home services' means comprehensive and timely high-quality services described in subparagraph (B) that are provided by a designated provider, a team of health professionals operating with such a provider, or a health team.

"(B) SERVICES DESCRIBED.—The services described in this subparagraph shall include—

"(i) a standardized risk assessment for all participants to determine needs;

"(ii) comprehensive care management;

"(iii) care coordination and health promotion;

"(iv) comprehensive transitional care, including arranging appropriate follow-up,

for individuals transitioning from inpatient care to other settings;

"(v) individual and family support (including authorized representatives);

"(vi) making referrals to other medical, community, and social support services, if relevant; and

"(vii) the use of health information technology to link services and coordinate care, to the extent practicable.

"(6) STANDARDIZED RISK ASSESSMENT.—The term 'standardized risk assessment' means an assessment to determine the needs of an eligible individual, and shall include an assessment of medical, obstetric, behavioral health, and social needs performed at the initial prenatal or postpartum visit.

"(7) TEAM OF HEALTH PROFESSIONALS.—The term 'team of health professionals' means a team of health professionals (as described in the State plan amendment under this section) that may—

"(A) include physicians, midwives who meet at a minimum the international definition of the midwife and global standards for midwifery education as established by the International Confederation of Midwives, nurses,

nurse care coordinators, nutritionists, social workers, doulas, behavioral health professionals, community health workers, translators and interpreters, and other professionals determined to be appropriate by the State;

"(B) a health care entity or individual who is designated to coordinate such a team; and

"(C) provide care at a facility that is free-standing, virtual, or based at a hospital, free-standing birth center, community health center, community mental health center, rural clinic, clinical practice or clinical group practice, academic health center, children's hospital, or any health care entity determined to be appropriate by the State and approved by the Secretary.".

## PART 3—TERRITORIES

### SEC. 30731. INCREASING MEDICAID CAP AMOUNTS AND THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE FOR THE TERRITORIES.

(a) CAP AMOUNT ADJUSTMENTS.—Section 1108(g)(2) of the Social Security Act (42 U.S.C. 1308(g)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) by striking ''except as provided in clause (ii)'' and inserting ''for each of fiscal years 1999 through 2019''; and

(ii) by striking ''and'' at the end; and

(B) by adding at the end the following new clauses:

''(iii) for fiscal year 2022, $3,600,000,000; and

''(iv) for fiscal year 2023 and each subsequent year, the sum of the amount provided in this subsection for the preceding fiscal year, increased by the percentage increase, if any, in Medicaid spending under title XIX during the preceding year (as determined based on the most recent National Health Expenditure data with respect to such year), rounded to the nearest $100,000;'';

(2) in subparagraph (B)—

(A) in clause (i), by striking ''except as provided in clause (ii),'' and inserting ''for each of fiscal years 1999 through 2019,'';

(B) in clause (ii), by striking ''and'' at the end;

(C) by adding at the end the following:

"(iv) for fiscal year 2022, $135,000,000; and

"(v) for fiscal year 2023 and each subsequent year, the sum of the amount provided in this subsection for the preceding fiscal year, increased by the percentage increase described in subparagraph (A)(iv) for the preceding year, rounded to the nearest $10,000;";

(3) in subparagraph (C)—

(A) in clause (i), by striking "except as provided in clause (ii)," and inserting "for each of fiscal years 1999 through 2019,";

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

(C) by adding at the end the following:

"(iv) for fiscal year 2022, $140,000,000; and

"(v) for fiscal year 2023 and each subsequent year, the sum of the amount provided in this subsection for the preceding fiscal year, increased by the percentage increase described in subparagraph (A)(iv) for the preceding year, rounded to the nearest $10,000;";

(4) in subparagraph (D)—

(A) in clause (i), by striking ''except as provided in clause (ii),'' and inserting ''for each of fiscal years 1999 through 2019,'';

(B) in clause (ii), by striking ''and'' at the end;

(C) in clause (iii), by striking ''and'' at the end; and

(D) by adding at the end the following new clauses:

''(iv) for fiscal year 2022, $70,000,000; and

''(v) for fiscal year 2023 and each subsequent year, the sum of the amount provided in this subsection for the preceding fiscal year, increased by the percentage increase described in subparagraph (A)(iv) for the preceding year, rounded to the nearest $10,000; and'';

(5) in subparagraph (E)—

(A) in clause (i), by striking ''except as provided in clause (ii),'' and inserting ''for each of fiscal years 1999 through 2019,'';

(B) in clause (ii), by striking ''and'' at the end;

(C) in clause (iii), by striking the period and inserting a semicolon; and

(D) by adding at the end the following:

"(iv) for fiscal year 2022, $90,000,000; and

"(v) for fiscal year 2023 and each subsequent year, the sum of the amount provided in this subsection for the preceding fiscal year, increased by the percentage increase described in subparagraph (A)(iv) for the preceding year, rounded to the nearest $10,000."; and

(6) by striking the flush matter following subparagraph (E).

(b) FMAP ADJUSTMENTS.—Section 1905(ff) of the Social Security Act (42 U.S.C. 1396d(ff)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and adjusting the margins accordingly;

(2) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—Notwithstanding";

(3) in paragraph (1), as so inserted—

(A) in the matter preceding subparagraph (A), as so redesignated, by inserting ''paragraph (2) and'' after ''subject to'';

(B) in subparagraph (B), as so redesignated—

(i) by striking ''December 3, 2021,'' and inserting ''September 30, 2021''; and

(ii) by striking ''and'' at the end;

(C) in subparagraph (C), as so redesignated, by striking ''December 3, 2021,'' and inserting ''September 30, 2021'';

(D) by adding at the end the following:

''(D) for fiscal year 2022 and each subsequent fiscal year, the Federal medical assistance percentage for the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa shall be equal to 83 percent;

''(E) for fiscal year 2022, the Federal medical assistance percentage for Puerto Rico shall be equal to 76 percent; and

''(F) for fiscal year 2023 and each subsequent fiscal year, the Federal medical assistance percentage for Puerto Rico shall be equal to 83 percent.''; and

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

"(2) SPECIAL RULE FOR PUERTO RICO RELATING TO ESTABLISHING A PAYMENT FLOOR.—

"(A) IN GENERAL.—For each fiscal quarter (beginning with the first fiscal quarter beginning on or after the date of the enactment of this paragraph), Puerto Rico's State plan (or waiver of such plan) shall establish a reimbursement floor, implemented through a directed payment arrangement plan, for physician services that are covered under the Medicare part B fee schedule in the Puerto Rico locality established under section 1848(b) that is not less than 70 percent of the payment that would apply to such services if they were furnished under part B of title XVIII during such fiscal quarter.

"(B) APPLICATION TO MANAGED CARE.—In determining whether Puerto Rico has established a reimbursement floor under a directed payment arrangement plan that satisfies the requirements of subparagraph (A) for a fiscal quarter occurring during fiscal year 2022 or a subsequent fiscal year—

"(i) the Secretary shall disregard payments made under sub-capitated arrangements for services such as primary care case management; and

"(ii) if the reimbursement floor for physician services applicable under a managed care contract satisfies the requirements of subparagraph (A) for a fiscal quarter occurring during a year in which the contract is entered into or renewed, such reimbursement floor shall be deemed to satisfy such requirements for each subsequent fiscal quarter occurring during such year and for each fiscal quarter occurring during the subsequent fiscal year.

"(C) FMAP REDUCTION FOR FAILURE TO ESTABLISH PAYMENT FLOOR.—

"(i) IN GENERAL.—In the case that the Secretary determines that Puerto Rico has failed to meet the requirement of subparagraph (A) with respect to a fiscal quarter, the Federal medical assistance percentage otherwise determined under this subsection for Puerto Rico shall be reduced for such quarter by the applicable

number of percentage points described in clause (ii).

"(ii) APPLICABLE NUMBER OF PERCENTAGE POINTS.—For purposes of clause (i), the applicable number of percentage points described in this clause is, with respect to a fiscal quarter, the following:

"(I) In the case no reduction was made under this subparagraph for the preceding fiscal quarter, 0.5 percentage points.

"(II) In the case a reduction was made under this subparagraph for the preceding fiscal quarter, the number of percentage points of such reduction for such preceding fiscal quarter, plus 0.25 percentage points, except that in no case may the application of this subclause result in a reduction of more than 5 percentage points.".

## PART 4—OTHER MEDICAID

### SEC. 30741. INVESTMENTS TO ENSURE CONTINUED ACCESS TO HEALTH CARE FOR CHILDREN AND OTHER INDIVIDUALS.

(a) PROVIDING FOR 1 YEAR OF CONTINUOUS ELIGIBILITY FOR CHILDREN.—

(1) UNDER THE MEDICAID PROGRAM.—

(A) IN GENERAL.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended—

(i) in paragraph (12), by inserting ''before the date that is one year after the date of the enactment of paragraph (17)'' after ''subsection (a)(10)(A)''; and

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

''(17) 1 YEAR OF CONTINUOUS ELIGIBILITY FOR CHILDREN.—The State plan (or waiver of such State plan) shall provide that an individual who is under the age of 19 and who is determined to be eligible for benefits under a State plan (or waiver of such 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.—

(i) IN GENERAL.—Subject to clause (ii), the amendments made by subparagraph (A)(ii) shall take effect one year after the date of enactment of this Act.

(ii) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 through 1396w-6) 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 subparagraph (A)(ii), 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.

(2) 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—

(A) by redesignating subparagraphs (K) through (T) as subparagraphs (L) through (U), respectively; and

(B) by inserting after subparagraph (J) the following new subparagraph:

"(K) Section 1902(e)(17) (relating to 1 year of continuous eligibility for children).".

(b) REVISIONS TO TEMPORARY INCREASE OF MEDICAID FMAP UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT.—Section 6008 of the Families First Coronavirus Response Act (42 U.S.C. 1396d note) is amended—

(1) in subsection (a)—

(A) by striking "IN GENERAL.—Subject to" and inserting "TEMPORARY INCREASE.—

"(1) IN GENERAL.—Subject to";

(B) in the paragraph (1) inserted by subparagraph (A)—

(i) by striking ''the last day of the calendar quarter in which the last day of such emergency period occurs'' and inserting ''September 30, 2022''; and

(ii) by striking ''6.2 percentage points'' and inserting ''the number of percentage points specified in paragraph (2) with respect to such calendar quarter''; and

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

''(2) PERCENTAGE POINTS SPECIFIED.—For purposes of paragraph (1), the number of percentage points specified in this paragraph is—

''(A) 6.2 percentage points with respect to each calendar quarter occurring during the period beginning on the first day of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b-5(g)) and ending March 31, 2022;

"(B) 3.0 percentage points with respect to the calendar quarter beginning on April 1, 2022, and ending on June 30, 2022; and

"(C) 1.5 percentage points with respect to the calendar quarter beginning on July 1, 2022, and ending on September 30, 2022.";

(2) in subsection (b)(3)—

(A) by striking "the State fails" and inserting "subject to subsection (f), the State fails";

(B) by striking "and ending the last day of the month in which the emergency period described in subsection (a) ends" and inserting "and ending on March 31, 2022,"; and

(C) by striking "through the end of the month in which such emergency period ends" and inserting "through September 30, 2022,"; and

(3) by adding at the end the following new subsection:

"(f) SPECIAL RULE FOR ENROLLMENTS AS OF APRIL 1, 2022.—For calendar quarters during the period described in subsection (a) that begin on or after April 1, 2022, a State described in such subsection may, in accordance with paragraph (3), terminate coverage for an indi-

vidual who is determined to be no longer eligible for medical assistance and who has been enrolled for at least 12 consecutive months under the State plan of such State under title XIX of the Social Security Act (42 U.S.C. 1396) (or waiver of such plan), and such State shall not be ineligible for the increase to the Federal medical assistance percentage of the State described in such subsection on the basis that the State is in violation of the requirement of subsection (b)(3), if the State, with respect to such terminations of coverage conducted through September 30, 2022, for such individuals, is in compliance with each of the following:

''(1) The State shall conduct such eligibility redeterminations, with respect to such an individual, in accordance with the provisions of section 435.916 of title 42 of the Code of Federal Regulations (or any successor regulation) and the provisions of section 1943 of the Social Security Act, as applicable.

''(2) Prior to terminating coverage for an individual, the State shall undertake a good faith effort to ensure that the State has contact information (including an up-to-date mailing address, phone number, or email address) for such individuals by coordinating with Medicaid managed care organizations

(where applicable), and other applicable State health and human services agencies.

''(3) The State may not disenroll from the State plan (or waiver) such an individual determined ineligible pursuant to such a redetermination for medical assistance under the State plan (or waiver) on the basis of returned mail unless—

''(A) there have been at least two failed attempts to contact such individual through at least 2 modalities; and

''(B) after the second attempt, the individual had 30 days notice, through at least 2 modalities, before such disenrollment takes effect.

''(4) The State may not initiate eligibility redeterminations for more than 1/12 of individuals enrolled in the State plan (or waiver) with respect to any month during the period beginning on April 1, 2022, and ending on September 30, 2022.

''(5) The State shall submit to the Secretary monthly reports during the period described in subsection (a) that begin on or after April 1, 2022 which the State receives an increase pursuant to such subsection period on the activities of the State,

including, with respect to the period for which the report is submitted—

"(A) the number of eligibility renewals initiated, beneficiaries renewed, and individuals whose eligibility was terminated;

"(B) the number of such cases in which eligibility for medical assistance under the State plan (or waiver) were so terminated due to the individual's failure to return a renewal form or other information needed by the state to make an eligibility determination;

"(C) the number of such cases in which eligibility for medical assistance under the State plan (or waiver) were so terminated pursuant to such a redetermination due to a known change in circumstance;

"(D) the number of individuals whose coverage was terminated pursuant to such a redetermination whose accounts were, during such period, transitioned to the Exchange, CHIP, or basic health program; and

"(E) with respect to eligibility redeterminations, the daily average volume, wait times, and abandonment rate (as determined by the

Secretary) for each call center during such month.''.

(c) MEDICAL ASSISTANCE UNDER MEDICAID FOR INMATES DURING 30-DAY PERIOD PRECEDING RELEASE.—

(1) IN GENERAL.—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 two years 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 an inmate of a public institution'' after ''medical institution''.

(2) CONFORMING AMENDMENTS IN TITLE XIX.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (74), by striking at the end ''and''; and

(B) in paragraph (84)—

(i) in subparagraph (A), by inserting '', except, beginning on the first day of the first fiscal year quarter that begins two years after the date of the enactment of the Act titled 'An Act to provide for rec-

onciliation pursuant to title II of S. Con. Res. 14', the State may not suspend coverage during the 30-day period preceding the date of release of the juvenile'' after ''during the period the juvenile is such an inmate''; and

(ii) in subparagraph (C), by striking ''upon release'' and inserting ''30 days prior to release''.

(3) CONFORMING AMENDMENT IN TITLE XXI.—Section 2110(b)(2) of the Social Security Act (42 U.S.C. 1397jj(b)(2))—

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

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

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

''(C) except, beginning on the first day of the first fiscal year quarter that begins two years 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 re-

lease of such child from such public institution.''.

(d) EXTENSION OF CERTAIN PROVISIONS.—

(1) 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).

(2) CONFORMING AMENDMENTS FOR ASSURANCE OF AFFORDABILITY STANDARD FOR CHILDREN AND FAMILIES.—Section 1902(gg)(2) of the Social Security Act (42 U.S.C. 1396a(gg)(2)) is amended—

(A) in the paragraph heading, by striking ''THROUGH SEPTEMBER 30, 2027''; and

(B) by striking ''through September 30'' and all that follows through ''ends on September 30, 2027'' and inserting ''(but beginning on October 1, 2019,''.

(e) EXPANSION OF COMMUNITY MENTAL HEALTH SERVICES DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—Section 223 of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note) is amended—

(A) in subsection (c), by adding at the end the following new paragraph:

''(3) ADDITIONAL PLANNING GRANTS.—In addition to the planning grants awarded under paragraph (1), the Secretary shall award planning grants to States (other than States selected to conduct demonstration programs under paragraph (1) or (8) of subsection (d)) for the purpose of developing proposals to participate in time-limited demonstration programs described in subsection (d).'';

(B) in subsection (d)—

(i) in paragraph (3), by striking ''Subject to paragraph (8)'' and inserting ''Subject to paragraphs (8) and (9)'';

(ii) in paragraph (5)(C)(iii)(II), by inserting ''or paragraph (9)'' after ''paragraph (8)'';

(iii) in paragraph (7)—

(I) in subparagraph (A), by inserting ''through the year in which the last demonstration under this section ends'' after ''annually thereafter''; and

(II) in subparagraph (B)—

(aa) by striking ''December 31, 2021'' and inserting ''March 31, 2026'';

(bb) by striking ''recommendations concerning'' and all that follows through the period and inserting ''recommendations concerning whether and how the demonstration programs under this section should be modified.''; and

(cc) by adding at the end the following new sentence: ''Such recommendations shall be based on data collected from States selected to conduct demonstration programs under paragraph (1) and, to the extent available, data collected from States selected to conduct demonstration programs under paragraphs (8) and (9).''; and

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

''(9) FURTHER ADDITIONAL PROGRAMS.—

''(A) IN GENERAL.—In addition to the States selected under paragraphs (1) and (8) and without regard to paragraph (4), the Sec-

retary shall select any State that meets the requirements described in subparagraph (B) to conduct a demonstration program that meets the requirements of this subsection for 2 years.

''(B) REQUIREMENTS.—The requirements described in this subparagraph with respect to a State are that the State—

''(i) was awarded a planning grant under paragraph (1) or (3) of subsection (c); and

''(ii) submits an application (in addition to any application that the State may have previously submitted under this section) that meets the requirements of paragraph (2)(B).

''(C) REQUIREMENTS FOR SELECTED STATES.—The requirements applicable to States selected under paragraph (8) pursuant to subparagraph (C) of such paragraph shall apply in the same manner to States selected under this paragraph.'';

(C) in subsection (e), by amending paragraph (4) to read as follows:

''(4) 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.''; and

(D) in subsection (f)(1)—

(i) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(ii) in subparagraph (B), by striking the period and inserting '', and $40,000,000 for fiscal year 2022; and''; and

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

''(C) for purposes of updating the criteria under subsection (a) as needed for certified community behavioral health clinics and carrying out subsections (c)(3), (d)(7), and (d)(9) (including the provision of technical assistance to States applying for planning grants under subsection (c)(3) and conducting demonstration projects under this section), $5,000,000 for fiscal year 2022.''.

(2) EXCLUSION OF AMOUNTS ATTRIBUTABLE TO INCREASED FMAP FROM TERRITORIAL CAPS.—Section 1108 of the Social Security Act (42 U.S.C. 1308) is amended—

(A) in subsection (f), in the matter preceding paragraph (1), by striking ''subsections (g) and (h)'' and inserting ''subsections (g), (h), and (i)''; and

(B) by adding at the end the following:

''(i) EXCLUSION FROM CAPS OF AMOUNTS ATTRIBUTABLE TO ENHANCED FMAP FOR COMMUNITY MENTAL HEALTH SERVICES.—Any additional amount paid to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa for expenditures for medical assistance that is attributable to an enhanced Federal medical assistance percentage applicable to such expenditures under section 223(d)(5) of the Protecting Access to Medicare Act of 2014 shall not be taken into account for purposes of applying payment limits under subsections (f) and (g).''.

(f) MAKING PERMANENT A STATE OPTION TO PROVIDE QUALIFYING COMMUNITY-BASED MOBILE CRISIS INTERVENTION SERVICES.—Section 1947 of the Social Security Act (42 U.S.C. 1396w–6) is amended—

(1) in subsection (a), by striking ''during the 5-year period'';

(2) in subsection (c), by striking ''occurring during the period described in subsection (a) that a State'' and inserting ''in which a State provides

medical assistance for qualifying community-based mobile crisis intervention services under this section and''; and

(3) in subsection (d)(2)—

(A) in subparagraph (A), by striking ''for the fiscal year preceding the first fiscal quarter occurring during the period described in subsection (a)'' and inserting ''for the fiscal year preceding the first fiscal quarter in which the State provides medical assistance for qualifying community-based mobile crisis intervention services under this section''; and

(B) in subparagraph (B), by striking ''occurring during the period described in subsection (a)'' and inserting ''occurring during a fiscal quarter''.

(g) EXTENSION OF 100 PERCENT FEDERAL MEDICAL ASSISTANCE PERCENTAGE FOR URBAN INDIAN HEALTH ORGANIZATIONS AND NATIVE HAWAIIAN HEALTH CARE SYSTEMS.—The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by striking ''for the 8 fiscal year quarters beginning with the first fiscal year quarter beginning after the date of the enactment of the American

Rescue Plan Act of 2021'' and inserting ''for the period of the 16 fiscal year quarters that begins on April 1, 2021''; and

(2) by striking ''such 8 fiscal year quarters'' and inserting ''such period of 16 fiscal year quarters''.

(h) ENSURING ACCURATE PAYMENTS TO PHARMACIES UNDER MEDICAID.—

(1) IN GENERAL.—Section 1927(f) of the Social Security Act (42 U.S.C. 1396r–8(f)) is amended—

(A) by striking ''and'' after the semicolon at the end of paragraph (1)(A)(i) and all that precedes it through ''(1)'' and inserting the following:

''(1) DETERMINING PHARMACY ACTUAL ACQUISITION COSTS.—The Secretary shall conduct a survey of retail community pharmacy drug prices in the 50 States and the District of Columbia, to determine the national average drug acquisition cost, as follows:

''(A) USE OF VENDOR.—The Secretary may contract services for—

''(i) with respect to retail community pharmacies, the determination of retail survey prices of the national average drug

acquisition cost for covered outpatient drugs based on a monthly survey of such pharmacies, net of all discounts and rebates (to the extent any information with respect to such discounts and rebates is available), the average reimbursement received for such drugs by such pharmacies from all sources of payment and, to the extent available, the usual and customary charges to consumers for such drugs; and'';

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

''(F) SURVEY REPORTING.—A State shall require that any retail community pharmacy in the State that receives any payment, reimbursement, administrative fee, discount, or rebate related to the dispensing of covered outpatient drugs to individuals receiving benefits under this title or title XXI, regardless of whether such payment, fee, discount, or rebate is received from the State or a managed care entity directly or from a pharmacy benefit manager or another entity that has a contract with the State or a managed care entity or other speci-

fied entity (as such terms are defined in section 1903(m)(9)(D)), shall respond to surveys of retail prices conducted under this subsection with the specific information requested by the vendor.

"(G) SURVEY INFORMATION.—Information on retail community actual acquisition prices obtained under this paragraph shall be made publicly available and shall include at least the following:

"(i) The monthly response rate of the survey, including a list of pharmacies not in compliance with subparagraph (F) and the identification numbers for such pharmacies.

"(ii) The sampling frame and number of pharmacies sampled monthly.

"(iii) Characteristics of reporting pharmacies, including type (such as independent or chain), geographic or regional location, and dispensing volume.

"(iv) Reporting of a separate national average drug acquisition cost for each drug for independent retail pharmacies and chain pharmacies.

"(v) Information on price concessions including on and off invoice discounts, rebates, and other price concessions.

"(vi) Information on average professional dispensing fees paid.

"(H) PENALTIES.—

"(i) FAILURE TO PROVIDE TIMELY INFORMATION.—A retail community pharmacy that knowingly fails to respond to a survey conducted under this subsection on a timely basis may be subject to a civil monetary penalty in an amount not to exceed $10,000 for each day in which such information has not been provided. A retail community pharmacy shall not be subject to such penalty if the pharmacy makes a good faith effort to provide the information requested by the survey on a timely basis.

"(ii) FALSE INFORMATION.—A retail community pharmacy that knowingly provides false information in response to a survey conducted under this subsection may be subject to a civil money penalty in an amount not to exceed $100,000 for each item of false information."; and

(C) in paragraph (4), by inserting ", and $7,000,000 for fiscal year 2023 and each fiscal year thereafter," after "2010".

(2) CONDITION FOR FEDERAL FINANCIAL PARTICIPATION.—Section 1903(i)(10) of the Social Security Act (42 U.S.C. 1396b(i)(10)) is amended—

(A) in subparagraph (D), by striking "and" after the semicolon;

(B) in subparagraph (E), by striking "or" after the semicolon and inserting "and"; and

(C) by inserting after subparagraph (E), the following new subparagraph:

"(F) with respect to any amount expended for reimbursement to a retail community pharmacy under this title unless the State requires the retail community pharmacy to respond to surveys of retail prices conducted under section 1927(f) in accordance with paragraph (1)(F) of such section; or".

(3) EFFECTIVE DATE.—The amendments made by this section take effect on the 1st day of the 1st quarter that begins on or after the date that is 18 months after the date of enactment of this Act.

(i) FUNDING FOR IMPLEMENTATION AND ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Secretary, for fiscal year

2022, to be available until expended, out of any money in the Treasury not otherwise appropriated, $20,000,000, to provide technical assistance and guidance and cover administrative costs associated with implementing the amendments made by this part and part 2.

## PART 5—MAINTENANCE OF EFFORT

### SEC. 30751. ENCOURAGING CONTINUED ACCESS AFTER THE END OF THE PUBLIC HEALTH EMERGENCY.

Section 6008 of the Families First Coronavirus Response Act (42 U.S.C. 1396d note), as amended by section 30741(b), is further amended—

(1) by redesignating the second subsection (d) added by section 11 of division X of Public Law 116–260 as subsection (e); and

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

"(g) ENCOURAGING CONTINUED ACCESS AFTER THE END OF THE PUBLIC HEALTH EMERGENCY.—

"(1) IN GENERAL.—Subject to paragraph (2), if, between October 1, 2022 and December 31, 2025, a State puts into effect for any calendar quarter occurring during such period eligibility standards, methodologies, or procedures for individuals (except individuals described in subparagraph (D) of section 1902(e)(14)) who are applying for or receiv-

ing medical assistance under the State plan of such State under title XIX of the Social Security Act (42 U.S.C. 1396 through 1396w-6) (including any waiver under such title or section 1115 of such Act (42 U.S.C. 1315)) that are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under the State plan (or waiver of such plan) that are in effect on October 1, 2021, the Federal medical assistance percentage otherwise determined under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) for that State shall be reduced by 3.1 percentage points for such calendar quarter.

''(2) NONAPPLICATION.—During the period described in paragraph (1), at the option of the State, the condition under such paragraph may not apply to the State with respect to nonpregnant, nondisabled adults who are eligible for medical assistance under the State plan (or waiver such plan) whose income exceeds 133 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved if, on or after December 31, 2022, the State had certified or certifies to the Secretary that, with respect to the State fiscal year during which the certification is made, the State has

a budget deficit, or with respect to the succeeding State fiscal year, the State is projected to have a budget deficit. Upon submission of such a certification to the Secretary, the condition under paragraph (1) shall not apply to the State with respect to any remaining portion of the period described in the preceding sentence.''.

# Subtitle G—Children's Health Insurance Program

**SEC. 30801. INVESTMENTS TO STRENGTHEN CHIP.**

(a) PERMANENT EXTENSION OF CHILDREN'S HEALTH INSURANCE PROGRAM.—

(1) 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).''.

(2) ALLOTMENTS.—

(A) IN GENERAL.—Section 2104(m) of the Social Security Act (42 U.S.C. 1397dd(m)) is amended—

(i) in paragraph (2)(B)(i), by striking '', 2023, and 2027'' and inserting ''and 2023'';

(ii) in paragraph (5)—

(I) by striking ''(10), or (11)'' and inserting ''or (10)'';

(II) by striking ''for a fiscal year'' and inserting ''for a fiscal year before 2027''; and

(III) by striking ''2023, or 2027'' and inserting ''or 2023'';

(iii) 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'';

(iv) 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

(v) by striking paragraph (11).

(B) CONFORMING AMENDMENT.—Section 50101(b)(2) of the Bipartisan Budget Act of 2018 (Public Law 115–123) is repealed.

(b) OTHER RELATED CHIP POLICIES.—

(1) PEDIATRIC QUALITY MEASURES PROGRAM.—Section 1139A(i)(1) of the Social Security Act (42 U.S.C. 1320b–9a(i)(1)) is amended—

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

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

(C) 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 each 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, as published by the Bureau of Labor Statistics) rounded to the nearest $100,000 over such previous fiscal year, for the

purpose of carrying out this section (other than subsections (e), (f), and (g)).''.

(2) ASSURANCE OF ELIGIBILITY STANDARDS FOR CHILDREN.—Section 2105(d)(3) of the Social Security Act (42 U.S.C. 1397ee(d)(3)) is amended—

(A) in the paragraph heading, by striking ''THROUGH SEPTEMBER 30, 2027''; and

(B) in subparagraph (A)—

(i) 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'';

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

(iii) by striking clauses (ii) and (iii); and

(iv) as amended by subclause (i)(III), by striking ''as preventing a State from'' and all that follows through ''applying eligibility standards'' and inserting ''as preventing a State from applying eligibility standards''.

(3) QUALIFYING STATES OPTION.—Section 2105(g)(4) of the Social Security Act (42 U.S.C. 1397ee(g)(4)) is amended—

(A) in the paragraph heading, by striking ''FOR FISCAL YEARS 2009 THROUGH 2027'' and inserting ''AFTER FISCAL YEAR 2008''; and

(B) in subparagraph (A), by striking ''for any of fiscal years 2009 through 2027'' and inserting ''for any fiscal year after fiscal year 2008''.

(4) OUTREACH AND ENROLLMENT PROGRAM.—Section 2113 of the Social Security Act (42 U.S.C. 1397mm) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''during the period of fiscal years 2009 through 2027'' and inserting '', beginning with fiscal year 2009,'';

(ii) in paragraph (2)—

(I) by striking ''10 percent of such amounts'' and inserting ''10 percent of such amounts for the period or the fiscal year for which such amounts are appropriated''; and

(II) by striking ''during such period'' and inserting '', during such period or such fiscal year,''; and

(iii) 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

(B) in subsection (g)—

(i) by striking ''2017,,'' and inserting ''2017,'';

(ii) by striking ''and $48,000,000'' and inserting ''$48,000,000''; and

(iii) by inserting after ''through 2027'' the following: '', $60,000,000 for fiscal years 2028, 2029, and 2030, and for each 3 fiscal years after fiscal year 2030, the amount appropriated under this subsection for the previous fiscal year, increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average, as published by the Bureau of Labor Statistics) rounded to the nearest $100,000 over such previous fiscal year''.

(5) CHILD ENROLLMENT CONTINGENCY FUND.—Section 2104(n) of the Social Security Act (42 U.S.C. 1397dd(n)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A)(ii)—

(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

(ii) 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

(B) in paragraph (3)(A)—

(i) by striking ''fiscal years 2024 through 2026'' and inserting ''fiscal year 2024 or any subsequent fiscal year''; and

(ii) by striking ''2023, or 2027'' and inserting ''or 2023''.

(c) CHIP DRUG REBATES.—

(1) IN GENERAL.—Section 2107 of the Social Security Act (42 U.S.C. 1397gg), as amended by section 30721(b)(2), is further amended—

(A) in subsection (e)(1) by adding at the end the following new subparagraph:

''(V) Beginning January 1, 2024, section 1927, in accordance with subsection (h) of this section, with respect to covered outpatient drugs (as defined in section 1927) for which child health assistance or pregnancy-related as-

sistance (as defined in section 2112(d)(1)) is provided under the State child health plan, including such drugs dispensed to individuals enrolled with a managed care organization that meets the requirements of subpart L of part 457 of title 42, Code of Federal Regulations (or a successor regulation) if the organization is responsible for coverage of such drugs.''; and

(B) by adding at the end the following new subsection:

''(h) DRUG REBATES.—For purposes of subsection (e)(1)(V), in applying section 1927—

''(1) the Secretary shall take such actions as are necessary and develop or adapt such processes and mechanisms as are necessary, including to report and collect data to bill and track rebates under section 1927, as applied pursuant to subsection (e)(1)(V) for covered outpatient drugs (as defined in such section 1927) for which child health assistance or pregnancy-related assistance (as defined in section 2112(d)(1)) is provided under the State child health plan;

''(2) the requirements of such section 1927 shall apply to any drug or biological product de-

scribed in paragraph (1)(A) of section 1905(ee) that is—

"(A) furnished as child health assistance or pregnancy-related assistance under the State child health plan; and

"(B) a covered outpatient drug (as defined in section 1927(k), except that, in applying paragraph (2)(A) of such section to a drug described in such paragraph (1)(A) of such section 1905(ee), such drug shall be deemed 'a prescribed drug for purposes of subsection (a)(12))'; and

"(3) in order for payment to be available under section 2105 with respect to child health assistance or pregnancy-related assistance for covered outpatient drugs of a manufacturer, the manufacturer must have entered into and have in effect a single rebate agreement to—

"(A) provide rebates under section 1927 to a State Medicaid program under title XIX as well as a State program under this title; and

"(B) provide such rebates to a State program under this title 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 title XIX.

Nothing in this subsection or subsection (e)(1)(V) shall be construed as limiting Federal financial participation for prescription drugs and biological products that do not satisfy the definition of a covered outpatient drug and for which there is not a rebate agreement in effect.''.

(2) 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—

(A) by striking ''or under part B of title XVIII'' and inserting '', under part B of title XVIII, or, beginning with the first full calendar quarter with respect to which section 2107(e)(1)(V) applies, under section 2105 with respect to child health assistance or pregnancy-related assistance under title XXI'';

(B) by striking ''a rebate agreement described in subsection (b)'' and inserting ''a single rebate agreement described in subsection (b) with respect to payment under section 1903(a) and, beginning January 1, 2024, title XXI,''; and

(C) by inserting ''and including as such subsection (b) is applied pursuant to subsections (e)(1)(V) and (h) of section 2107 with respect to child health assistance and pregnancy-related assistance under a State child health plan under title XXI'' before '', and must meet''.

(3) NON-DUPLICATION OF REBATES CONFORMING AMENDMENT.—Section 340B(a)(5)(A) of the Public Health Service Act (42 U.S.C. 256b(a)(5)(A)) is amended—

(A) in clause (i), by inserting before the period the following: ''and shall not request payment under title XXI of such Act for child health assistance or pregnancy-related assistance (as defined in section 2112(d)(1) of such Act) under a State child health plan under title XXI of such Act with respect to a drug that is subject to an agreement under this section if the drug is subject to the payment of a rebate to the State under section 1927 of such Act, as applied pursuant to subsections (e)(1)(V) and (h) of section 2107 of such Act''; and

(B) in clause (ii), by inserting '', including as applied pursuant to subsections (e)(1)(V)

and (h) of section 2107 of such Act,'' after ''the requirements of section 1927(a)(5)(C) of the Social Security Act''.

(4) EXCLUSION OF REBATES FROM BEST PRICE CONFORMING AMENDMENT.—Section 1927(c)(1)(C)(i) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)(i)) is amended—

(A) in subclause (V), by striking ''and'' at the end;

(B) in subclause (VI), by striking the period and inserting ''; and''; and

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

''(VII) any rebates paid pursuant to section 2107(e)(1)(V).''.

(d) STATE OPTION TO EXPAND CHILDREN'S ELIGIBILITY FOR CHIP.—

(1) IN GENERAL.—Section 2110(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1397jj(b)(1)(B)(ii)) is amended—

(A) in subclause (II), by striking ''or'' at the end;

(B) in subclause (III), by striking ''and'' at the end and inserting ''or''; and

(C) 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".

(2) TREATMENT OF TERRITORIES.—Section 2104(m)(7) of the Social Security Act (42 U.S.C. 1397dd(m)(7)) is amended—

(A) 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)";

(B) in subparagraph (B)(ii), by striking "or District"; and

(C) in the matter following subparagraph (B), by striking each place it occurs "or District"

(3) REMOVAL OF SUNSET FOR INCREASES IN ALLOTMENTS.—Section 2104(m)(7)(A) of the Social Security Act (42 U.S.C. 1397dd(m)(7)(A)) is

amended by striking ''and ending with fiscal year 2027,''.

(e) FUNDING FOR IMPLEMENTATION AND ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Secretary, for fiscal year 2022, to be available until expended, out of any money in the Treasury not otherwise appropriated, $5,000,000, to provide technical assistance and guidance and cover administrative costs associated with implementing the amendments made by this section.

# Subtitle H—Medicare Coverage of Hearing Services

## SEC. 30901. PROVIDING COVERAGE FOR HEARING CARE UNDER THE MEDICARE PROGRAM.

(a) PROVISION OF AUDIOLOGY SERVICES BY QUALIFIED AUDIOLOGISTS AND QUALIFIED HEARING AID PROFESSIONALS.—

(1) IN GENERAL.—Section 1861(ll) of the Social Security Act (42 U.S.C. 1395x(ll)) is amended—

(A) in paragraph (3)—

(i) by inserting ''(and, beginning January 1, 2023, such aural rehabilitation and treatment services)'' after ''assessment services'';

(ii) by inserting ", and, beginning on January 1, 2023, such hearing assessment services furnished by a qualified hearing aid professional," after "by a qualified audiologist"; and

(iii) by striking "the audiologist" and inserting "the audiologist or qualified hearing aid professional"; and

(B) in paragraph (4), by adding at the end the following new subparagraph:

"(C) The term 'qualified hearing aid professional' means, with respect to hearing assessment services described in paragraph (3), an individual who—

"(i) is licensed or registered as a hearing aid dispenser, hearing aid specialist, hearing instrument dispenser, or related professional by the State in which the individual furnishes such services; and

"(ii) meets such other requirements as the Secretary determines appropriate (including requirements relating to educational certifications or accreditations), taking into account any additional requirements for hearing aid specialists, hearing aid dispensers, and hearing instrument

dispensers established by Medicare Advantage organizations under part C, State plans (or waivers of such plans) under title XIX, and the group health plans and health insurance issuers (as such terms are defined in section 2791 of the Public Health Service Act).''.

(2) PAYMENT FOR QUALIFIED HEARING AID PROFESSIONALS.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by section 139101(b), is further amended—

(A) by striking ''and'' before ''(EE)''; and

(B) by inserting before the semicolon at the end the following: ''and (FF) with respect to hearing assessment services (as described in paragraph (3) of section 1861(ll)) furnished by a qualified hearing aid professional (as defined in paragraph (4)(C) of such section), the amounts paid shall be equal to 80 percent of the lesser of the actual charge for such services or 85 percent of the amount for such services determined under the payment basis determined under section 1848''.

(b) COVERAGE OF HEARING AIDS.—

(1) INCLUSION OF HEARING AIDS AS PROSTHETIC DEVICES.—Section 1861(s)(8) of the Social

Security Act (42 U.S.C. 1395x(s)(8)) is amended by inserting ", and including hearing aids (as described in section 1834(h)(7)) furnished on or after January 1, 2023, to individuals diagnosed with moderately severe, severe, or profound 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)) is amended by adding at the end the following new paragraphs:

"(6) PAYMENT ONLY ON AN ASSIGNMENT-RELATED BASIS.—Payment for hearing aids for which payment may be made under this part may be made only on an assignment-related basis. The provisions of section 1842(b)(18)(B) shall apply to hearing aids in the same manner as they apply to services furnished by a practitioner described in subsection (b)(18)(C).

"(7) LIMITATIONS FOR HEARING AIDS.—Payment may be made under this part with respect to an individual, with respect to hearing aids furnished on or after January 1, 2023—

"(A) not more than once per ear during a 5-year period;

"(B) only for types of such hearing aids that are determined appropriate by the Secretary; and

"(C) only if furnished pursuant to a written order of a physician, qualified audiologist (as defined in section 1861(ll)(4)), qualified hearing aid professional (as so defined), physician assistant, nurse practitioner, or clinical nurse specialist.".

(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)) is amended—

(i) in the header, by inserting "AND HEARING AIDS" after "ORTHOTICS";

(ii) by inserting ", or of hearing aids described in paragraph (2)(D) of such section," after "2011,"; and

(iii) in clause (i), by inserting "or such hearing aids" after "such orthotics".

(B) CONFORMING AMENDMENT.—

(i) IN GENERAL.—Section 1847(a)(2) of the Social Security Act (42 U.S.C.

1395w–3(a)(2)) is amended by adding at the end the following new subparagraph:

"(D) 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)) is amended by adding at the end the following new subparagraph:

"(C) CERTAIN HEARING AIDS.—Those items and services described in paragraph (2)(D) if furnished by a physician or other practitioner (as defined by the Secretary) to the physician's or practitioner's own patients as part of the physician's or practitioner's professional service.".

(4) INCLUSION OF QUALIFIED AUDIOLOGISTS AND QUALIFIED HEARING AID PROFESSIONALS 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)), is amended by adding at the end the following new clauses:

"(vii) Beginning on January 1, 2023, a qualified audiologist (as defined in section 1861(ll)(4)(B)).

"(viii) A qualified hearing aid professional (as defined in section 1861(ll)(4)(C)).".

(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) INCLUSION AS EXCEPTED MEDICAL TREATMENT.—Section 1821(b)(5)(A) of the Social Security Act (42 U.S.C. 1395i–5(b)(5)(A)) is amended—

(1) in clause (i), by striking "or";

(2) in clause (ii), by striking the period and inserting ", or"; and

(3) by adding at the end the following new clause:

"(iii) consisting of audiology services described in subsection (ll)(3) of section 1861, or hearing aids described in sub-

section (s)(8) of such section, that are payable under part B as a result of the amendments made by An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14.''.

(e) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—

(1) CLARIFYING COVERAGE OF AUDIOLOGY SERVICES AS PHYSICIANS' SERVICES.—Section 1861(aa)(1)(A) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(A)) is amended by inserting ''(including audiology services (as defined in subsection (ll)(3)))'' after ''physicians' services''.

(2) INCLUSION OF QUALIFIED AUDIOLOGISTS AND QUALIFIED HEARING AID PROFESSIONALS AS RHC AND FQHC PRACTITIONERS.—Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)) is amended by inserting ''or by a qualified audiologist or a qualified hearing aid professional (as such terms are defined in subsection (ll)),'' after ''(as defined in subsection (hh)(1)),''.

(3) TEMPORARY PAYMENT RATES FOR CERTAIN SERVICES UNDER THE RHC AIR AND FQHC PPS.—

(A) AIR.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended—

(i) in subsection (a)(3)(A), by inserting ''(which shall, in the case of audiology services (as defined in section 1861(ll)(3)), in lieu of any limits on reasonable charges otherwise applicable, be based on the rates payable for such services under the payment basis determined under section 1848 until such time as the Secretary determines sufficient data has been collected to otherwise apply such limits (or January 1, 2029, if no such determination has been made as of such date))'' after ''may prescribe in regulations''; and

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

''(ee) DISREGARD OF COSTS ATTRIBUTABLE TO CERTAIN SERVICES FROM CALCULATION OF RHC AIR.—Payments for rural health clinic services other than audiology services (as defined in section 1861(ll)(3)) under the methodology for all-inclusive rates (established by the Secretary) under subsection (a)(3) shall not take into account the costs of such services while rates for such services are

based on rates payable for such services under the payment basis established under section 1848.''.

(B) PPS.—Section 1834(o) of the Social Security Act (42 U.S.C. 1395m(o)) is amended by adding at the end the following new paragraph:

''(5) TEMPORARY PAYMENT RATES BASED ON PFS FOR CERTAIN SERVICES.—The Secretary shall, in establishing payment rates for audiology services (as defined in section 1861(ll)(3)) that are Federally qualified health center services under the prospective payment system established under this subsection, in lieu of the rates otherwise applicable under such system, base such rates on rates payable for such services under the payment basis established under section 1848 until such time as the Secretary determines sufficient data has been collected to otherwise establish rates for such services under such system (or January 1, 2029, if no such determination has been made as of such date). Payments for Federally qualified health center services other than such audiology services under such system shall not take into account the costs of such services while rates for such services are based on rates payable for such

services under the payment basis established under section 1848.".

(f) IMPLEMENTATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $370,000,000, to remain available until expended, for purposes of implementing the amendments made by this section during the period beginning on January 1, 2022, and ending on September 30, 2031.

(2) PROGRAM INSTRUCTION.—The Secretary of Health and Human Services shall implement the provisions of, and the amendments made by, this section for 2022 and 2023 by program instruction.

# Subtitle I—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''), acting through the Director of the Centers for Disease Control and Prevention (in this section referred to as the ''Director''), for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, and to remain available until expended—

(1) for the purposes of carrying out subsection (c)(1)(A)—

(A) $200,000,000 in fiscal year 2022;

(B) $300,000,000 in fiscal year 2023; and

(C) $1,000,000,000 in each of fiscal years 2024 through 2026;

(2) for the purposes of carrying out subsection (c)(1)(B)—

(A) $100,000,000 in fiscal year 2022;

(B) $150,000,000 in fiscal year 2023; and

(C) $500,000,000 in each of fiscal years 2024 through 2026; and

(3) for the purposes of carrying out subsection (d)—

(A) $100,000,000 in fiscal year 2022;

(B) $150,000,000 in fiscal year 2023; and

(C) $500,000,000 in each of fiscal years 2024 through 2026.

(b) USE OF FUNDS.—Amounts made available pursuant to subsection (a) shall be used to support core public health infrastructure activities to strengthen the public health system of the United States, including by awarding grants under this section and expanding and improving activities of the Centers for Disease Control and Prevention under subsections (c) and (d).

(c) GRANTS.—

(1) AWARDS.—For the purpose of addressing core public health infrastructure needs, the Secretary shall award—

(A) a grant to each State or territorial health department, and to local health departments that serve counties with a population of at least 2,000,000 or cities with a population of at least 400,000 people; and

(B) grants on a competitive basis to State, territorial, local, or Tribal health departments.

(2) REQUIRED USES.—

(A) REALLOCATION TO LOCAL HEALTH DEPARTMENTS.—A State health department receiving funds under subparagraph (A) or (B) of paragraph (1) shall allocate at least 25 percent of 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.

(3) 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.

(4) COMPETITIVE GRANTS TO STATE, TERRITORIAL, LOCAL, AND TRIBAL HEALTH DEPARTMENTS.—In making grants under paragraph (1)(B), the Secretary shall give priority to applicants demonstrating core public health infrastructure needs for public health agencies in the applicant's jurisdiction.

(5) 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.

(6) REQUIREMENTS.—To be eligible for a grant under this section, an entity shall—

(A) submit an application in such form and containing such information as the Secretary shall require;

(B) demonstrate to the satisfaction of the Secretary that—

(i) funds received through the grant will be expended only to supplement, and not supplant, non-Federal and Federal funds otherwise available to the entity for the purpose of addressing core public health infrastructure needs; and

(ii) with respect to activities for which the grant is awarded, the entity will maintain expenditures of non-Federal amounts for such activities at a level not less than the level of such expenditures maintained by the entity for fiscal year 2019; and

(C) agree to report annually to the Director regarding the use of the grant funds.

(d) CORE PUBLIC HEALTH INFRASTRUCTURE AND ACTIVITIES FOR THE CDC.—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.

(e) DEFINITION.—In this section, the term ''core public health infrastructure'' includes—

(1) health equity activities;

(2) workforce capacity and competency;

(3) all hazards public health and preparedness;

(4) testing capacity, including test platforms, mobile testing units, and personnel;

(5) health information, health information systems, and health information analysis (including data analytics);

(6) epidemiology and disease surveillance;

(7) contact tracing;

(8) policy and communications;

(9) financing;

(10) community partnership development; and

(11) relevant components of organizational capacity.

(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 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, $2,000,000,000, 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—

(1) health center facility alteration, renovation, remodeling, expansion, construction, and other capital improvement costs, including the costs of amortizing the principal of, and paying interest on, loans for such purposes; and

(2) the purchase, renovation, or maintenance of mobile clinics and related vehicles and equipment.

**SEC. 31003. FUNDING FOR TEACHING HEALTH CENTER GRADUATE MEDICAL EDUCATION.**

(a) IN GENERAL.—In addition to amounts otherwise available, and notwithstanding the limitations referred to in subsections (b)(2) and (d)(2) of section 340H of the Public Health Service Act (42 U.S.C. 256h), there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,370,000,000, 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) EXEMPTION FROM AMOUNT AND DURATION LIMITATIONS.—Subsection (b) of section 749A of the Public Health Service Act (42 U.S.C. 293l–1) shall not apply with respect to amounts awarded under such section out of amounts appropriated under subsection (a) or under section 2604 of the American Rescue Plan Act (Public Law 117–2).

(c) USE OF FUNDS.—Amounts made available pursuant to subsection (a) shall be used for the following activities:

(1) For making payments to establish new approved graduate medical residency training programs pursuant to section 340H(a)(1)(C) of the Public Health Service Act (42 U.S.C. 256h(a)(1)(C)).

(2) For making payments under section 340H(a)(1)(A) of the Public Health Service Act (42 U.S.C. 256h(a)(1)(A))) to qualified teaching health centers for maintenance of filled positions at existing approved graduate medical residency training programs.

(3) For making payments under section 340H(a)(1)(B) of the Public Health Service Act (42 U.S.C. 256h(a)(1)(B)) for the expansion of existing approved graduate medical residency training programs.

(4) For making awards under section 749A of the Public Health Service Act (42 U.S.C. 293l–1) to teaching health centers for the purpose of establishing new accredited or expanded primary care residency programs.

(5) To provide an increase to the per resident amount described in section 340H(a)(2) of the Public Health Service Act (42 U.S.C. 256h(a)(2)).

(d) PRIORITY USES OF FUNDS.—In making payments and awards under subsection (c), the Secretary shall, in addition to the requirements of paragraphs (3)(A) and (3)(B) of section 340H of the Public Health Service Act (42 U.S.C. 256h), make payments and awards to eligible entities in a manner that accounts for States or territories in which there is no existing qualified teaching health center funded by payments under such section 340H.

**SEC. 31004. FUNDING FOR CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.**

In addition to amounts otherwise available, and notwithstanding the caps on awards specified in paragraphs (1) and (2) of subsection (b) and (h)(1) of section 340E of the Public Health Service Act (42 U.S.C. 256e), 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 expended, for carrying out such section 340E of the Public Health Service Act (42 U.S.C. 256e).

**SEC. 31005. FUNDING FOR NATIONAL HEALTH SERVICE 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, $2,000,000,000, to remain available until expended, for carrying out sections 338A, 338B, and 338I of the Public Health Service Act (42 U.S.C. 254l, 254l–1, 254q–1).

**SEC. 31006. 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, $500,000,000, to remain available until expended, for carrying out section 846 of the Public Health Service Act (42 U.S.C. 297n).

**SEC. 31007. 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, $500,000,000, 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-serv-

ing institutions described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)), and taking into consideration equitable distribution of awards among the geographical regions of the United States (which shall include rural regions and populations as defined by the Secretary for the purposes of this section) and the locations of existing schools of medicine and osteopathic medicine, use amounts appropriated by subsection (a) to award grants to eligible entities to—

(1) recruit, enroll, and retain students, including individuals who are from disadvantaged backgrounds (including racial and ethnic groups underrepresented among medical students and health professions), individuals from rural and underserved areas, low-income individuals, and first generation college students (as defined in section 402A(h)(3) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(h)(3))), at a school of medicine or osteopathic medicine or branch campus of a school of medicine or osteopathic medicine;

(2) develop, implement, and expand curriculum that emphasizes care for rural and underserved populations, including accessible and culturally appropriate and linguistically appropriate care and services, at such school or branch campus;

(3) plan and construct a school of medicine or osteopathic medicine in an area in which no other such school or branch campus of such a school is based;

(4) plan, develop, and meet criteria for accreditation for a school of medicine or osteopathic medicine or branch campus of such a school;

(5) hire faculty, including faculty from racial and ethnic groups who are underrepresented among the medical and other health professions, and other staff to serve at such a school or branch campus;

(6) support educational programs at such a school or branch campus, including modernizing curriculum;

(7) modernize and expand infrastructure at such a school or branch campus; or

(8) support other activities that the Secretary determines will further the establishment, improvement, or expansion of a school of medicine or osteopathic medicine or branch campus of a school of medicine or osteopathic medicine.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means an institution of higher education as de-

fined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) BRANCH CAMPUS.—

(A) IN GENERAL.—The term ''branch campus'', with respect to a school of medicine or osteopathic medicine, means an additional location of such school that is geographically apart and independent of the main campus, at which the school offers at least 50 percent of the program leading to a degree of doctor of medicine or doctor of osteopathy that is offered at the main campus.

(B) INDEPENDENCE FROM MAIN CAMPUS.—For purposes of subparagraph (A), the location of a school described in such subparagraph shall be considered to be independent of the main campus described in such subparagraph if the location—

(i) is permanent in nature;

(ii) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential;

(iii) has its own faculty and administrative or supervisory organization; and

(iv) has its own budgetary and hiring authority.

**SEC. 31008. FUNDING FOR SCHOOLS OF NURSING 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, $500,000,000, to remain available until expended, for purposes of making awards to schools of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)) to enhance and modernize nursing education programs and increase the number of faculty and students at such schools.

(b) USE OF FUNDS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, taking into consideration equitable distribution of awards among the geographical regions of the United States and the capacity of a school of nursing to provide care in underserved areas, shall use amounts appropriated by subsection (a) to award grants for purposes of—

(1) recruiting, enrolling, and retaining students at such school, with a priority for students from disadvantaged backgrounds (including racial or ethnic groups underrepresented in the nursing workforce),

individuals from rural and underserved areas, low-income individuals, and first generation college students (as defined in section 402A(h)(3) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(h)(3)));

(2) creating, supporting, or modernizing educational programs and curricula at such school;

(3) retaining current faculty, and hiring new faculty, with an emphasis on faculty from racial or ethnic groups that are underrepresented in the nursing workforce;

(4) modernizing infrastructure at such school, including audiovisual or other equipment, personal protective equipment, simulation and augmented reality resources, telehealth technologies, and virtual and physical laboratories;

(5) partnering with a health care facility, nurse-managed health clinic, or community health center, 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. 31009. FUNDING FOR PALLIATIVE CARE AND HOSPICE EDUCATION AND 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, to support the establishment or operation of programs that—

(1) support training of health professionals in palliative and hospice care (including through traineeships or fellowships); and

(2) foster patient and family engagement, integration of palliative and hospice care with primary care and other appropriate specialties, and collaboration with community partners to address gaps in health care for individuals in need of palliative or hospice care.

(b) USE OF FUNDS.—The Secretary shall, giving priority to applicants proposing to carry out programs or activities that demonstrate coordination with other Federal or State programs and are expected to substantially benefit rural populations, medically underserved populations,

medically underserved communities, Indian Tribes or Tribal organizations, or Urban Indian organizations, use amounts appropriated by subsection (a) to carry out a program to award grants or contracts to entities defined in paragraph (1), (3), or (4) of section 799B of the Public Health Service Act (42 U.S.C. 295p) or section 801(2) of such Act (42 U.S.C. 296) for purposes of carrying out the following activities:

(1) Clinical training on providing integrated palliative and hospice care and primary care delivery services.

(2) Interprofessional or interdisciplinary training to practitioners from multiple disciplines and specialties, including training on the provision of care to individuals with palliative or hospice care needs.

(3) Establishing or maintaining training-related community-based programs for individuals with palliative or hospice care needs and caregivers to improve quality of life, and where appropriate, health outcomes for individuals who have palliative or hospice care needs.

**SEC. 31010. FUNDING FOR PALLIATIVE MEDICINE PHYSICIAN 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, $20,000,000, to remain available until expended, to carry out a program to award grants and contracts to accredited schools of medicine, schools of osteopathic medicine, teaching hospitals, and graduate medical education programs for the purpose of providing support for projects that fund the training of physicians or specialists who plan to teach or practice palliative medicine.

(b) USE OF FUNDS.—Amounts made available to an awardee pursuant to subsection (a) shall be used to—

(1) provide training in interprofessional or interdisciplinary team-based palliative medicine through a variety of service rotations, such as rotations with respect to consultation services or acute and chronic care services, and rotations in other health care settings, including extended care facilities, ambulatory care and comprehensive evaluation units, hospices, home care, and community care programs;

(2) develop specific performance-based measures to evaluate the competency of trainees; and

(3) provide training in interprofessional or interdisciplinary, team-based palliative medicine.

(c) GRADUATE MEDICAL EDUCATION PROGRAM DEFINED.—In this section, the term ''graduate medical education program'' means a program sponsored by an accredited school of medicine, an accredited school of osteopathic medicine, a hospital, or a public or private institution that—

(1) offers postgraduate medical training in the specialties and subspecialties of medicine; and

(2) has been accredited by—

(A) the Accreditation Council for Graduate Medical Education; or

(B) the American Osteopathic Association through its Committee on Postdoctoral Training (or a successor committee).

**SEC. 31011. FUNDING FOR PALLIATIVE CARE AND HOSPICE ACADEMIC CAREER AWARDS.**

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until expended, to establish a program, consistent with section 753(b) of the Public Health Service Act (42 U.S.C. 294c(b)), including paragraphs (5)(A) and (5)(B) of such section 753(b) con-

cerning the amount and duration of awards, respectively, except that such program shall be to provide awards to accredited schools of medicine, osteopathic medicine, nursing, social work, psychology, allied health, dentistry, or chaplaincy applying on behalf of board-certified or board-eligible individuals in hospice and palliative medicine that have an early-career junior (non-tenured) faculty appointment at an accredited school of medicine, or osteopathic medicine, nursing, social work, psychology, allied health, dentistry, or chaplaincy, to promote the academic career development of individuals as hospice and palliative care specialists.

**SEC. 31012. FUNDING FOR HOSPICE AND PALLIATIVE NURSING.**

(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, $20,000,000, to remain available until expended, to establish a program to award grants and contracts to accredited schools of nursing, health care facilities, programs leading to certification as a certified nurse assistant, partnerships of such schools and facilities, or partnerships of such programs and facilities to develop and implement, in coordination with other hospice and palliative care programs administered by the Department

of Health and Human Services, programs and initiatives to train and educate individuals in providing interprofessional, interdisciplinary, team-based palliative care in health-related educational, hospital, hospice, home, or long-term care settings.

(b) USE OF FUNDS.—Amounts made available to an awardee pursuant to subsection (a) shall be used to—

(1) provide training to individuals who will provide palliative care in health-related educational, hospital, home, hospice, or long-term care settings;

(2) develop and disseminate curricula relating to palliative care in health-related educational, hospital, home, hospice, or long-term care settings;

(3) train faculty members in palliative care in health-related educational, hospital, home, hospice, or long-term care settings; and

(4) provide continuing education to individuals who provide palliative care in health-related educational, home, hospice, or long-term care settings.

**SEC. 31013. FUNDING FOR DISSEMINATION OF PALLIATIVE CARE INFORMATION.**

(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, to remain available until expended, for the purpose described in subsection (b).

(b) USE OF FUNDS.—The Secretary, after consultation with appropriate medical and other health professional societies and palliative care and hospice stakeholders, shall use amounts appropriated by subsection (a) to award grants or contracts to public and nonprofit private entities to disseminate information to inform patients, families, caregivers, direct care workers, and health professionals about the benefits of palliative care throughout the continuum of care for patients with serious or life-threatening illness. Such awareness campaign shall include—

(1) information, resources, communication, and education materials about palliative care for patients and families facing serious or life-threatening illnesses;

(2) information regarding hospice and palliative care services, including information on how such services may—

(A) incorporate age-friendly, patient-centered, and family-centered support throughout the continuum of care for serious and life-threatening illness;

(B) anticipate, prevent, and treat pain;

(C) optimize quality of life; and

(D) facilitate and support the goals and values of patients and families;

(3) materials that explain the role of professionals trained in hospice and palliative care in providing team-based care for patients and families throughout the continuum of care for serious or life-threatening illness; and

(4) materials for specific populations, including patients with serious or life-threatening illness who are among medically underserved populations (as defined in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3)) and families of such patients or health professionals serving medically underserved populations.

## 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, $1,400,000,000 to remain available until expended, for purposes of carrying out activities consistent with subsection (b).

(b) USE OF FUNDS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall use amounts made available pursuant to subsection (a) for the following activities:

(1) Supporting renovation, improvement, 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) the improvement and enhancement of testing and response capacity;

(B) improvements and expansion of the Laboratory Response Network for rapid outbreak detection;

(C) the improvement and expansion of genomic sequencing capabilities to detect emerging diseases and variant strains; and

(D) the improvement and expansion of biosafety and biosecurity capacity.

(2) Enhancing the capacity of the laboratories of the Centers for Disease Control and Prevention as described in subparagraphs (A) through (D) of paragraph (1).

(3) Enhancing the ability of the Centers for Disease Control and Prevention to monitor and exer-

cise oversight over the biosafety and biosecurity of State and local public health laboratories.

**SEC. 31022. 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, $1,300,000,000, to carry out activities to prepare for, and respond to, public health emergencies declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), as described in subsection (b), to remain available until expended.

(b) USE OF FUNDS.—The Secretary, acting through the Assistant Secretary for Preparedness and Response, shall use amounts made available pursuant to subsection (a)—

(1) to support surge capacity, including through construction, expansion, or modernization of facilities, to respond to a public health emergency, and for development, procurement, and domestic manufacture of drugs, active pharmaceutical ingredients, vaccines and other biological products, diagnostic technologies and products, medical devices (including personal protective equipment), vials, syringes, nee-

dles, 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) to support expanded vaccine production capacity and capabilities, including by developing or acquiring new technology and expanding manufacturing capacity through construction, expansion, or modernization of facilities;

(3) 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) 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) to support increased biosafety and biosecurity in research on infectious diseases, including by modernization or improvement of facilities.

**SEC. 31023. FUNDING FOR INFRASTRUCTURE MODERNIZATION AND INNOVATION AT THE FOOD AND DRUG ADMINISTRATION.**

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, with respect to improving and modernizing infrastructure at the Food and Drug Administration and enhancing food and medical product safety—

(1) $150,000,000 for improving technological infrastructure, including through developing integrated systems and improving the interoperability of information technology systems; and

(2) $150,000,000 for modernizing laboratory infrastructure of, or used by, the Food and Drug Administration, including modernization of facilities related to, and supporting, such laboratory infrastructure, including through planning for, and the construction, repair, improvement, extension, alter-

ation, demolition, and purchase of, fixed equipment or facilities.

## PART 3—MATERNAL MORTALITY

### SEC. 31031. 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, $100,000,000, to remain available until expended, for carrying out a program to award grants or contracts to community-based organizations, Indian Tribes and Tribal organizations, Urban Indian organizations, Native Hawaiian organizations, or other nonprofit organizations working with a community-based organization, or consortia of any such entities, 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 health, including social determinants of maternal health, for pregnant and postpartum individuals and elimi-

nating racial and ethnic disparities in maternal health outcomes by—

(A) hiring, training, or retaining staff;

(B) developing or distributing culturally and linguistically appropriate resources for social services programs;

(C) offering programs and resources to address social determinants of health;

(D) conducting demonstration projects to address social determinants of health;

(E) establishing a culturally and linguistically appropriate resource center that provides multiple social services programs in a single location; and

(F) consulting with pregnant and postpartum individuals to conduct an assessment of the activities conducted under this section.

(2) Promoting evidence-based health literacy and pregnancy, childbirth, and parenting education for pregnant and postpartum individuals, and individuals seeking to become pregnant.

(3) Providing support from perinatal health workers, including clinical and community-based

staff members that provide direct care and support services to pregnant and postpartum individuals.

(4) Providing culturally congruent, linguistically appropriate, and trauma-informed training to perinatal health workers, including clinical and community-based staff members that provide direct care and support services to pregnant and postpartum individuals.

(c) TECHNICAL ASSISTANCE.—Using amounts made available under subsection (a), the Secretary shall—

(1) conduct outreach to eligible entities to apply for grants or contracts under subsection (a); and

(2) provide technical assistance, including through a grant or contract, to eligible entities receiving funding pursuant to subsection (a).

**SEC. 31032. FUNDING FOR THE OFFICE OF MINORITY 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, $75,000,000, to remain available until expended, for carrying out a program to award grants or contracts to community-based organizations 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 FUNDS.—The Secretary, acting through the Deputy Assistant Secretary for Minority Health, shall use amounts made available under subsection (a) to award grants for the following activities:

(1) Addressing social determinants of health, including social determinants of maternal health, for pregnant and postpartum individuals and eliminating racial and ethnic disparities in maternal health outcomes by—

(A) hiring, training, or retaining staff;

(B) developing or distributing culturally and linguistically appropriate resources for social services programs;

(C) offering programs and resources to address social determinants of health;

(D) conducting demonstration projects to address social determinants of health;

(E) establishing a culturally and linguistically appropriate resource center that provides multiple social services programs in a single location; and

(F) consulting with pregnant and postpartum individuals to conduct an assess-

ment 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, including clinical and community-based staff members that provide direct care and support services to pregnant and postpartum individuals.

(4) Providing culturally congruent, linguistically appropriate, and trauma-informed training to perinatal health workers, including clinical and community-based staff members that provide direct care and support services to pregnant and postpartum individuals.

(c) TECHNICAL ASSISTANCE.—Using amounts made available under subsection (a), the Secretary shall—

(1) conduct outreach to eligible entities to apply for grants or contracts under subsection (a); and

(2) provide technical assistance, including through a grant or contract, to eligible entities receiving funding pursuant to subsection (a).

**SEC. 31033. 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, $170,000,000, to remain available until expended, for carrying out a program to award grants or contracts to accredited schools of nursing for the purpose of growing and diversifying the perinatal nursing workforce, including through improving the capacity and supply of health care providers.

(b) USES OF FUNDS.—

(1) AWARDEES.—Prioritizing students and registered nurses who plan to practice or currently practice in an underserved area, amounts made available to awardees by subsection (a) shall, consistent with section 846 of the Public Health Service Act (42 U.S.C. 297n), be used for the following activities:

(A) Providing scholarships to students, including those from racial and ethnic groups underrepresented in the health professions, seeking to become nurse practitioners whose education includes a focus on maternal and perinatal health.

(B) Providing scholarships to students seeking to become clinical nurse specialists whose education includes a focus on maternal and perinatal health.

(C) Providing scholarships to students seeking to become certified nurse midwives.

(D) Providing scholarships to registered nurses seeking certification as an obstetrics and gynecology registered nurse.

(2) SECRETARY.—The Secretary shall use amounts made available pursuant to subsection (a) for the following activities:

(A) Developing and implementing strategies to recruit and retain a diverse pool of students seeking to enter careers focused on maternal and perinatal health.

(B) Developing partnerships with practice settings in an underserved area 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, discrimination, providing

culturally competent care, or trauma-informed care.

**SEC. 31034. FUNDING FOR PERINATAL QUALITY COLLABORATIVES.**

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, for carrying out a program to establish or support perinatal quality collaboratives to improve perinatal care and perinatal health outcomes for pregnant and postpartum individuals and their infants.

**SEC. 31035. 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 carrying out a program to award grants or contracts 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 any such entities, including entities promoting multidisci-

plinary approaches), to establish or expand programs to grow and diversify the doula workforce, including through improving the capacity and supply of health care providers.

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used for the following activities:

(1) Establishing programs that provide education and training to individuals seeking appropriate training or certification as doulas.

(2) Expanding the capacity of existing programs described in paragraph (1), for the purpose of increasing the number of students enrolled in such programs, including by awarding scholarships for students who agree to work in underserved communities after receiving such education and training.

(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. 31036. 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 carrying out a program to award grants or contracts 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 any such 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, including through improving the capacity and supply of health care providers.

(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. 31037. 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 carrying out a program to award grants or contracts to community-based organizations, Indian Tribes and Tribal organizations, Urban Indian organizations, Native Hawaiian organizations, health care providers, accredited medical schools, accredited schools of nursing, teaching hospitals, accredited midwifery programs, physician assistant education programs, residency or fellowship programs, or other nonprofit organizations,

schools, or programs determined appropriate by the Secretary, or consortia of any such entities, 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—

(A) the integration of mental health and substance use disorder treatment services into primary care settings where pregnant individuals regularly receive health care services; and

(B) the coordination between such primary care settings and mental health and substance use disorder professionals who treat maternal mental health conditions and substance use disorders.

(2) Establishing or expanding programs that improve maternal mental health and substance use disorder treatment from the preconception through the postpartum periods, with a focus on individuals

from racial and ethnic minority groups with high rates of maternal mortality and morbidity.

(3) Establishing or expanding programs to prevent suicide or self-harm among pregnant, lactating, and postpartum individuals.

(4) Establishing or expanding programs to provide education and training to maternity care providers, with respect to 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 offering referrals to mental health substance use disorder treatment professionals.

(5) Raising awareness of, and addressing stigma associated with, maternal mental health conditions and substance use disorders, with a focus on pregnant, lactating, and postpartum individuals from racial and ethnic minority groups.

(6) Carrying out other evidence-based or evidence-informed programs to address maternal mental health conditions and substance use disorders for pregnant and postpartum individuals from racial and ethnic minority groups.

**SEC. 31038. 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 carrying out a program to award grants or contracts 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, or consortia of any such entities, to support the development and integration of education and training programs for identifying and addressing health risks associated with climate change for pregnant, lactating, and postpartum individuals.

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used for developing, integrating, and implementing curriculum and continuing education that focuses on the following:

(1) Identifying health risks associated with climate change for pregnant, lactating, and postpartum individuals and individuals with the intent to become pregnant.

(2) How health risks associated with climate change affect pregnant, lactating, and postpartum individuals and individuals with the intent to become pregnant.

(3) Racial and ethnic disparities in exposure to, and the effects of, health risks associated with climate change for pregnant, lactating, and postpartum individuals and individuals with the intent to become pregnant.

(4) Patient counseling and mitigation strategies relating to health risks associated with climate change for pregnant, lactating, and postpartum individuals.

(5) Relevant services and support for pregnant, lactating, and postpartum individuals relating to health risks associated with climate change and strategies for ensuring such individuals have access to such services and support.

(6) Implicit and explicit bias, racism, and discrimination in providing care to pregnant, lactating, and postpartum individuals and individuals with the intent to become pregnant.

**SEC. 31039. 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 carrying out a program to award grants or contracts to minority-serving institutions described in section 371 of the Higher Education Act of 1965 (20 U.S.C. 1067q) to study maternal mortality, severe maternal morbidity, and maternal health outcomes.

(b) USE OF FUNDS.—Amounts made available to an awardee under subsection (a) shall be used for the purpose specified in such subsection, including the following activities:

(1) Developing and implementing systematic processes of listening to the stories of pregnant and postpartum individuals from racial and ethnic minority groups, and perinatal health workers supporting such individuals, to fully understand the causes of, and inform potential solutions to, the maternal mortality and severe maternal morbidity crisis within their respective communities.

(2) Assessing the potential causes of relatively low rates of maternal mortality among Hispanic individuals and foreign-born Black women.

(3) Assessing differences in rates of adverse maternal health outcomes among subgroups identifying as Hispanic.

(4) Conducting research on maternal morbidity and mortality, with a focus on health disparities.

(c) TECHNICAL ASSISTANCE.—Using amounts made available by subsection (a), the Secretary shall conduct outreach to minority-serving institutions (as described in section 371 of the Higher Education Act of 1965 (20 U.S.C. 1067q))—

(1) to inform and raise awareness of the availability funding through a grant or contract awarded pursuant to this section;

(2) to provide technical assistance, including through a grant or contract, on the application process for grants or contracts awarded pursuant to subsection (a); and

(3) to promote capacity building to eligible entities for grant applications pursuant to subsection (a).

**SEC. 31040. 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. 31041. FUNDING FOR MATERNAL MORTALITY REVIEW COMMITTEES TO PROMOTE REPRESENTATIVE COMMUNITY ENGAGEMENT.**

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, for carrying out section 317K(d) of the Public Health Service Act (42 U.S.C. 247b–12(d)) to promote community engagement in maternal mortality review committees to increase the diversity of a committee's membership with respect to race and ethnicity, location, and professional background.

**SEC. 31042. 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 317C of the Public Health Service Act (42 U.S.C. 247b–4) with respect to conducting surveillance for emerging threats to mothers and babies.

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used for the following activities:

(1) Expanding the Surveillance for Emerging Threats to Mothers and Babies activities of the Centers for Disease Control and Prevention.

(2) Working with public health, clinical, and community-based organizations to provide timely, continually updated, evidence-based guidance to families and health care providers on ways to reduce risk to pregnant and postpartum individuals and their newborns and tailor interventions to improve their long-term health.

(3) Partnering with more State, Tribal, territorial, and local public health programs in the collection and analysis of clinical data on the impact of COVID–19 on pregnant and postpartum patients

and their newborns, particularly among patients from racial and ethnic minority groups.

(4) Establishing regionally based centers of excellence to offer medical, public health, and other knowledge (in coordination with State and Tribal public health authorities) to ensure that communities, especially communities with large populations of individuals from racial and ethnic minority groups, can help pregnant and postpartum individuals and newborns get the care and support they need.

**SEC. 31043. FUNDING FOR ENHANCING REVIEWS AND SURVEILLANCE TO ELIMINATE MATERNAL MORTALITY PROGRAM.**

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $30,000,000, to remain available until expended, for carrying out the Enhancing Reviews and Surveillance to Eliminate Maternal Mortality program established under section 317K of the Public Health Service Act (42 U.S.C. 247b–12).

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used for the following activities:

(1) Expanding the Enhancing Reviews and Surveillance to Eliminate Maternal Mortality program (commonly known as the ''ERASE MM program'') of the Centers for Disease Control and Prevention.

(2) Expanding partnerships with States, territories, Indian Tribes, and Tribal organizations to support Maternal Mortality Review Committees.

(3) Providing technical assistance to existing maternal mortality review committees.

**SEC. 31044. FUNDING FOR THE PREGNANCY RISK ASSESSMENT MONITORING SYSTEM.**

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until expended, for carrying out section 317K of the Public Health Service Act (42 U.S.C. 247b–12) with respect to the Pregnancy Risk Assessment Monitoring System.

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used for the following activities:

(1) Supporting COVID–19 supplements to the Pregnancy Risk Assessment Monitoring System questionnaire.

(2) Conducting a rapid assessment of COVID–19 awareness, impact on care and experiences, and

use of preventive measures among pregnant, laboring and birthing, and postpartum individuals.

(3) Supporting the transition of the questionnaire described in paragraph (1) to an electronic platform and expanding the distribution of the questionnaire to a larger population, with a special focus on reaching underrepresented communities.

**SEC. 31045. 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, consistent with the child health and human development activities of the Eunice Kennedy Shriver National Institute of Child Health and Human Development described in section 448 of the Public Health Service Act (42 U.S.C. 285g), to conduct or support research for interventions to mitigate the effects of COVID–19 on pregnant, lactating, and postpartum individuals, with a particular focus on individuals from racial and ethnic minority groups.

**SEC. 31046. FUNDING FOR EXPANDING THE USE OF TECHNOLOGY-ENABLED COLLABORATIVE LEARNING AND CAPACITY BUILDING 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 carrying out a program to award grants or contracts to community-based organizations, Indian Tribes and Tribal organizations, Urban Indian 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, or consortia of any such entities, that are operating in underserved areas 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 and capacity building models (as defined in section 330N of the Public Health Service Act (42 U.S.C. 254c–20)).

(b) USE OF FUNDS.—

(1) AWARDEES.—A recipient of a grant or contract awarded pursuant to subsection (a) shall use such amounts to—

(A) train maternal health care providers, students, staff of community-based organizations, and other entities described in subsection (a) 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 and capacity building models to improve maternal health outcomes.

(2) SECRETARY.—The Secretary shall use amounts made available pursuant to subsection (a) to provide technical assistance to recipients of grants awarded pursuant to subsection (a) on the development, use, and sustainability of technology-enabled collaborative learning and capacity building models

to expand access to maternal health services provided by such entities.

**SEC. 31047. 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 carrying out a program to award grants or contracts to community-based organizations, Indian Tribes and Tribal organizations, Urban Indian 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, or consortia of any such entities, that are operating in underserved areas 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 to an awardee pursuant to subsection (a) shall be used for the

purpose specified in such subsection, including for increasing access to telehealth technologies (as defined in section 330I of the Public Health Service Act (42 U.S.C. 254c–14)) and digital tools that could improve maternal health outcomes, such as wearable technologies, patient portals, telehealth services, and web-based and mobile phone applications, digital health services, secure text messaging, online provider communities, mobile clinical decision support services, and clinical tools to increase diagnostic accuracy.

(c) TECHNICAL ASSISTANCE.—Using amounts made available under subsection (a), the Secretary shall provide technical assistance, including through a grant or contract, to eligible entities receiving funding pursuant to subsection (a) on the development, use, evaluation, and post-grant sustainability of digital tools designed to promote equity and reduce disparities in maternal health outcomes.

**SEC. 31048. 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, $50,000,000, to remain available until expended, for the purpose described in subsection (b).

(b) USE OF FUNDS.—The Secretary shall, with a focus on maternal health providers, use amounts appropriated under subsection (a) to carry out a program to award competitive grants or contracts to national nonprofit organizations focused on improving health equity, accredited schools of medicine or nursing, and other health professional training programs to develop, disseminate, review, research, and evaluate training for health professionals and all staff who interact with patients to reduce discrimination and bias in the provision of health care, with a focus on maternal health care.

## PART 4—OTHER PUBLIC HEALTH INVESTMENTS

### SEC. 31051. 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. 31052. FUNDING TO SUPPORT PEER RECOVERY SPECIALISTS.

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, to carry out section 509 of the Public Health Service Act (42 U.S.C. 290bb–2) with respect to strengthening recovery community organizations and their statewide network of recovery stakeholders.

**SEC. 31053. 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, $15,000,000, 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. 31054. FUNDING FOR THE NATIONAL SUICIDE PREVENTION LIFELINE.**

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $75,000,000, to remain available until expended, for advancing infrastructure for the National Suicide Prevention Lifeline program under section 520E–3 of the Public Health Service Act (42 U.S.C. 290bb–36c) in order to expand existing capabilities for response in a manner that avoids duplicating existing capabilities for text-based crisis support.

**SEC. 31055. FUNDING FOR COMMUNITY VIOLENCE AND TRAUMA INTERVENTIONS.**

(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 $2,500,000,000, to remain available until expended, for the purposes described in subsection (b):

(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, the Deputy Assistant Secretary for Minority Health, and the Assistant Secretary for the Administration for Children and Families, shall use amounts appropriated by subsection (a) to support public health-based interventions to reduce community violence and trauma, taking into consideration the needs of communities with high rates of, and prevalence of risk factors associated with, violence-related injuries and deaths, by—

(1) awarding competitive grants or contracts to local governmental entities, States, territories, Indian Tribes and Tribal organizations, Urban Indian organizations, hospitals and community health centers, nonprofit community-based organizations, culturally specific organizations, victim services pro-

viders, or other entities as determined by the Secretary (or consortia of such entities) to support evidence-informed, 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, social-emotional learning and school-based mental health services, workforce development services, and other services that prevent or mitigate the impact of trauma, build appropriate skills, or promote resilience; and

(2) supporting training, technical assistance, research, evaluation, public health surveillance systems, data collection, and coordination among relevant stakeholders, to facilitate support for strategies to reduce community violence and ensure safe and healthy communities.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated under this section shall be used to supplement and not supplant any Federal, State, or local funding otherwise made available for the purposes described in this section.

(d) EXPENDITURE REQUIREMENT.—All expenditures made pursuant to subsection (a) shall be made on or before September 30, 2031.

**SEC. 31056. 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, $5,000,000, 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. 31057. 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, $75,000,000, to remain available until expended, for necessary expenses for modifications to existing contracts, and supplements to existing grants and cooperative agreements under sections 2601, 2611, 2651, 2671, and 2692(a) of the Public Health Service Act (42 U.S. Code 300ff–11, 300ff–21, 300ff–51, 300ff–71, 300ff–111).

**SEC. 31058. FUNDING FOR CLINICAL SERVICES DEMONSTRATION PROJECT.**

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, $60,000,000, to remain available until expended, to, acting through the Administrator of the Health Resources and Services Administration, carry out a program to award grants or contracts to public and private nonprofit clinics for the provision of clinical services, pursuant to a demonstration project under section 318(b)(2) of the Public Health Service Act (42 U.S.C. 247c(b)(2)).

**SEC. 31059. FUNDING TO SUPPORT THE LIFESPAN RESPITE CARE 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, $5,000,000, to remain available until expended, for carrying out sections 2902, 2903, and 2904 of the Public Health Service Act (42 U.S.C. 300ii–1, 300ii–2, 300ii–3).

**SEC. 31060. FUNDING TO INCREASE RESEARCH CAPACITY AT CERTAIN INSTITUTIONS.**

(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 the purposes described in subsection (b).

(b) USE OF FUNDS.—The Secretary, acting through the Director of the National Institutes of Health, shall use amounts made available under subsection (a) to—

(1) maintain and expand programs to increase research capacity at minority-serving institutions (as described in section 371 of the Higher Education Act of 1965 (20 U.S.C. 1067q)), including by supporting the Path to Excellence and Innovation program of the National Institutes of Health;

(2) support centers of excellence under sections 464z–4 and 736 of the Public Health Service Act (42 U.S.C. 285t–1, 293);

(3) support efforts to diversify the national scientific workforce and expand recruitment and retention of individuals who are—

(A) underrepresented in the biomedical, clinical, behavioral, and social sciences; and

(B) from disadvantaged backgrounds; and

(4) support and expand the activities of the Scientific Workforce Diversity Office of the National Institutes of Health.

**SEC. 31061. FUNDING FOR RESEARCH RELATED TO DEVELOPMENTAL DELAYS.**

(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, to remain available until expended, for the purpose described in subsection (b).

(b) USE OF FUNDS.—The Secretary, acting through the Director of the National Institutes of Health, shall use amounts appropriated by subsection (a) to conduct or support research related to developmental delays, including speech and language delays in infants and toddlers, characterizing speech and language development and outcomes in infants and toddlers through early adolescence. Such research shall include studies, including longitudinal studies, conducted or supported by the National Institute on Deafness and Other Communication Disorders, the Eunice Kennedy Shriver National Institute of Child Health and Human Development, and other relevant institutes and centers of the National Institutes of Health.

(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 to conduct or support research related to developmental delays, including speech and language delays, in infants, toddlers, and children.

**SEC. 31062. SUPPLEMENTAL FUNDING FOR THE WORLD TRADE CENTER HEALTH PROGRAM.**

(a) IN GENERAL.—Title XXXIII of the Public Health Service Act 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) USE OF FUNDS.—Amounts deposited into the Supplemental Fund under subsection (b) shall be available, without further appropriation and without regard to any spending limitation under section 3351(c), to the WTC Program Administrator as needed at the discretion of such Administrator for carrying out any provision in this title, including sections 3303 and 3341(c).

"(d) RETURN OF FUNDS.—Any amounts that remain in the Supplemental Fund on September 30, 2031, shall be deposited into the Treasury as miscellaneous receipts.".

(b) CONFORMING AMENDMENTS.—Title XXXIII of the Public Health Service Act is amended—

(1) 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'';

(2) 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'';

(3) in section 3331 (42 U.S.C. 300mm–41)—

(A) in subsection (a), by inserting ''and the World Trade Center Health Program Supplemental Fund'' before the period at the end; and

(B) in subsection (d)—

(i) in paragraph (1)(B), by inserting ''(excluding any expenditures from amounts in the World Trade Center Health Program Supplemental Fund under section 3352)'' before the period at the end; and

(ii) in paragraph (2), in the flush text following subparagraph (C), by inserting ''(excluding any expenditures from amounts in the World Trade Center Health Program Supplemental Fund under

section 3352)'' before the period at the end; and

(4) in section 3351(b) (42 U.S.C. 300mm–61(b))—

(A) 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

(B) 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.

## PART 5—NATIVE HAWAIIAN PROVISIONS

### SEC. 31071. NATIVE HAWAIIAN HEALTH CARE SYSTEMS.

(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 September 30, 2031, for the Secretary, not later than 180 days after the date of enactment of this Act, to award grants to, or enter into contracts with, Papa Ola Lokahi to support services described in section 6(c) of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705(c)) in accordance with this section.

(b) USE OF FUNDS.—Amounts made available to an awardee pursuant to subsection (a) shall be used for—

(1) the purchase, construction, alteration, renovation, or equipping of health facilities;

(2) maintenance and improvement projects;

(3) information technology, telehealth infrastructure, electric health records systems, and medical equipment; and

(4) awarding grants to, or entering into contracts with, Native Hawaiian health care systems (directly, or through subgrants or subcontracts) to support services described in section 6(c) of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705(c)), on the condition that such grants or contracts may only be used for the purposes and uses described in paragraphs (1) through (3).

(c) WAIVER OF CERTAIN RESTRICTIONS.—Subsections (e) and (f)(4) of section 6 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705(e), 11705(f)(4)) shall not apply to grants (or subgrants) made using amounts made available under subsection (a).

(d) DEFINITIONS.—In this section:

(1) NATIVE HAWAIIAN HEALTH CARE SYSTEM.—The term ''Native Hawaiian health care system'' has the meaning given the term in section 12

of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11711).

(2) PAPA OLA LOKAHI.—The term ''Papa Ola Lokahi'' has the meaning given the term in section 12 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11711).

**SEC. 31072. NATIVE HAWAIIAN HEALTH IMPROVEMENT 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, $224,000,000, to remain available until September 30, 2031, to award grants to eligible Native Hawaiian entities to improve the health status of Native Hawaiians, including by providing to Native Hawaiians comprehensive health promotion services, disease prevention services, and primary health services, as described in section 6(c) of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705(c)).

(b) DEFINITION OF ELIGIBLE NATIVE HAWAIIAN ENTITY.—In this section, the term ''eligible Native Hawaiian entity'' means—

(1) Papa Ola Lokahi (as defined in section 12 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11711));

(2) a Native Hawaiian health care system (as defined in section 12 of that Act (42 U.S.C. 11711));

(3) a Native Hawaiian organization (as defined in section 12 of that Act (42 U.S.C. 11711));

(4) a consortium of 2 or more entities described in paragraphs (1) through (3); and

(5) a consortium that contains at least 1 entity described in any of paragraphs (1) through (3).

**SEC. 31073. NATIVE HAWAIIAN HEALTH CARE SYSTEMS LIABILITY COVERAGE.**

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall apply section 102(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5321(d)) to—

(1) a Native Hawaiian health care system that receives a grant from or enters into a contract with the Secretary under section 6 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705) to the same extent as section 102(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5321(d)) applies to an Indian Tribe, a Tribal organization, and an Indian contractor that carries out a contract, grant agreement, or coopera-

tive agreement, as applicable, under section 102 or 103 of that Act (25 U.S.C. 5321, 5322); and

(2) the employees of a Native Hawaiian health care system that receives a grant from or enters into a contract with the Secretary under section 6 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705) to the same extent as section 102(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5321(d)) applies to the employees of an Indian Tribe, a Tribal organization, or an Indian contractor that carries out a contract, grant agreement, or cooperative agreement, as applicable, under section 102 or 103 of that Act (25 U.S.C. 5321, 5322).

(b) EFFECTIVE DATE.—For purposes of subsection (a), each reference to December 22, 1987, and the reference to the date of enactment of the Indian Self-Determination and Education Assistance Act Amendments of 1990 contained in section 102(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5321(d)) shall be deemed to be a reference to the date of enactment of this section.

(c) SUNSET.—This section shall cease to have force or effect on October 1, 2031.

# Subtitle J—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, $470,000,000, to remain available until September 30, 2030, to make grants to eligible entities for implementing and maintaining Next Generation 9–1–1 in accordance with subsection (b).

(2) ADMINISTRATIVE EXPENSES.—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, $20,000,000, to remain available until September 30, 2030, to administer this section.

(b) USE OF FUNDS.—An eligible entity may use grant funds received under this section for—

(1) reasonable costs associated with planning, implementation, and development activities, including such activities related to the grant application;

(2) deployment, operation, and maintenance of interoperable and reliable Next Generation 9–1–1,

including ensuring the cybersecurity of Next Generation 9–1–1; and

(3) training of personnel related to Next Generation 9–1–1.

(c) CLAWBACK.—The Assistant Secretary shall recover some or all of the grant funds made available to an eligible entity under this section if—

(1) the eligible entity uses the funds for any other purpose than those set forth in subsection (b);

(2) the eligible entity fails to establish a funding mechanism for Next Generation 9–1–1 sufficient to cover operations, maintenance, and upgrade costs within 3 years of the establishment of the grant program;

(3) the eligible entity engages in the diversion of any 9–1–1 fee or charge imposed by the eligible entity; or

(4) the eligible entity uses funds 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)).

**SEC. 31102. ESTABLISHMENT OF NEXT GENERATION 9–1–1 CYBERSECURITY CENTER.**

In addition to amounts otherwise available, there is appropriated to the National Telecommunications and Information Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $9,000,000, to remain available until September 30, 2030, for the establishment of a Next Generation 9–1–1 Cybersecurity Center to coordinate with State, local, and regional governments on the sharing of cybersecurity information about, the analysis of cybersecurity threats to, and 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 National Telecommunications and Information Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000, to remain available until September 30, 2030, to establish a 16-member Public Safety Next Generation 9–1–1 Advisory Board, consisting of public safety officials and 9–1–1 professionals from diverse backgrounds and with the necessary technical expertise, to provide recommendations to the Assistant Secretary with respect to carrying out the duties and responsibilities of the Assist-

ant Secretary related to Next Generation 9–1–1, including with respect to the grant program established under 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 the term in section 6(f)(3)(D) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(3)(D)).

(2) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information.

(3) COMMONLY ACCEPTED STANDARDS.—The term ''commonly accepted standards'' means the technical standards followed by the communications industry for network, device, and Internet Protocol connectivity that—

(A) ensure interoperability by enabling emergency communications centers to receive, process, and analyze all types of 9–1–1 requests for emergency assistance (including multimedia and data) and share 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 any other factor; and

(B) are developed and approved by a standards development organization that is accredited by a United States or international standards body through a process—

(i) that is consensus-based and open for participation, provides conflict resolution, and invites comment; and

(ii) through which standards are made publicly available once approved.

(4) ELIGIBLE ENTITY.—The term ''eligible entity'' means a State or a Tribal organization that has—

(A) named a single point of contact to coordinate the implementation of Next Generation 9–1–1; and

(B) developed and submitted a plan for the coordination and implementation of Next Generation 9–1–1 consistent with any requirements of the Assistant Secretary.

(5) NEXT GENERATION 9–1–1.—The term ''Next Generation 9–1–1'' means an interoperable, secure, Internet Protocol-based system that—

(A) employs commonly accepted standards;

(B) enables emergency communications centers to receive, process, and analyze all types of 9–1–1 requests for emergency assistance;

(C) acquires and integrates additional information useful to handling 9–1–1 requests for emergency assistance;

(D) supports sharing information related to 9–1–1 requests for emergency assistance among emergency communications centers and emergency response providers without the need for proprietary interfaces and regardless of jurisdiction, equipment, device, software, service provider, or any other factor; and

(E) ensures reliability by enabling ongoing operation, including through the use of geo-diverse device and network agnostic elements that provide more than 1 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.

(6) STATE.—The term ''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 Is-

lands, and any other territory or possession of the United States.

## Subtitle K—Other Matters Related to Connectivity

**SEC. 31201. OUTREACH.**

In addition to amounts otherwise available, there is appropriated to the Federal Communications 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, to conduct outreach and provide education to the public regarding the broadband and communications affordability programs of the Federal Communications Commission to raise awareness about the programs and help consumers access the programs.

**SEC. 31202. FUTURE OF TELECOMMUNICATIONS COUNCIL.**

In addition to amounts otherwise available, there is appropriated to the Secretary of Commerce for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $7,000,000, to remain available until September 30, 2031, to establish a council of 14 members in coordination with the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Deputy Secretary of Commerce, the Assistant

Secretary of Commerce for Communications and Information, the Under Secretary of Commerce for Standards and Technology, the Chair of the Federal Communications Commission, the Director of the National Science Foundation, the Majority Leader of the Senate, and the Speaker of the House of Representatives, to be known as the ''Future of Telecommunications Council'', to advise Congress on the development and adoption of 6G and other advanced wireless communications technologies, including ensuring equity in access to those technologies for communities of color and rural communities.

**SEC. 31203. AFFORDABILITY.**

(a) DEFINITIONS.—In this section:

(1) BROADBAND; BROADBAND SERVICE.—The term ''broadband'' or ''broadband service'' has the meaning given the term ''broadband internet access service'' in section 8.1 of title 47, Code of Federal Regulations, or any successor regulation.

(2) COVERED BROADBAND SERVICE.—The term ''covered broadband service'' means broadband service being delivered through a broadband network that can easily scale speeds over time to—

(A) meet the evolving connectivity needs of households and businesses; and

(B) support the deployment of 5G, successor wireless technologies, and other advanced services.

(3) COVERED PUBLIC-PRIVATE PARTNERSHIP.—The term ''covered public-private partnership'' means a partnership between—

(A) a State, 1 or more political subdivisions of a State, a utility (including a utility cooperative), a public utility district, a nonprofit organization, a regional planning council, or an economic development authority; and

(B) a provider of covered broadband service.

(4) STATE.—The term ''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.

(b) FUNDING.—

(1) PILOT PROJECTS.—In addition to amounts otherwise available, there is appropriated to the National Telecommunications and Information Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated,

$280,000,000, to remain available until September 30, 2031, for grants to covered public-private partnerships for pilot projects to increase access to affordable covered broadband service in urban communities, including communities of color and for low- and middle-income consumers, through long-term solutions for such affordability.

(2) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the National Telecommunications and Information Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2031, to administer this section.

(3) ADVISORY COMMITTEE.—In addition to amounts otherwise available, there is appropriated to the National Telecommunications and Information 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, to establish an advisory committee of 12 members consisting of experts on broadband affordability from diverse backgrounds, to be known as the ''Affordable Urban and Suburban Broadband Advisory Committee'', to advise the National Tele-

communications and Information Administration, the Federal Communications Commission, and Congress on ways to make broadband more affordable for urban and suburban broadband subscribers, including for communities of color and low- and middle-income consumers, through long-term solutions for such affordability.

**SEC. 31204. ACCESS TO DEVICES.**

(a) DEFINITIONS.—In this section:

(1) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information.

(2) CONNECTED DEVICE.—The term ''connected device'' means any of the following devices that meets minimum standards established by the Assistant Secretary:

(A) A WiFi-enabled desktop computer.

(B) A WiFi-enabled laptop computer.

(C) A WiFi-enabled tablet computer.

(D) Any similar WiFi-enabled device (except for a telephone or smartphone).

(3) CONNECTED DEVICE DISTRIBUTION PROGRAM.—The term ''connected device distribution program'' means a program approved by the Assist-

ant Secretary that makes available connected devices for free or at a low cost to an eligible household.

(4) ELIGIBLE HOUSEHOLD.—The term ''eligible household'' means a household in which—

(A) at least one member of the household meets the qualifications for the Lifeline program of the Federal Communications Commission, except that a household shall be deemed to meet the income component of those qualifications if the household's income is at or below 200 percent of the Federal Poverty Guidelines for a household of that size;

(B) at least one member of the household has applied for and been approved to receive benefits under the free and reduced price lunch program or the school breakfast program;

(C) at least one member of the household has received a Federal Pell Grant in the current award year, if such award is verifiable through the National Verifier or National Lifeline Accountability Database or a connected device distribution program verifies eligibility; or

(D) at least one member of the household receives assistance through the special supple-

mental nutritional program for women, infants, and children.

(b) CONNECTED DEVICE GRANT PROGRAM.—

(1) APPROPRIATIONS.—

(A) 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, $475,000,000, to remain available until September 30, 2031, for the awarding of grants to connected device distribution programs in accordance with this section.

(B) ADMINISTRATION.—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, $20,000,000, to remain available until September 30, 2031, to administer this section, including providing technical assistance to a connected device distribution program.

(C) OUTREACH.—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 ap-

propriated, $5,000,000, to remain available until September 30, 2031, to conduct outreach related to the availability of grants under this section.

(2) USE OF FUNDS.—

(A) IN GENERAL.—A connected device distribution program shall use grant funds received under this section for—

(i) the reasonable purchase or refurbishment cost of connected devices for distribution to eligible households consistent with this section; and

(ii) the reasonable administrative costs associated with the distribution of connected devices described in clause (i).

(B) LIMITATION.—A connected device distribution program may use grant funds received under this section to provide not more than—

(i) 1 connected device to an eligible household that includes not more than 2 members over the age of 6; or

(ii) 2 connected devices to an eligible household that includes not fewer than 3 members over the age of 6.

(3) CLAWBACK.—If a connected device distribution program is found to have used grant funds awarded under this section in a manner not permitted under this section or is found to have otherwise violated a requirement under this section, the Assistant Secretary shall recover from the program some or all of the grant funds awarded to the program.

# Subtitle L—Distance Learning

**SEC. 31301. ADDITIONAL SUPPORT FOR DISTANCE LEARNING.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated 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) for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until September 30, 2030, to provide support under the covered regulations promulgated under subsection (a) of that section, except that that 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 that section).

(b) LIMITATION.—None of the funds appropriated under subsection (a) may be used to purchase, rent, lease, or otherwise obtain any covered communications equipment or service (as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608)).

# Subtitle M—Manufacturing Supply Chain and Tourism

**SEC. 31401. MANUFACTURING 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, $5,000,000,000, to remain available until September 30, 2026, to the Office of the Secretary of Commerce, to support the resilience of manufacturing supply chains affecting interstate commerce and related administrative costs, by—

(1) mapping and monitoring manufacturing supply chains;

(2) facilitating and supporting the establishment of voluntary standards, guidelines, and best practices relevant to the resilience of manufacturing supply chains;

(3) identifying, accelerating, promoting, demonstrating, and deploying technological advances for manufacturing supply chains; and

(4) providing grants, loans, and loan guarantees to maintain and improve manufacturing supply chain resiliency.

**SEC. 31402. DESTINATION MARKETING ORGANIZATION GRANT PROGRAM TO PROMOTE SAFE DOMESTIC TRAVEL.**

(a) GRANTS FOR DOMESTIC MARKETING ORGANIZATIONS.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $47,500,000, to remain available until September 30, 2024, to the Secretary of Commerce to award grants to destination marketing organizations, including public or public-private entities that perform the functions of a destination marketing organization as determined by the Secretary, to conduct marketing activities to promote domestic travel within the United States, including with respect to current travel requirements and safe travel practices, with preference to destination marketing organizations promoting a town, city, State, or region where the civilian labor force in the accommodation, leisure, and hospitality sector has suffered, and continues to suffer, significant job losses as

a result of the COVID–19 pandemic, as determined by the Secretary.

(b) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,500,000, to remain available until September 30, 2027, to the Secretary of Commerce for administrative costs associated with providing grants under subsection (a).

(c) DATA ON DOMESTIC TRAVEL AND TOURISM.—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, to remain available until September 30, 2027, to the Secretary of Commerce to collect data on domestic travel and tourism in the United States, including the impact of the COVID–19 pandemic on domestic travel and tourism.

# Subtitle N—FTC Privacy Enforcement

### SEC. 31501. FEDERAL TRADE COMMISSION FUNDING FOR A PRIVACY BUREAU AND RELATED EXPENSES.

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, 2029, to the Fed-

eral Trade Commission 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 its work related to unfair or deceptive acts or practices relating to privacy, data security, identity theft, data abuses, and related matters.

**SEC. 31502. FEDERAL TRADE COMMISSION.**

Section 5(m)(1)(A) of the Federal Trade Commission Act (15 U.S.C. 45(m)(1)(A)) is amended—

(1) by inserting ''this Act's prohibition of unfair or deceptive acts or practices or'' after ''violates'' the first place it appears; and

(2) by inserting ''a violation of this Act or'' after ''unfair or deceptive and''.

# Subtitle O—Department of Commerce Inspector General

**SEC. 31601. FUNDING FOR THE OFFICE OF INSPECTOR GENERAL OF THE DEPARTMENT OF COMMERCE.**

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2030, to the Office of Inspector General of the Department of Commerce for

oversight of activities supported with funds appropriated to the Department of Commerce in this Act.

# TITLE IV—COMMITTEE ON FINANCIAL SERVICES

## Subtitle A—Creating and Preserving Affordable, Equitable and Accessible Housing for the 21st Century

**SEC. 40001. PUBLIC HOUSING INVESTMENTS.**

(a) APPROPRIATION.—In addition to amounts otherwise made available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $10,000,000,000, to remain available until September 30, 2031, 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) $53,000,000,000, to remain available until September 30, 2026, 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 invest-

ments as determined by the Secretary to repair, replace, or construct properties assisted under such section 9;

(3) $1,200,000,000, to remain available until September 30, 2026, 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 and assisted housing, and to transform neighborhoods of poverty into functioning, sustainable mixed-income neighborhoods;

(4) $750,000,000, to remain available until September 30, 2031, for the costs to the Secretary of administering and overseeing the implementation of this section and the Public Housing Capital Fund and the section 24 grant program generally, including information technology, financial reporting, research and evaluation, other cross-program costs in support of programs administered by the Secretary in this title, and other costs; and

(5) $50,000,000, to remain available until September 30, 2031, to make new awards or increase prior awards to existing technical assistance pro-

viders to provide an increase in capacity building and technical assistance available to entities eligible for funding for activities or projects consistent with this section.

(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, a public housing agency, or an owner of an assisted housing property.

(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). A local government must be a joint applicant with an

owner of an assisted housing property specified in subparagraph (A).

(3) PERIOD OF AFFORDABILITY.—Grantees shall commit to a period of affordability determined by the Secretary of not fewer than 20 years, but the Secretary may specify a period of affordability that is fewer than 20 years with respect to homeownership units developed with section 24 grants.

(4) ENVIRONMENTAL REVIEW.—For purposes of environmental review, a grantee shall be treated as a public housing agency under section 26 of the United States Housing Act of 1937 (42 U.S.C. 1437x).

(5) LOW-INCOME AND AFFORDABLE HOUSING.—Amounts made available under this section shall be used for low-income housing (as such term is defined under section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))), HUD-assisted housing, and affordable housing, which shall be housing for which the owner of the project shall record an affordability use restriction approved by the Secretary for households earning up to 120 percent of the area median income and is subject to the period of affordability under paragraph (3) of this subsection.

(c) OTHER TERMS AND CONDITIONS.—Grants awarded under this section shall be subject to the following terms and conditions:

(1) LIMITATION.—Amounts provided pursuant to this section may not be used for operating costs or rental assistance.

(2) DEVELOPMENT OF NEW UNITS.—Paragraph (3) of section 9(g) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(3)) shall not apply to new funds made available under this section.

(3) HEALTH AND SAFETY.—Amounts made available under this section shall be used to address health, safety, and environmental hazards, including lead, fire, carbon monoxide, mold, asbestos, radon, pest infestation, and other hazards as defined by the Secretary.

(4) ENERGY EFFICIENCY AND RESILIENCE.—Amounts made available under this section shall advance improvements to energy and water efficiency or climate and disaster resilience in housing assisted under this section.

(5) RECAPTURE.—If the Secretary recaptures funding allocated by formula from a public housing agency under subsection (a)(1), such recaptured amounts shall be added to the amounts available

under subsection (a)(2), and shall be obligated by the Secretary prior to the expiration of such funds.

(6) 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.

(7) WAIVERS AND ALTERNATIVE REQUIREMENTS.—The Secretary may waive or specify alternative requirements for subsections (d)(1), (d)(2), (e), and (j) of section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) and associated regulations in connection with the use of amounts made available under this section other than requirements related to tenant rights and protections, fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.

(d) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations or notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this sec-

tion 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) $9,925,000,000, to remain available until September 30, 2026, for activities and assistance for the HOME Investment Partnerships Program (in this section referred to as the ''HOME program''), as authorized under sections 241 through 242, 244 through 253, 255 through 256, and 281 through 290 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741-12742, 42 U.S.C. 12744–12753, 42 U.S.C. 12755–12756, 42 U.S.C. 12831–12840) (in this section referred to as ''NAHA''), subject to the terms and conditions paragraph (1)(A) of subsection (b);

(2) $14,925,000,000, to remain available until September 30, 2026, for activities and assistance for the HOME Investment Partnerships Program, as authorized under sections 241 through 242, 244

through 253, 255 through 256, and 281 through 290 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741–12742, 42 U.S.C. 12744–12753, 42 U.S.C. 12755–12756, 42 U.S.C. 12831–12840), subject to the terms and conditions in paragraphs (1)(B) and (2) of subsection (b);

(3) $50,000,000, to remain available until September 30, 2031, to make new awards or increase prior awards to existing technical assistance providers to provide an increase in capacity building and technical assistance available to any grantees implementing activities or projects consistent with this section; and

(4) $100,000,000, to remain available until September 30, 2031, for the costs to the Secretary of administering and overseeing the implementation of this section and the HOME and Housing Trust Fund programs generally, including information technology, financial reporting, research and evaluations, and other cross-program costs in support of programs administered by the Secretary in this title, and other costs.

(b) TERMS AND CONDITIONS.—

(1) FORMULAS.—

(A) The Secretary shall allocate amounts made available under subsection (a)(1) pursuant to section 217 of NAHA (42 U.S.C. 12747) to grantees that received allocations pursuant to that same formula in fiscal year 2021 and shall make such allocations within 60 days of the enactment of this Act.

(B) The Secretary shall allocate amounts made available under subsection (a)(2) pursuant to the formula specified in section 1338(c)(3) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568(c)(3)) to grantees that received Housing Trust Fund allocations pursuant to that same formula in fiscal year 2021 and shall make such allocations within 60 days of the date of the enactment of this Act.

(2) ELIGIBLE ACTIVITIES.—Other than as provided in paragraph (5) of this subsection, funds made available under subsection (a)(2) may only be used for eligible activities described in subparagraphs (A) through (B)(i) of section 1338(c)(7) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568(c)(7)), except that not more than 10 percent of funds made