

**DISSENTING VIEWS ON SUBTITLE J.
BUDGET RECONCILIATION LEGISLATIVE RECOMMENDATIONS RELATING TO
PRESCRIPTION DRUGS**

Our constituents deserve better than the drug price setting policies included in the majority's reconciliation submission to the budget committee. In fact, these provisions are more appropriately titled *Fewer Cures for Patients Act*.

Democrats and Republicans support lowering drug prices, cracking down on overpriced drugs, giving patients more power to choose affordable medicines, and removing the incentives in federal health programs that reward bad actors for raising prices.

In fact, at Chairman Neal's invitation, both parties of this Committee were working together toward that important goal.⁴ At least until Speaker Nancy Pelosi trashed the bipartisan work and began in earnest her work to force through a secretly written, deeply controversial, divisive and highly partisan drug bill to cure political illnesses rather than actual medical ones.

At the heart of the Democrats' fewer cures agenda is a dangerous trade-off for the American people: some lower drug prices in the short-term but fewer lifesaving cures and treatments in the long term.

Supporters of the Democrats' fewer cures agenda have said they "... frankly think it's worth it."⁵ Republicans know these artificial and short-term savings are not worth it – the Democrats' fewer cures agenda presents a cruel and false choice.

With the average new medicine costing \$2.6 billion and 15 years to gain approval here in the U.S.⁶, it's nothing short of a denial of reality to believe there will be no substantial loss of cures as a result of the Democrats' fewer cures agenda. It's truly not a question of if there will be fewer cures— even the non-partisan Congressional Budget Office concedes the point.⁷— but how many? A University of Chicago analysis found the Democrats' fewer cures agenda "would lead to a 29 to 60 percent reduction in R&D from 2021 to 2039 which translates into 167 to 342 fewer new drug approvals during that period."⁸

⁴ "Committee Leaders Announce Call for Comments on Bipartisan Medicare Part D Drug Pricing Legislation," Committee on Ways and Means, Republicans. 23 May 2019. Accessed 28 Oct 2019. <https://gop-waysandmeans.house.gov/committee-leaders-announce-call-for-comments-on-bipartisan-medicare-part-d-drug-pricing-legislation/>

⁵ Facher, Lev, "Democrats' new logic on drug pricing: Developing slightly fewer medicines is OK if it means lower prices," *STAT News*, 28 Oct 2019, Accessed 31 Oct 2019, <https://www.statnews.com/2019/10/28/democrats-new-logic-drug-prices-biomedical-innovation/>

⁶ DiMasi, JA, et al. Innovation in the pharmaceutical industry: new estimates of R&D costs. *J Health Economics*. 2016;47:20-33.

⁷ Congressional Budget Office, "Effects of Drug Price Negotiation Stemming From Title 1 of H.R. 3, the Lower Drug Costs Now Act of 2019, on Spending and Revenues Related to Part D of Medicare," 11 Oct 2019, Accessed 31 Oct 2019, <https://www.cbo.gov/publication/55722>

⁸ Philipson, Tomas J. and Troy Duric, "Issue Brief: The Evidence Base on The Impact of Price Controls on Medical Innovation," *University of Chicago*, September 2021, Accessed 16 Sept 2021, <https://cpb-us-w2.wpmucdn.com/voices.uchicago.edu/dist/d/3128/files/2021/08/Issue-Brief-Price-Controls-and-Drug-Innovation-Philipson.pdf>

Which drug are we going to lose?

Which treatment?

How can a President who helped launch a “Cancer Moonshot” advocate for a law that could stop a cure from getting to patients?

How can an Administration pushing for more vaccinations against the scourge of COVID-19 advocate for a law that could stop a future treatment from getting to patients?

Given the ravages of Alzheimer’s, Parkinson’s, cancer, diabetes, ALS, Glioblastoma, and so many other diseases for which families today are without hope, Republicans believe even one cure lost is one too many.

Those who live in foreign countries with price controls have access to fewer new drugs than those living in the United States. Innovation has also plummeted: One study found that in the 1980s, pharmaceutical R&D in the EU “exceeded U.S. R&D by about 24 percent, but by 2004, EU R&D trailed U.S. R&D by about 15 percent,” resulting in fewer new drug and fewer jobs⁹.

If the U.S. had adopted the price control policies used abroad, the world would not have as many treatments; longevity in the U.S. and globally would decline.¹⁰

That’s not the American culture of hope and innovation.

Just as harmful, the Democrats’ fewer cures agenda discourages researchers from being the first to market a new life-saving cure. Instead, it rewards those who delay their breakthroughs – to be second or even third to a market. That makes no sense.

Critics have long said drug companies spend too much time on these “me too drugs;” yet as part of their fewer cures agenda, Democrats are rewarding that behavior. Why lead the globe in finding a cure to ALS? Why put an end to cancer? Under the Democrats’ fewer cures agenda, it’s smarter for companies to develop another statin.

Congress should support policies that reward the researchers taking the biggest risks to cure the toughest diseases our families face.

Moreover, nonpartisan experts have raised concerns the Democrats’ fewer cures agenda could be unconstitutional, with potential violations of the Takings Clause of the Fifth Amendment, Congress’s Taxing Power, the Excessive Fines Clause of the Eighth Amendment.¹¹

⁹ Joseph H. Golec, John A. Vernon. “European Pharmaceutical Price Regulation, Firm Profitability, and R&D Spending.” November 2006. <https://www.nber.org/papers/w12676>

¹⁰ Darius N. Lakdawalla, Dana P. Goldman, Pierre-Carl Michaud, Neeraj Sood, Robert Lempert, Ze Cong, Han de Vries, and Italo Gutierrez. U.S. Pharmaceutical Policy in A Global Marketplace. DOI 10.1377/hlthaff.28.1.w138

¹¹ Florko, Nicholas, “Nonpartisan congressional report suggests Pelosi’s drug pricing bill could be found unconstitutional,” *STAT*, 25 Oct 2019, Accessed 31 Oct 2019, <https://www.statnews.com/2019/10/25/report-pelosi-drug-pricing-bill-unconstitutional/>

That finding is, in part, because it's outrageous to categorize a price setting operation backed with the force of a backbreaking federal 95% excise tax on all sales of a drug if a manufacturer refuses to take a payment based on a foreign price as part of a "negotiation."

Republicans will not accept this potentially unconstitutional premise, nor the cruel Democrat "trade-off" of fewer cures.

It's not worth it to deny the hope of new medicines and cures from making their way to our loved ones. It's not worth it to tell those suffering with life-threatening illnesses they have to keep waiting because we may never find a treatment. Our scientists and creators need the time and resources to focus on what matters most: discovering new, life-saving cures. The Democrats' fewer cures agenda denies them that priority.

Does this mean that drug companies should get off scot-free in this process? Absolutely not. But the Democrats' fewer cures agenda doesn't go after bad actors, it goes instead after cures. This is dangerous.

It doesn't have to be this way. Americans can have lower drug prices *and* spur more life-saving cures.

Committee members have bipartisan policies that Democrats and Republicans have worked on together that could be signed into law *today*. We all agree that we must get the incentives right within Medicare to punish bad actors and reward lower prices. And it is possible to achieve this without jeopardizing innovation and new cures.

During the 2019 partisan markup of the Democrats' fewer cures agenda, Republicans offered 25 amendments.¹² During the 2021 partisan markup of the Democrats' fewer cures agenda, Republicans offered five amendments. All were rejected by Democrats. In 2019, one of these amendments was a full bipartisan substitute with over 40 policies to lower drug costs that could go to the President's desk today.¹³ The substitute achieves the President's and Congress's shared goals of coming together to lower out-of-pocket costs for Americans without crushing innovation in a few key ways.

First, the amendment cracks down on overpriced drugs by going after bad actors and prevents anti-competitive actions from drug creators by pulling back the curtain on the drug supply chain. Additionally, the policies contained in the amendment empower patients to choose the most affordable medicines for them by getting patients more accessible and useful information about how much treatments cost.

Second, the amendment reduces the incentives in Medicare that lead to higher prices. This is

¹² Ways and Means Republicans, "Markup of Health and Worker and Family Support Legislation", 22 Oct 2019, Accessed 31 Oct 2019, <https://gop-waysandmeans.house.gov/event/markup-of-health-and-worker-and-family-support-legislation/>

¹³ "Amendment to the Amendment in the Nature of a Substitute to H.R. 3 Offered by Rep. Brady of Texas," Accessed 31 Oct 2019, https://gop-waysandmeans.house.gov/wp-content/uploads/2019/10/V9-A2.-Brady-AINS-FCR-wm-ans_01_xml2.pdf

done by reforming the way Medicare pays for drugs, including smarter add-on payments and having the program pay for the *quality* of care, instead of simply writing a paycheck for the site of the service.

Third, the amendment modernizes the successful Medicare prescription drug program by lowering seniors' out-of-pocket spending in the initial benefit and capping seniors' annual drug spending.

Finally, and most importantly, the bipartisan substitute amendment preserves the hope for future cures by rejecting partisan price controls.

Unfortunately, this commonsense amendment was rejected, as Congressional Democrats continue to look for cures for political illnesses rather than real ones. The Democrats' fewer cures agenda is built on a "dictate or destroy" premise that will only halt valuable research into new life-saving medicines and give foreign countries dangerous influence over America's health care system.

The debate over fewer cures is no longer academic. In the middle of the continuing COVID-19 global pandemic— when the rapid development and distribution of multiple safe and effective vaccines and therapeutics by pharmaceutical companies has saved lives— it seems even more surreal to know Democrats are moving forward with a bill that will result in fewer cures. As has been made clear, Republicans will not accept this cruel "trade-off" of fewer cures. And we aren't the only ones.

Ten House Democrat members, including one of our own colleagues, wrote to the Speaker:

"As we have just seen with the lifesaving, record-breaking development of COVID19 vaccines and therapies, America benefits from the most innovative and capable researchers in the world, and from public-private partnership that encourages world-leading biomedical research and development."

The letter continues:

"... it is imperative that we pass legislation that can reach the President's desk to deliver on our promise of bringing down health care costs for the American people. To achieve this, we must garner bipartisan, bicameral support, with buy-in from a majority of Americans and stakeholders in the public and private sectors. If this pandemic has taught us anything, it's that we all, truly, must be in this together.

We sincerely hope that the House will join with our Senate counterparts and the Biden Administration to lead the way in crafting health care legislation that will lower costs across the board for patients, expand access to coverage and care, preserve our invaluable innovation ecosystem so that it can continue to prevent and treat disease, and assure that the act of legislating is bipartisan and meaningful."

The Democrats' fewer cures agenda is not bipartisan. It will not preserve "our invaluable

innovation ecosystem.” It will result in fewer cures, delay access to new medicines, move jobs overseas, and further embolden China. It divides the Democratic caucus and cannot pass the Democrat-controlled Senate. This disarray from Democrats is welcome for it would be a grave mistake for patients if the Democrats’ fewer cures agenda were to become law.

For all these reasons and more, Ways and Means Republicans reject the Democrats’ fewer cures agenda as ordered reported by Committee Democrats.

A handwritten signature in black ink that reads "KEVIN BRADY". The signature is stylized with a large, sweeping initial "K" and "B".

Kevin Brady
Republican Leader
Committee on Ways and Means

VOTES OF THE COMMITTEE ON THE BUDGET

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

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

ROLL CALL VOTE 1

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

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

TOTALS: Ayes 16 and Noes 21

ROLL CALL VOTE 2

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

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

TOTALS: Ayes 20 and Noes 17

ROLL CALL VOTE 3

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

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

TOTALS: Ayes 16 and Noes 20

ROLL CALL VOTE 4

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

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

TOTALS: Ayes 16 and Noes 20

ROLL CALL VOTE 5

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

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

TOTALS: Ayes 16 and Noes 20

ROLL CALL VOTE 6

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

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

TOTALS: Ayes 16 and Noes 20

ROLL CALL VOTE 7

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

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

TOTALS: Ayes 17 and Noes 19

ROLL CALL VOTE 8

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

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

TOTALS: Ayes 16 and Noes 20

ROLL CALL VOTE 9

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

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

TOTALS: Ayes 16 and Noes 20

ROLL CALL VOTE 10

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

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

TOTALS: Ayes 17 and Noes 19

ROLL CALL VOTE 11

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

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

TOTALS: Ayes 16 and Noes 20

ROLL CALL VOTE 12

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

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

TOTALS: Ayes 15 and Noes 19

ROLL CALL VOTE 13

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

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

TOTALS: Ayes 16 and Noes 18

ROLL CALL VOTE 14

A motion offered by Mr. Feenstra that would pause the implementation of the Build Back Better Act until Congress can make an informed determination about the transitory or non-transitory nature of current inflation based on analysis from the Congressional Budget Office.

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

TOTALS: Ayes 16 and Noes 19

ROLL CALL VOTE 15

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

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

TOTALS: Ayes 16 and Noes 19

ROLL CALL VOTE 16

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

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

TOTALS: Ayes 16 and Noes 19

ROLL CALL VOTE 17

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

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

TOTALS: Ayes 16 and Noes 19

ROLL CALL VOTE 18

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

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

TOTALS: Ayes 16 and Noes 18

ROLL CALL VOTE 19

A motion offered by Ms. Jackson Lee that the Committee on the Budget direct its Chairman to request that the rule providing for consideration of the Build Back Better Act not make in order any amendment that would impede the continued and timely implementation of the federal Medicaid program in Texas, or any state or territory of the United States.

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

TOTALS: Ayes 19 and Noes 16

ROLL CALL VOTE 20

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

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

TOTALS: Ayes 19 and Noes 16

OTHER HOUSE REPORT REQUIREMENTS

RELATED COMMITTEE HEARINGS

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

COMMITTEE CONSIDERATION

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

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

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

COMMITTEE ESTIMATE OF BUDGETARY EFFECTS

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

**NEW BUDGET AUTHORITY AND COST ESTIMATE
PREPARED BY THE CONGRESSIONAL BUDGET OFFICE**

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

FEDERAL MANDATES STATEMENT

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

ADVISORY COMMITTEE STATEMENT

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

APPLICABILITY TO THE LEGISLATIVE BRANCH

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

DUPLICATION OF FEDERAL PROGRAMS

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

**STATEMENT OF GENERAL PERFORMANCE GOALS AND
OBJECTIVES**

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

**CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS,
AND LIMITED TARIFF BENEFITS**

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

SECTION-BY-SECTION ANALYSIS

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

**CHANGES IN EXISTING LAW MADE BY THE BILL, AS
REPORTED**

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

VIEWS OF COMMITTEE MEMBERS

Clause 2(c) of rule XIII of the Rules of the House of Representatives requires each report by a committee on a public matter to include any additional, minority, supplemental, or dissenting views submitted pursuant to Clause 2(1) of rule XI by one or more members of the committee. In addition, this report includes views from members of committees submitting reconciliation recommendations pursuant to Title II of S. Con. Res. 14 under the appropriate titles or subtitles of this report. The Minority Views of members of the Committee on the Budget are as follows:

Union Calendar No.

117TH CONGRESS
1ST SESSION

H. R.

[Report No. 117-]

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER --, 2021

Mr. YARMUTH, from the Committee on the Budget, reported the following bill;
which was committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

A BILL

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

Res. 14.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—AGRICULTURE**

4 **Subtitle A—General Provisions**

5 **SECTION 10001. DEFINITIONS.**

6 In this title:

7 (1) The term “insular area” has the meaning
8 given such term in section 1404 of the National Ag-
9 ricultural Research, Extension, and Teaching Policy
10 Act of 1977 (7 U.S.C. 3103).

11 (2) The term “Secretary” means the Secretary
12 of Agriculture.

13 **Subtitle B—Forestry**

14 **SEC. 11001. NATIONAL FOREST SYSTEM RESTORATION AND**

15 **FUELS REDUCTION PROJECTS.**

16 (a) APPROPRIATIONS.—In addition to amounts other-
17 wise available, there are appropriated to the Secretary for
18 fiscal year 2022, out of any money in the Treasury not
19 otherwise appropriated, to remain available until Sep-
20 tember 30, 2031—

21 (1) \$10,000,000,000 for hazardous fuels reduc-
22 tion projects within the wildland-urban interface;

23 (2) \$4,000,000,000 for, on a determination by
24 the Secretary that hazardous fuels within the
25 wildland-urban interface have been effectively treat-

1 ed to prevent the spread of wildfire to at-risk com-
2 munities, hazardous fuels reduction projects outside
3 the wildland-urban interface that are—

4 (A) noncommercial in nature, except on a
5 determination by the Secretary, in accordance
6 with the best available science, that the harvest
7 of merchantable materials is ecologically nec-
8 essary for restoration and to enhance ecological
9 integrity, subject to the requirement that the
10 sale of merchantable materials shall be limited
11 to small diameter trees or biomass that are a
12 byproduct of projects under this paragraph;

13 (B) collaboratively developed; and

14 (C) carried out in a manner that—

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

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

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

1 (3) \$1,000,000,000 for vegetation management
2 projects carried out solely on National Forest Sys-
3 tem land that the Secretary shall select following the
4 receipt of proposals submitted in accordance with
5 subsections (a), (b), and (c) of section 4003 of the
6 Omnibus Public Land Management Act of 2009 (16
7 U.S.C. 7303);

8 (4) \$500,000,000 for vegetation management
9 projects carried out in accordance with—

10 (A) a water source management plan; or

11 (B) a watershed protection and restoration
12 action plan;

13 (5) \$500,000,000 for vegetation management
14 projects that—

15 (A) maintain, or contribute toward the res-
16 toration of, old growth characteristics, including
17 structure, composition, function, and
18 connectivity, according to the reference old
19 growth conditions characteristic of the forest
20 type, taking into account—

21 (i) the contribution of the project to
22 landscape fire adaptation and the ecologi-
23 cal integrity of watershed and ecosystem
24 health; and

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

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

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

10 (6) \$450,000,000 for the Legacy Roads and
11 Trails program of the Forest Service;

12 (7) \$350,000,000 for National Forest System
13 land management planning and monitoring, with a
14 focus on—

15 (A) the assessment of watershed, ecologi-
16 cal, and carbon conditions on National Forest
17 System land; and

18 (B) the revision and amendment of older
19 land management plans that present opportuni-
20 ties to protect, maintain, restore, and monitor
21 ecological integrity, ecological conditions for at-
22 risk species, and carbon storage;

23 (8) \$100,000,000 for maintenance of trails on
24 National Forest System land, with a focus on trails

1 that provide to underserved communities access to
2 National Forest System land;

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

8 (10) \$100,000,000 to provide for more efficient
9 and more effective environmental reviews by the
10 Chief of the Forest Service in satisfying the obliga-
11 tions of the Chief of the Forest Service under the
12 National Environmental Policy Act of 1969 (42
13 U.S.C. 4321 et seq.) through—

14 (A) the hiring and training of additional
15 personnel;

16 (B) the development of programmatic as-
17 sessments or templates;

18 (C) the procurement of technical or sci-
19 entific services;

20 (D) the development of data or technology
21 systems;

22 (E) stakeholder and community engage-
23 ment; and

24 (F) the purchase of new equipment;

1 (11) \$50,000,000 to develop and carry out ac-
2 tivities and tactics for the protection of older and
3 mature forests on National Forest System land, in-
4 cluding completing an inventory of older and mature
5 forests within the National Forest System;

6 (12) \$50,000,000 to develop and carry out ac-
7 tivities and tactics for the maintenance and restora-
8 tion of habitat conditions necessary for the protec-
9 tion and recovery of at-risk species on National For-
10 est System land in implementing Forest Service haz-
11 ardous fuels reduction and other vegetation manage-
12 ment programs and projects based on a science-
13 based analysis carried out by the Secretary;

14 (13) \$50,000,000 to carry out post-fire recovery
15 plans that—

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

19 (B) do not include salvage logging;

20 (14) \$50,000,000 to develop and carry out non-
21 lethal activities and tactics to reduce human-wildlife
22 conflicts on National Forest System land; and

23 (15) \$2,250,000,000 to be used for staffing,
24 salaries, and other workforce needs to support the
25 development of a Civilian Climate Corps for the pur-

1 poses of managing National Forest System land,
2 subject to the conditions that—

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

7 (B) members of the Civilian Climate Corps
8 shall be compensated at not less than 200 per-
9 cent of the annual Federal poverty line.

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

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

18 (2) that are collaboratively developed; or

19 (3) that include opportunities to restore sus-
20 tainable recreation infrastructure or access or ac-
21 complish other recreation outcomes, if the opportuni-
22 ties are compatible with the primary restoration pur-
23 poses of the project.

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

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

3 (2) that includes the construction of a perma-
4 nent road or permanent trail;

5 (3) that includes the construction of a tem-
6 porary road, except in the case of a temporary road
7 that is decommissioned by the Secretary not later
8 than 3 years after the earlier of—

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

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

14 (4) inconsistent with the applicable land man-
15 agement plan;

16 (5) inconsistent with the prohibitions of the rule
17 of the Forest Service entitled “Special Areas;
18 Roadless Area Conservation” (66 Fed. Reg. 3244
19 (January 12, 2001)), as modified by subparts C and
20 D of part 294 of title 36, Code of Federal Regula-
21 tions; or

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

25 (d) DEFINITIONS.—In this section:

1 (1) AT-RISK COMMUNITY.—The term “at-risk
2 community” has the meaning given the term in sec-
3 tion 101 of the Healthy Forests Restoration Act of
4 2003 (16 U.S.C. 6511).

5 (2) COLLABORATIVELY DEVELOPED.—The term
6 “collaboratively developed” means, with respect to a
7 project located exclusively on National Forest Sys-
8 tem land, that the project is developed and imple-
9 mented through a collaborative process that—

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

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

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

18 (3) DECOMMISSION.—The term “decommis-
19 sion” means, with respect to a road—

20 (A) reestablishing native vegetation on the
21 road;

22 (B) restoring any natural drainage, water-
23 shed function, or other ecological processes that
24 were disrupted or adversely impacted by the
25 road by removing or hydrologically dis-

1 connecting the road prism and reestablishing
2 stable slope contours; and

3 (C) effectively blocking the road to vehic-
4 ular traffic, where feasible.

5 (4) ECOLOGICAL INTEGRITY.—The term “eco-
6 logical integrity” has the meaning given the term in
7 section 219.19 of title 36, Code of Federal Regula-
8 tions (as in effect on the date of enactment of this
9 Act).

10 (5) HAZARDOUS FUELS REDUCTION
11 PROJECT.—The term “hazardous fuels reduction
12 project” means an activity, including the use of pre-
13 scribed fire, to protect structures and communities
14 from wildfire that is carried out on National Forest
15 System land.

16 (6) RESTORATION.—The term “restoration”
17 has the meaning given the term in section 219.19 of
18 title 36, Code of Federal Regulations (as in effect on
19 the date of enactment of this Act).

20 (7) VEGETATION MANAGEMENT PROJECT.—The
21 term “vegetation management project” means an ac-
22 tivity carried out on National Forest System land to
23 enhance the ecological integrity and achieve the res-
24 toration of a forest ecosystem through—

25 (A) the removal of vegetation;

- 1 (B) the use of prescribed fire;
- 2 (C) the restoration of aquatic habitat; or
- 3 (D) the decommissioning of an unauthor-
- 4 ized, temporary, or system road.

5 (8) WATER SOURCE MANAGEMENT PLAN.—The
6 term “water source management plan” means a plan
7 developed under section 303(d)(1) of the Healthy
8 Forests Restoration Act of 2003 (16 U.S.C.
9 6542(d)(1)).

10 (9) WATERSHED PROTECTION AND RESTORA-
11 TION ACTION PLAN.—The term “watershed protec-
12 tion and restoration action plan” means a plan de-
13 veloped under section 304(a)(3) of the Healthy For-
14 ests Restoration Act of 2003 (16 U.S.C.
15 6543(a)(3)).

16 (10) WILDLAND-URBAN INTERFACE.—The term
17 “wildland-urban interface”—

18 (A) in the case of the lower 48 States,
19 means the areas mapped as the wildland-urban
20 interface in the document entitled “The
21 Wildland-Urban Interface of the Conterminous
22 United States”, and published by the Depart-
23 ment of Agriculture in 2015; and

24 (B) in the case of the States of Alaska and
25 Hawaii, has the meaning given the term in sec-

1 tion 101 of the Healthy Forests Restoration
2 Act of 2003 (16 U.S.C. 6511).

3 **SEC. 11002. NON-FEDERAL LAND FOREST RESTORATION**
4 **AND FUELS REDUCTION PROJECTS AND RE-**
5 **SEARCH.**

6 (a) APPROPRIATIONS.—In addition to amounts other-
7 wise available, there are appropriated to the Secretary for
8 fiscal year 2022, out of any money in the Treasury not
9 otherwise appropriated, to remain available until Sep-
10 tember 30, 2031—

11 (1) \$9,000,000,000 to award grants to a Trib-
12 al, State, or local government, a regional organiza-
13 tion, a special district, or a nonprofit organization to
14 support, on non-Federal land, forest restoration and
15 resilience projects, including projects to reduce the
16 risk of wildfires and establish defensible space
17 around structures within at-risk communities;

18 (2) \$1,000,000,000 to award grants to a Trib-
19 al, State, or local government, a regional organiza-
20 tion, a special district, or a nonprofit organization to
21 implement community wildfire protection plans (as
22 defined in section 101 of the Healthy Forests Res-
23 toration Act of 2003 (16 U.S.C. 6511)), purchase
24 firefighting equipment, provide firefighter training,
25 and increase the capacity for planning, coordinating,

1 and monitoring projects on non-Federal land to pro-
2 tect at-risk communities (as defined in section 101
3 of the Healthy Forests Restoration Act of 2003 (16
4 U.S.C. 6511));

5 (3) \$250,000,000 to award grants to a Tribal,
6 State, or local government, a regional organization,
7 a special district, or a nonprofit organization for
8 projects on non-Federal land to aid in the recovery
9 and rehabilitation of burned areas, including refor-
10 estation;

11 (4) \$250,000,000 to award grants to a Tribal,
12 State, or local government, a regional organization,
13 a special district, or a nonprofit organization for
14 projects on non-Federal land to expand equitable
15 outdoor access and promote tourism on non-Federal
16 forested land for members of underserved groups;

17 (5) \$250,000,000 for the State Fire Assistance
18 and Volunteer Fire Assistance programs established
19 under the Cooperative Forestry Assistance Act of
20 1978 (16 U.S.C. 2101 et seq.), to be distributed at
21 the discretion of the Secretary;

22 (6) \$250,000,000 for the implementation of
23 State-wide forest resource strategies under section
24 2A of the Cooperative Forestry Assistance Act of
25 1978 (16 U.S.C. 2101a);

1 (7) \$250,000,000 for the competitive grant pro-
2 gram under section 13A of the Cooperative Forestry
3 Assistance Act of 1978 (16 U.S.C. 2109a) for pro-
4 viding through that program a cost share to carry
5 out climate mitigation or forest resilience practices
6 in the case of underserved forest landowners, subject
7 to the condition that subsection (h) of that section
8 shall not apply;

9 (8) \$250,000,000 for the competitive grant pro-
10 gram under section 13A of the Cooperative Forestry
11 Assistance Act of 1978 (16 U.S.C. 2109a) for pro-
12 viding through that program grants to support the
13 participation of underserved forest landowners in
14 emerging private markets for climate mitigation or
15 forest resilience, subject to the condition that sub-
16 section (h) of that section shall not apply;

17 (9) \$250,000,000 for the competitive grant pro-
18 gram under section 13A of the Cooperative Forestry
19 Assistance Act of 1978 (16 U.S.C. 2109a) for pro-
20 viding through that program grants to support the
21 participation of forest landowners who own less than
22 2,500 acres of forest land in emerging private mar-
23 kets for climate mitigation or forest resilience, sub-
24 ject to the condition that subsection (h) of that sec-
25 tion shall not apply;

1 (10) \$500,000,000 for the competitive grant
2 program under section 13A of the Cooperative For-
3 estry Assistance Act of 1978 (16 U.S.C. 2109a) to
4 provide grants to states and other eligible entities to
5 provide payments to owners of private forest land
6 for implementation of forestry practices on private
7 forest land, that are determined by the Secretary,
8 based on the best available science, to provide meas-
9 urable increases in carbon sequestration and storage
10 beyond customary practices on comparable land,
11 subject to the conditions that—

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

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

18 (11) \$50,000,000 to carry out the healthy for-
19 ests reserve program established under section 501
20 of the Healthy Forests Restoration Act of 2003 (16
21 U.S.C. 6571);

22 (12) \$50,000,000 for the forest inventory and
23 analysis program established under section 3(e) of
24 the Forest and Rangeland Renewable Resources Re-
25 search Act of 1978 (16 U.S.C. 1642(e)) for collabo-

1 rative partnerships with the National Association of
2 University Forest Resources Programs;

3 (13) \$50,000,000 for the forest inventory and
4 analysis program established under section 3(e) of
5 the Forest and Rangeland Renewable Resources Re-
6 search Act of 1978 (16 U.S.C. 1642(e)) for activi-
7 ties and tactics to accelerate and expand existing re-
8 search efforts to improve forest carbon monitoring
9 technologies to better predict changes in forest car-
10 bon due to climate change;

11 (14) \$100,000,000 for the forest inventory and
12 analysis program established under section 3(e) of
13 the Forest and Rangeland Renewable Resources Re-
14 search Act of 1978 (16 U.S.C. 1642(e)) to carry out
15 recommendations from a panel of relevant experts
16 convened by the Secretary that has reviewed and,
17 based on the review, issued recommendations regard-
18 ing the current priorities and future needs of the
19 forest inventory and analysis program with respect
20 to climate change, forest health, sustainable wood
21 products, and increasing carbon storage in forests;

22 (15) \$50,000,000 for the forest inventory and
23 analysis program established under section 3(e) of
24 the Forest and Rangeland Renewable Resources Re-
25 search Act of 1978 (16 U.S.C. 1642(e)) to provide

1 enhancements to the technology managed and used
2 by the forest inventory and analysis program, includ-
3 ing cloud computing and remote sensing for pur-
4 poses such as small area estimation;

5 (16) \$1,000,000,000 to provide grants under
6 the wood innovation grant program under section
7 8643 of the Agriculture Improvement Act of 2018
8 (7 U.S.C. 7655d), including for the construction of
9 new facilities that advance the purposes of the pro-
10 gram, subject to the conditions that—

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

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

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

22 (17) \$50,000,000 for the research mission area
23 of the Forest Service to accelerate and expand exist-
24 ing research efforts relating to strategies to increase
25 carbon stocks on National Forest System land;

1 (18) \$50,000,000 for the research mission area
2 of the Forest Service to accelerate and expand exist-
3 ing research efforts relating to the impacts of cli-
4 mate change and weather variability on national for-
5 est ecosystems;

6 (19) \$50,000,000 for the research mission area
7 of the Forest Service to accelerate and expand exist-
8 ing research efforts relating to strategies to ensure
9 that national forest ecosystems, including forests,
10 plants, aquatic ecosystems, and wildlife, are able to
11 adapt to climate change and weather variability;

12 (20) \$50,000,000 for the research mission area
13 of the Forest Service to assess the quantity of car-
14 bon sequestration and storage accomplished by dif-
15 ferent forest practices when applied in diverse eco-
16 logical and geographic settings;

17 (21) \$50,000,000 for the research mission area
18 of the Forest Service to carry out greenhouse gas
19 life cycle analyses of domestic wood products;

20 (22) \$50,000,000 for the Forest Health Moni-
21 toring Program of the Forest Service for activities
22 and tactics to reduce the spread of invasive species
23 on non-Federal forested land; and

24 (23) \$2,250,000,000 to be used for staffing,
25 salaries, and other workforce needs and expenses to

1 support the development of a Civilian Climate Corps
2 for carrying out projects on non-Federal land
3 through the Forest Service State and private for-
4 estry mission area and other Department of Agri-
5 culture programs, including rural and urban con-
6 servation and tree planting projects, subject to the
7 conditions that—

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

12 (B) members of the Civilian Climate Corps
13 shall be compensated at not less than 200 per-
14 cent of the annual Federal poverty line.

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

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

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

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

6 (c) COST-SHARING REQUIREMENT.—

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

12 (2) WAIVER.—The cost-sharing requirement
13 under paragraph (1) may be waived, at the discre-
14 tion of the Secretary, for high priority projects
15 that—

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

18 (B) are located in counties where the aver-
19 age median household income of the population
20 is less than 150 percent of the poverty line.

21 **SEC. 11003. STATE AND PRIVATE FORESTRY CONSERVA-**
22 **TION PROGRAMS.**

23 (a) APPROPRIATIONS.—In addition to amounts other-
24 wise available, there are appropriated to the Secretary for
25 fiscal year 2022, out of any money in the Treasury not

1 otherwise appropriated, to remain available until Sep-
2 tember 30, 2031—

3 (1) \$1,250,000,000 to provide competitive
4 grants to eligible entities through the Forest Legacy
5 Program established under section 7 of the Coopera-
6 tive Forestry Assistance Act of 1978 (16 U.S.C.
7 2103c) to acquire land and interests in land that—

8 (A) offer significant natural carbon seques-
9 tration benefits; or

10 (B) contribute to the resilience of commu-
11 nity infrastructure, local economies, or natural
12 systems;

13 (2) \$3,000,000,000 to provide multi-year, pro-
14 grammatic, competitive grants to a State agency, a
15 local governmental entity, an Indian Tribe, or a non-
16 profit organization through the Urban and Commu-
17 nity Forestry Assistance program established under
18 section 9(c) of the Cooperative Forestry Assistance
19 Act of 1978 (16 U.S.C. 2105(c)) for tree planting
20 and related activities to increase community tree
21 canopy and associated societal and climate co-bene-
22 fits, with a priority for projects that increase tree
23 equity; and

1 (3) \$100,000,000 for the acquisition of urban
2 and community forests through the Community For-
3 est and Open Space Program of the Forest Service.

4 (b) PRIORITY.—In providing grants under this sec-
5 tion, the Secretary shall—

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

8 (A) a census block group in which 30 per-
9 cent or more of the population lives below the
10 poverty line; and

11 (B) a neighborhood with lower tree canopy
12 and higher maximum daytime summer tempera-
13 tures compared to surrounding neighborhoods,
14 as determined by the Secretary, based on pub-
15 licly available information;

16 (2) with respect to grants under paragraphs (1)
17 and (2) of subsection (a), give priority to grant ap-
18 plications from underserved populations; and

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

1 **SEC. 11004. LIMITATION.**

2 The funds made available under this subtitle are sub-
3 ject to the condition that the Secretary shall not—

4 (1) enter into any agreement—

5 (A) that is for a term extending beyond
6 September 30, 2031; and

7 (B) under which any payment could be
8 outlaid or funds disbursed after September 30,
9 2031; and

10 (2) use any other funds available to the Sec-
11 retary to satisfy obligations initially made under this
12 subtitle.

13 **Subtitle C—Rural Development**
14 **and Energy**

15 **SEC. 12001. ADDITIONAL SUPPORT FOR THE USDA BUSI-**
16 **NESS AND INDUSTRY LOAN PROGRAM.**

17 In addition to amounts otherwise available, there is
18 appropriated to the Secretary for fiscal year 2022, out of
19 any money in the Treasury not otherwise appropriated,
20 and notwithstanding sections 381E through 381H and
21 381N of the Consolidated Farm and Rural Development
22 Act (7 U.S.C. 2009d through 2009g and 2009m),
23 \$40,000,000, to remain available until September 30,
24 2031, for the cost of direct loans and loan guarantees for
25 the rural business development programs authorized under
26 section 310B of the Consolidated Farm and Rural Devel-

1 opment Act and described in subsections (a) and (g) of
2 section 310B of the Consolidated Farm and Rural Devel-
3 opment Act (7 U.S.C. 1932(a) and (g)).

4 **SEC. 12002. ADDITIONAL SUPPORT FOR USDA RURAL**
5 **WATER PROGRAMS.**

6 In addition to amounts otherwise available, there is
7 appropriated to the Secretary for fiscal year 2022, out of
8 any money in the Treasury not otherwise appropriated,
9 and notwithstanding sections 381E through 381H and
10 381N of the Consolidated Farm and Rural Development
11 Act (7 U.S.C. 2009d through 2009g and 2009m),
12 \$430,000,000, to remain available until September 30,
13 2031, for the cost of grants for rural water and waste
14 water programs authorized by sections 306, 306C, and
15 306D and described in sections 306C(a)(2) and 306D of
16 the Consolidated Farm and Rural Development Act in—

17 (1) persistent poverty counties or, notwith-
18 standing any population limits specified in the Con-
19 solidated Farm and Rural Development Act, a coun-
20 ty seat of a persistent poverty county with a popu-
21 lation that does not exceed the authorized population
22 limit by more than 10 percent; and

23 (2) insular areas.

1 **SEC. 12003. SUBSIDY FOR CERTAIN USDA RURAL DEVELOP-**
2 **MENT LOAN PAYMENTS.**

3 (a) APPROPRIATION.—In addition to the amounts
4 otherwise available, there is appropriated to the Secretary
5 for fiscal year 2022, out of any money in the Treasury
6 not otherwise appropriated, \$390,000,000, to remain
7 available until September 30, 2031, to carry out this sec-
8 tion.

9 (b) USE OF FUNDS.—

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

15 (2) ADDITIONAL PAYMENTS.—To the extent
16 that amounts made available by subsection (a) re-
17 main after making the payments under paragraph
18 (1), the Secretary shall make additional loan pay-
19 ments on a covered loan.

20 (c) TERMS AND CONDITIONS.—

21 (1) WAIVER.—The Secretary shall waive statu-
22 tory limits on maximum loan maturities for any cov-
23 ered loan durations, including those where the lender
24 provides a deferral and extends the maturity of a
25 covered loan during the 1-year period beginning with
26 the date of enactment of this Act.

1 (2) EXTENSION.—The Secretary shall, when
2 necessary to provide more time because of the poten-
3 tial of higher volumes, travel restrictions, and the in-
4 ability to access some properties during the COVID-
5 19 pandemic, extend lender site visit requirements
6 to—

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

12 (B) not more than 90 days after a pay-
13 ment default.

14 (d) DEFINITION.—In this section, the term “covered
15 loan” means—

16 (1) a business and industry loan made or guar-
17 anteed before January 1, 2021, under subsection (a)
18 or (g) of section 310B of the Consolidated Farm
19 and Rural Development Act (7 U.S.C. 1932(a) or
20 (g));

21 (2) a loan that is made by an intermediary
22 lender before January 1, 2021, to an ultimate recipi-
23 ent using a loan received under section 1323 of the
24 Food Security Act of 1985 (7 U.S.C. 1932 note;
25 Public Law 99–198) or section 310H of the Consoli-

1 dated Farm and Rural Development Act (7 U.S.C.
2 1936b); and

3 (3) a loan that is made by a microenterprise de-
4 velopment organization before January 1, 2021, to
5 a microentrepreneur under section 379E of the Con-
6 solidated Farm and Rural Development Act (7
7 U.S.C. 2008s).

8 **SEC. 12004. RURAL ENERGY SAVINGS PROGRAM.**

9 (a) APPROPRIATION.—In addition to amounts other-
10 wise available, there is appropriated to the Secretary for
11 fiscal year 2022, out of any money in the Treasury not
12 otherwise appropriated, \$200,000,000, to remain available
13 until September 30, 2031, to carry out this section.

14 (b) USE OF FUNDS.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2) of this subsection, at the election of an eli-
17 gible entity to which a loan is made under section
18 6407(c) of the Farm Security and Rural Investment
19 Act of 2002 (7 U.S.C. 8107a(c)), the Secretary shall
20 make a grant to the eligible entity in an amount
21 equal to not more than 5 percent of the loan amount
22 for the purposes of costs incurred in—

23 (A) applying for a loan received under sec-
24 tion 6407(c) of such Act;

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

3 (C) making repairs to the property of a
4 qualified consumer that facilitate the energy ef-
5 ficiency measures for the property financed
6 through a loan under section 6407(d) of such
7 Act;

8 (D) entering into a contract under section
9 6407(e) of such Act; or

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

12 (2) PERSISTENT POVERTY COUNTIES.—In the
13 case that the grant is for the purpose of making a
14 loan under section 6407(d) of the Farm Security
15 and Rural Investment Act of 2002 (7 U.S.C.
16 8107a(d)) to a qualified consumer in a persistent
17 poverty county (as determined by the Secretary), the
18 percentage limitation in paragraph (1) of this sub-
19 section shall be 10 percent.

20 (c) DEFINITIONS.—In this section:

21 (1) ELIGIBLE ENTITY.—The term “eligible enti-
22 ty” has the meaning given the term in section
23 6407(b) of the Farm Security and Rural Investment
24 Act of 2002 (7 U.S.C. 8107a(b)).

1 (2) QUALIFIED CONSUMER.—The term “quali-
2 fied consumer” has the meaning given the term in
3 section 6407(b) of the Farm Security and Rural In-
4 vestment Act of 2002 (7 U.S.C. 8107a(b)).

5 **SEC. 12005. RURAL ENERGY FOR AMERICA PROGRAM.**

6 (a) APPROPRIATION.—In addition to amounts other-
7 wise available, there is appropriated to the Secretary, out
8 of any money in the Treasury not otherwise appropriated,
9 for eligible projects under the Rural Energy for America
10 Program established under section 9007 of the Farm Se-
11 curity and Rural Investment Act of 2002 (7 U.S.C.
12 8107)—

13 (1) \$811,750,000 for fiscal year 2022, to re-
14 main available until September 30, 2031, and for
15 which there may be no outlays after September 30,
16 2031; and

17 (2) \$272,000,000 for each of fiscal years 2023
18 through 2027, to remain available until September
19 30, 2031, and for which there may be no outlays
20 after September 30, 2031.

21 (b) UNDERUTILIZED RENEWABLE ENERGY TECH-
22 NOLOGIES.—In addition to amounts otherwise available,
23 there is appropriated to the Secretary, out of any money
24 in the Treasury not otherwise appropriated, to provide
25 grants and other financial assistance under the program

1 described in subsection (a) relating to underutilized renew-
2 able energy technologies, and to provide technical assist-
3 ance for applying to such program, as determined by the
4 Secretary, and to the extent the following amounts remain
5 available at the end of each fiscal year, the Secretary shall
6 use such amounts in accordance with subsection (a)—

7 (1) \$143,250,000 for fiscal year 2022, to re-
8 main available until September 30, 2031, and for
9 which there may be no outlays after September 30,
10 2031; and

11 (2) \$48,000,000 for each of fiscal years 2023
12 through 2027, to remain available until September
13 30, 2031, and for which there may be no outlays
14 after September 30, 2031.

15 (c) NON-FEDERAL SHARE.—Notwithstanding section
16 9007(c)(3)(A) of the Farm Security and Rural Investment
17 Act of 2002 (7 U.S.C. 8107(c)(3)(A)), the amount of a
18 grant provided using amounts made available by this sec-
19 tion shall not exceed 50 percent of the cost of the activity
20 carried out using the grant funds.

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

23 (a) APPROPRIATION.—In addition to amounts other-
24 wise available, there is appropriated to the Secretary for
25 fiscal year 2022, out of any money in the Treasury not

1 otherwise appropriated, \$960,000,000, to remain available
2 until September 30, 2031, to carry out this section.

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

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

16 (2) to build and retrofit distribution systems for
17 ethanol blends, traditional and pipeline biodiesel ter-
18 minal operations (including rail lines), and home
19 heating oil distribution centers or equivalent enti-
20 ties—

21 (A) to blend biodiesel; and

22 (B) to carry ethanol and biodiesel.

23 (c) ELIGIBLE ENTITIES.—Entities eligible to receive
24 a grant under this section are transportation fueling facili-
25 ties and distribution facilities, including fueling stations,

1 convenience stores, hypermarket retailer fueling stations,
2 fleet facilities, as well as fuel terminal operations, mid-
3 stream partners, and heating oil distribution facilities or
4 equivalent entities.

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

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

12 **SEC. 12007. CLEAN ENERGY REPOWERING FOR RURAL**
13 **UTILITIES.**

14 (a) APPROPRIATION.—In addition to amounts other-
15 wise available, there is appropriated to the Secretary for
16 fiscal year 2022, out of any money in the Treasury not
17 otherwise appropriated, \$9,700,000,000, to remain avail-
18 able until September 30, 2031, to provide to an eligible
19 entity assistance under paragraphs (1) and (2) by
20 prioritizing such assistance to eligible entities that will
21 achieve the greatest reduction in greenhouse gas emissions
22 using such assistance and that will otherwise aid disadvan-
23 taged communities (as determined by the Secretary)
24 when—

1 (1) making grants and loans (including the cost
2 of loans and modifications thereof as defined in sec-
3 tion 502 of the Congressional Budget Act of 1974)
4 to purchase renewable energy or renewable energy
5 systems (as defined in section 9001(15) and (16) of
6 the Farm Security and Rural Investment Act of
7 2002 (7 U.S.C. 8101(15) and (16))), deploy renew-
8 able energy systems, or make energy efficiency im-
9 provements after the date of enactment of this Act;
10 and

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

15 (A) facilities with high greenhouse gas
16 emissions; and

17 (B) related transmission assets.

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

21 (c) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
22 tion, the term “eligible entity” means—

23 (1) an electric cooperative described in section
24 501(c)(12) or 1381(a)(2) of the Internal Revenue
25 Code of 1986; and

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

3 **SEC. 12008. RURAL PARTNERSHIP PROGRAM.**

4 (a) RURAL PROSPERITY DEVELOPMENT GRANTS.—

5 (1) APPROPRIATION.—In addition to amounts
6 otherwise available, there is appropriated to the Sec-
7 retary for fiscal year 2022, out of any money in the
8 Treasury not otherwise appropriated,
9 \$3,500,000,000, to remain available until September
10 30, 2031, to carry out this subsection to provide
11 grants to support rural development under this sub-
12 section.

13 (2) ALLOCATION OF FUNDS.—

14 (A) FORMULA.—The Secretary shall estab-
15 lish a formula pursuant to which the Secretary
16 shall allocate, for each State and for Indian
17 Tribes, an amount to be provided under this
18 subsection to eligible applicants described in
19 paragraph (3).

20 (B) REQUIREMENTS.—

21 (i) FORMULA.—The formula estab-
22 lished under subparagraph (A) shall in-
23 clude a graduated scale for the amount to
24 be allocated under this subsection for eligi-
25 ble applicants in each State and eligible

1 applicants of Indian Tribes, with higher
2 amounts provided based on lower popu-
3 lations and lower income levels, as deter-
4 mined by the Secretary.

5 (ii) PRIORITY.—In awarding grants
6 under this subsection to eligible applicants
7 in each State and eligible applicants of In-
8 dian Tribes, the Secretary shall give pri-
9 ority to eligible applicants representing a
10 micropolitan statistical area (as defined by
11 the Office of Management and Budget)
12 and 1 or more rural areas contiguous to
13 that micropolitan statistical area.

14 (3) ELIGIBLE APPLICANTS.—The Secretary
15 may make a grant under this subsection to a part-
16 nership no member of which has received a grant
17 under subsection (b) and that—

18 (A) is composed of—

19 (i) entities representing a region com-
20 posed of 1 or more rural areas, including—

21 (I) except as provided in sub-
22 paragraph (B), 1 or more of—

23 (aa) a unit of local govern-
24 ment;

25 (bb) a Tribal government; or

1 (cc) an authority, agency, or
2 instrumentality of an entity de-
3 scribed in item (aa) or (bb); and
4 (II) a nonprofit or for-profit or-
5 ganization, including a public benefit
6 corporation, an economic development
7 organization, a community or labor
8 organization, an institution of higher
9 education, a community development
10 financial institution, a philanthropic
11 organization, an instrumentality of a
12 State agency relevant to community
13 and rural development, a cooperative
14 extension, an institution in the Farm
15 Credit System, and a local food policy
16 council; and
17 (ii) such other entities as the Sec-
18 retary or the partnership may determine to
19 be appropriate;
20 (B) does not include a member described
21 in subparagraph (A)(i)(I), but demonstrates
22 significant community support sufficient to sup-
23 port a likelihood of success on the proposed
24 projects, as determined by the Secretary; and

1 (C) demonstrates, as determined by the
2 Secretary, cooperation among the members of
3 the partnership necessary to complete com-
4 prehensive, asset-based rural development to
5 align Federal, State, regional, and Tribal in-
6 vestment, while leveraging nongovernmental re-
7 sources, to build economic resilience and aid
8 economic recovery, including in communities
9 impacted by economic transitions and climate
10 change.

11 (4) ELIGIBLE ACTIVITIES.—The use of grant
12 funds provided under this subsection may be used
13 for the following purposes, provided that, where ap-
14 plicable, the performance of any construction work
15 completed with the grant funds shall meet the condi-
16 tion described section 9003(f) of the Farm Security
17 and Rural Investment Act of 2002 (7 U.S.C.
18 8103(f)):

19 (A) Conducting comprehensive rural devel-
20 opment and pre-development activities and
21 planning.

22 (B) Supporting organizational operating
23 expenses relating to the rural development ac-
24 tivities for which the grant was provided.

1 (C) Implementing planned rural develop-
2 ment activities and projects.

3 (5) TERMS AND CONDITIONS.—

4 (A) IN GENERAL.—The recipient of a
5 grant under this subsection may not receive an
6 additional grant under this subsection or fund-
7 ing to implement activities pursuant to a rural
8 development plan unless the recipient provides
9 to the Secretary an annual plan and report,
10 which the Secretary has approved, on the use of
11 each grant provided to the recipient under this
12 subsection.

13 (B) LIMITATION.—Not more than 25 per-
14 cent of amounts received by a recipient of a
15 grant under this subsection may be used to sat-
16 isfy a Federal matching requirement of any
17 other program.

18 (6) MATCHING REQUIREMENT.—

19 (A) IN GENERAL.—Subject to subpara-
20 graph (B), the recipient of a grant under this
21 subsection shall contribute a non-Federal match
22 of 25 percent of the amount of the grant, which
23 may be satisfied through an in-kind contribu-
24 tion.

1 (B) WAIVER.—The Secretary may waive
2 any portion of the matching requirement de-
3 scribed in subparagraph (A) on a finding that
4 the recipient of the applicable grant is economi-
5 cally distressed.

6 (b) RURAL PROSPERITY INNOVATION GRANTS.—

7 (1) APPROPRIATION.—In addition to amounts
8 otherwise available, there is appropriated to the Sec-
9 retary for fiscal year 2022, out of any money in the
10 Treasury not otherwise appropriated, \$370,000,000,
11 to remain available until September 30, 2031, to
12 carry out this subsection.

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

17 (A) serves rural areas; and

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

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

22 (A) to support activities of the recipient re-
23 lating to—

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

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

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

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

11 (c) DEFINITIONS.—In this section:

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

16 (2) STATE.—The term “State” means—

17 (A) the 50 States of the United States;

18 (B) the District of Columbia; and

19 (C) the insular areas.

20 **SEC. 12009. ADDITIONAL USDA RURAL DEVELOPMENT AD-**
21 **MINISTRATIVE FUNDS.**

22 In addition to amounts otherwise available, there is
23 appropriated to the Secretary for fiscal year 2022, out of
24 any money in the Treasury not otherwise appropriated,
25 \$545,000,000, to remain available until September 30,

1 2031, for administrative costs and salaries and expenses
2 for the Rural Development mission area and for research,
3 data collection, and other associated costs for section
4 12008.

5 **Subtitle D—Research and Urban**
6 **Agriculture**

7 **SEC. 13001. DEPARTMENT OF AGRICULTURE RESEARCH**
8 **FUNDING.**

9 (a) APPROPRIATIONS.—In addition to amounts other-
10 wise available, there are appropriated to the Secretary, out
11 of any money in the Treasury not otherwise appropriated,
12 to remain available until September 30, 2031—

13 (1) to the Agricultural Research Service,
14 \$250,000,000 for fiscal year 2022, to carry out agri-
15 cultural research relating to climate change, includ-
16 ing through climate hubs, long-term agroecosystem
17 research, nutrient uses and outcomes, soil carbon
18 data collection, and other related agricultural cli-
19 mate science;

20 (2) to the Economic Research Service,
21 \$45,000,000 for fiscal year 2022, to carry out eco-
22 nomic analysis and economic agricultural research
23 relating to climate change;

24 (3) to the Office of the Chief Economist,
25 \$3,200,000 for each of fiscal years 2022 through

1 2026, to carry out economic analysis and economic
2 agricultural research relating to climate change and
3 environmental services markets;

4 (4) to the National Agricultural Statistics Serv-
5 ice—

6 (A) \$40,000,000 for fiscal year 2022, to
7 carry out data collection and agricultural re-
8 search relating to climate change; and

9 (B) \$14,000,000 for fiscal year 2022, for
10 measurements, a survey, and data collection to
11 conduct the study required under section
12 7212(b) of the Agriculture Improvement Act of
13 2018 (Public Law 115–334; 132 Stat. 4812),
14 which shall be completed not later than Decem-
15 ber 31, 2022;

16 (5) to the National Institute of Food and Agri-
17 culture—

18 (A) to carry out agricultural education, ex-
19 tension, and research relating to climate
20 change—

21 (i) through the Agriculture and Food
22 Research Initiative established by sub-
23 section (b) of the Competitive, Special, and
24 Facilities Research Grant Act (7 U.S.C.
25 3157(b))—

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

3 (II) \$150,000,000 for each of fis-
4 cal years 2024 through 2026;

5 (ii) through the sustainable agri-
6 culture research education program estab-
7 lished under sections 1619, 1621, 1622,
8 1628, and 1629 of the Food, Agriculture,
9 Conservation, and Trade Act of 1990 (7
10 U.S.C. 5801, 5811, 5812, 5831, 5832)—

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

13 (II) \$150,000,000 for each of fis-
14 cal years 2024 through 2026;

15 (iii) through the crop protection pest
16 management competitive grant program
17 authorized under section 406 of the Agri-
18 cultural Research, Extension, and Edu-
19 cation Reform Act of 1998 (7 U.S.C.
20 7626), \$30,000,000 for fiscal year 2022;

21 (iv) through the Agricultural Genome
22 to Phenome Initiative established under
23 section 1671 of the Food, Agriculture,
24 Conservation, and Trade Act of 1990 (7

1 U.S.C. 5924), \$20,000,000 for fiscal year
2 2022;

3 (v) through the organic agriculture re-
4 search and extension initiative established
5 under section 1672B of the Food, Agri-
6 culture, Conservation, and Trade Act of
7 1990 (7 U.S.C. 5925b)—

8 (I) \$15,000,000 for fiscal year
9 2022;

10 (II) \$5,000,000 for fiscal year
11 2023; and

12 (III) \$60,000,000 for each of fis-
13 cal years 2024 through 2026;

14 (vi) through the urban, indoor, and
15 other emerging agricultural production re-
16 search, education, and extension initiative
17 established under section 1672E of the
18 Food, Agriculture, Conservation, and
19 Trade Act of 1990 (7 U.S.C. 5925g),
20 \$65,000,000 for fiscal year 2022;

21 (vii) through the centers of excellence
22 led by 1890 Institutions established under
23 section 1673(d) of the Food, Agriculture,
24 Conservation, and Trade Act of 1990 (7

1 U.S.C. 5926(d)), \$15,000,000 for fiscal
2 year 2022;

3 (viii) through the specialty crop re-
4 search and extension initiative established
5 by section 412 of the Agricultural Re-
6 search, Extension, and Education Reform
7 Act of 1998 (7 U.S.C. 7632)—

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

10 (II) \$60,000,000 for each of fis-
11 cal years 2024 through 2026;

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

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

19 (II) \$160,000,000 for each of fis-
20 cal years 2024 through 2026;

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

1 (xi) through the cooperative extension
2 at 1890 Institutions under section 1444 of
3 the National Agricultural Research, Exten-
4 sion, and Teaching Policy Act of 1977 (7
5 U.S.C. 3221), \$25,200,000 for each of fis-
6 cal years 2022 through 2026;

7 (B) \$2,664,500,000 for fiscal year 2022,
8 for grants for construction, alteration, acquisi-
9 tion, modernization, renovation, or remodeling
10 of agricultural research facilities, including re-
11 lated building costs associated with compliance
12 with applicable Federal and State law, under
13 section 4 of the Research Facilities Act (7
14 U.S.C. 390b), subject to the condition that,
15 notwithstanding section 3(c)(2)(A) of that Act
16 (7 U.S.C. 390a(c)(2)(A)), the recipient of a
17 grant provided using those amounts shall not be
18 required to provide any non-Federal share of
19 total funding provided under this subparagraph;

20 (C) \$985,500,000 for fiscal year 2022, for
21 grants to covered institutions for construction,
22 alteration, acquisition, modernization, renova-
23 tion, or remodeling of agricultural research fa-
24 cilities, including related building costs associ-
25 ated with compliance with applicable Federal

1 and State law, under section 4 of the Research
2 Facilities Act (7 U.S.C. 390b), subject to the
3 condition that notwithstanding section
4 3(e)(2)(A) of that Act (7 U.S.C.
5 390a(c)(2)(A)), the recipient of a grant pro-
6 vided using those amounts shall not be required
7 to provide any non-Federal share of total fund-
8 ing provided under this subparagraph;

9 (D) \$100,000,000 for fiscal year 2022, for
10 research equipment grants under section 1462A
11 of the National Agricultural Research, Exten-
12 sion, and Teaching Policy Act of 1977 (7
13 U.S.C. 3310a);

14 (E) for the scholarships for students at
15 1890 Institutions grant program under section
16 1446 of the National Agricultural Research,
17 Extension, and Teaching Policy Act of 1977 (7
18 U.S.C. 3222a)—

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

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

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

24 (F) \$10,000,000 for each of fiscal years
25 2022 through 2026, for grants to land-grant

1 colleges and universities to support Tribal stu-
2 dents under section 1450 of that Act (7 U.S.C.
3 3222e) and for purposes of this subparagraph,
4 section 1450(b)(4) of such Act shall not apply;
5 and

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

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

17 (A) \$10,000,000 for each of fiscal years
18 2022 and 2023; and

19 (B) \$120,000,000 for each of fiscal years
20 2024 through 2026;

21 (7) to the Foundation for Food and Agriculture
22 Research, to carry out activities relating to climate
23 change in accordance with section 7601 of the Agri-
24 cultural Act of 2014 (7 U.S.C. 5939), to be consid-
25 ered as provided pursuant to subsection (g)(1)(A) of

1 that section, and subject to the condition that the
2 Foundation shall not secure funds from any institu-
3 tion of higher education (as defined in section 101
4 of the Higher Education Act of 1965 (20 U.S.C.
5 1001)) to fulfill the matching funds requirement
6 under section 7601(g)(1)(B)(i) of the Agricultural
7 Act of 2014 (7 U.S.C. 5939(g)(1)(B)(i))—

8 (A) \$45,000,000 for each of fiscal years
9 2022 and 2023; and

10 (B) \$150,000,000 for each of fiscal years
11 2024 through 2026;

12 (8) for biomass research, \$5,000,000 for fiscal
13 year 2022, to carry out agriculture climate research
14 on biomass, including pyrolysis and biochar, and re-
15 lated activities in accordance with section 9008 of
16 the Farm Security and Rural Investment Act of
17 2002 (7 U.S.C. 8108); and

18 (9) to the Office of Urban Agriculture and In-
19 novative Production, \$62,000,000 for each of fiscal
20 years 2022 and 2023, to carry out activities in ac-
21 cordance with section 222 of the Department of Ag-
22 riculture Reorganization Act of 1994 (7 U.S.C.
23 6923).

24 (b) COVERED INSTITUTION DEFINED.—In this sec-
25 tion, the term “covered institution” means—

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

4 (2) a 1994 Institution (as defined in section
5 532 of the Equity in Educational Land-Grant Sta-
6 tus Act of 1994 (7 U.S.C. 301 note; Public Law
7 103–382));

8 (3) an Alaska Native serving institution or Na-
9 tive Hawaiian serving institution eligible to receive
10 grants under subsections (a) and (b), respectively, of
11 section 1419B of the National Agricultural Re-
12 search, Extension, and Teaching Policy Act of 1977
13 (7 U.S.C. 3156);

14 (4) Hispanic-serving agricultural colleges and
15 universities and Hispanic-serving institutions (as
16 those terms are defined in section 1404 of the Na-
17 tional Agricultural Research, Extension, and Teach-
18 ing Policy Act of 1977 (7 U.S.C. 3103));

19 (5) an eligible institution (as defined in section
20 1489 of the National Agricultural Research, Exten-
21 sion, and Teaching Policy Act of 1977 (7 U.S.C.
22 3361) (relating to institutions of higher education in
23 insular areas)); and

24 (6) the University of the District of Columbia
25 established pursuant to the Act of July 2, 1862

1 (commonly known as the “First Morrill Act”) (7
2 U.S.C. 301 et seq.).

3 **SEC. 13002. LIMITATION.**

4 The funds made available under this subtitle are sub-
5 ject to the condition that the Secretary shall not—

6 (1) enter into any agreement—

7 (A) that is for a term extending beyond
8 September 30, 2031; and

9 (B) under which any payment could be
10 outlaid or funds disbursed after September 30,
11 2031; and

12 (2) use any other funds available to the Sec-
13 retary to satisfy obligations initially made under this
14 subtitle.

15 **Subtitle E—Miscellaneous**

16 **SEC. 14001. ADDITIONAL SUPPORT FOR USDA OFFICE THE**
17 **INSPECTOR GENERAL.**

18 In addition to amounts otherwise made available,
19 there is appropriated to the Office of the Inspector Gen-
20 eral of the Department of Agriculture for fiscal year 2022,
21 out of any money in the Treasury not otherwise appro-
22 priated, \$5,000,000 to remain available until September
23 30, 2031, for audits, investigations, and other oversight
24 activities of projects and activities carried out with funds

1 made available to the Department of Agriculture under
2 this title.

3 **TITLE II—COMMITTEE ON**
4 **EDUCATION AND LABOR**
5 **Subtitle A—Education Matters**

6 **PART 1—ELEMENTARY AND SECONDARY**

7 **EDUCATION**

8 **SEC. 20001. REBUILD AMERICA'S SCHOOLS GRANT PRO-**
9 **GRAM.**

10 (a) IN GENERAL.—In addition to amounts otherwise
11 available, there is appropriated to the Department of Edu-
12 cation—

13 (1) for fiscal year 2022, out of any money in
14 the Treasury not otherwise appropriated,
15 \$1,270,000,000, to remain available until September
16 30, 2025, for carrying out this section; and

17 (2) for each of fiscal years 2023 through 2024,
18 out of any money in the Treasury not otherwise ap-
19 propriated, \$39,643,650,000, to remain available
20 until September 30, 2026, for carrying out this sec-
21 tion.

22 (b) REBUILD AMERICA'S SCHOOLS GRANTS AUTHOR-
23 IZED.—From funds provided under paragraphs (1) and
24 (2) of subsection (a), the Secretary shall award grants in

1 fiscal years 2022 through 2024 to State educational agen-
2 cies in accordance with subsection (c).

3 (c) REBUILD AMERICA'S SCHOOLS GRANTS.—

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

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

10 (B) with respect to fiscal years 2023 and
11 2024, if such State educational agency has had
12 approved by the Secretary a State facilities plan
13 developed under paragraph (3)(A)(ii)(I), for the
14 purpose of improving public school facilities in
15 accordance with paragraph (3)(B).

16 (2) ALLOCATIONS TO STATES.—The amount al-
17 located to each State educational agency under para-
18 graph (1) shall be in the same proportion as the
19 amounts distributed to the State under part A of
20 title I of the Elementary and Secondary Education
21 Act of 1965 (20 U.S.C. 6311) in the most recent fis-
22 cal year, relative to the total amount received under
23 such part by all other States receiving an allocation
24 under this section in such fiscal year.

1 (3) STATE USES OF FUNDS.—A State edu-
2 cational agency that receives an allocation under
3 paragraph (1)—

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

6 (i) not less than 80 percent of such
7 allocation to award subgrants to local edu-
8 cational agencies (including public charter
9 schools that are local educational agencies)
10 in the State, in proportion to the amount
11 of funds such local educational agencies
12 and charter schools received under part A
13 of title I of the Elementary and Secondary
14 Education Act of 1965 (20 U.S.C. 6311)
15 in the most recent fiscal year, to support
16 each such local educational agency in—

17 (I) the development and publica-
18 tion of a local facilities master plan to
19 address the health, safety, education
20 equity, enrollment diversity, environ-
21 mental sustainability, and climate re-
22 siliency of the public school facilities
23 operated by such agency; and

24 (II) the collection and submission
25 of data to the State educational agen-

1 cy to support implementation of the
2 State school facilities database; and
3 (ii) not more than 20 percent of such
4 allocation to—
5 (I) develop a State facilities plan
6 that details—
7 (aa) how the State will use
8 grant funds received under this
9 section and State funds to make
10 improvements to public school fa-
11 cilities of eligible local edu-
12 cational agencies to address dis-
13 parities in both the financing and
14 expenditures of school facilities
15 capital outlay projects and in the
16 conditions of public school facili-
17 ties between eligible local edu-
18 cational agencies and other local
19 educational agencies in the State;
20 (bb) how the State will de-
21 velop a competitive process to
22 provide subgrants to eligible local
23 educational agencies, including
24 the State’s criteria for subgrant
25 eligibility; and

1 (cc) how the State will, in
2 carrying out the competitive
3 process for subgrants described
4 in item (bb), take into consider-
5 ation the impact that such sub-
6 grants may have on increasing
7 student diversity and decreasing
8 racial and socioeconomic isolation
9 of students attending public ele-
10 mentary or secondary schools im-
11 proved by such subgrants;

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

15 (III) provide technical assistance
16 to local educational agencies in car-
17 rying out activities described in clause
18 (i) and supports related to the re-
19 quirements of paragraph (4) for eligi-
20 ble local educational agencies; and

21 (B) with respect to each of fiscal years
22 2023 and 2024, shall—

23 (i) use not less than 90 percent of
24 such allocation to award subgrants on a
25 competitive basis to eligible local edu-

1 cational agencies with approved applica-
2 tions described in paragraph (4)(A); and

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

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

8 (II) provide technical assistance
9 to eligible local educational agencies in
10 the State in carrying out school facili-
11 ties capital outlay projects, including
12 technical assistance regarding capital
13 construction, energy efficiency, and
14 climate resiliency;

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

20 (aa) indoor air quality;

21 (bb) water quality;

22 (cc) energy and water effi-
23 ciency;

24 (dd) renewable energy and
25 decarbonization;

1 (ee) exposure to toxic sub-
2 stances, including mercury,
3 radon, polychlorinated biphenyls,
4 lead, vapor intrusions, and asbes-
5 tos;

6 (ff) climate resiliency;

7 (gg) emergency prepared-
8 ness for natural or man-made
9 disasters or emergencies; and

10 (hh) structural hazards cre-
11 ated by pyrrhotite, as determined
12 by an engineer's report and
13 pyrrhotite testing;

14 (IV) provide professional develop-
15 ment opportunities for State and local
16 staff involved in maintenance and op-
17 erations and school facilities capital
18 outlay projects; and

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

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

24 (A) APPLICATION.—The State educational
25 agency shall require an eligible local educational

1 agency desiring a subgrant under paragraph
2 (3)(B)(i) to submit an application to the State
3 educational agency that, at a minimum, in-
4 cludes—

5 (i) a certification that the eligible local
6 educational agency shall use subgrant
7 funds for school facilities capital outlay
8 projects that prioritize the improvement of
9 the public school facilities of such agency
10 that serve the highest numbers or percent-
11 ages of students who are eligible for a free
12 or reduced price lunch under the Richard
13 B. Russell National School Lunch Act (42
14 U.S.C. 1751), under a method established
15 by the Secretary; and

16 (ii) such agency's facilities master
17 plan.

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

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

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

8 (iii) Upgrading or replacing major fa-
9 cilities systems, components, furniture, fix-
10 tures, and equipment with a life of not less
11 than 10 years.

12 (iv) Constructing new public school
13 facilities, including when student enroll-
14 ment exceeds the physical and instructional
15 capacity of public school facilities.

16 (v) Purchasing and preparing sites on
17 which public school facilities will be con-
18 structed.

19 (vi) Improving energy and water effi-
20 ciency in public school facilities, including
21 improvements related to clean energy.

22 (vii) Reducing or eliminating the pres-
23 ence of health and safety hazards in public
24 school facilities, including—

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

4 (II) mold or mildew;

5 (III) rodents and pests; and

6 (IV) structural hazards created
7 by pyrrhotite.

8 (viii) Improving instructional or out-
9 door public school facilities relating to
10 early learning, special education, science,
11 technology, career and technical education,
12 physical education, the arts, literacy (in-
13 cluding library programs), or community-
14 based partnerships.

15 (ix) Improving the public school facili-
16 ties of magnet schools, or other instruc-
17 tional programs, designed to increase stu-
18 dent diversity and decrease racial or socio-
19 economic isolation.

20 (x) Supporting independent commis-
21 sioning and certification of public school
22 facilities, public school facility systems,
23 and school facilities capital outlay projects.

24 (d) CONDITIONS.—

25 (1) STATE MATCHING REQUIREMENT.—

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

8 (B) EXEMPTION.—States that contributed
9 an average of 10 percent or greater toward
10 total local educational agency capital outlay
11 from non-Federal funds, within the most recent
12 5-year fiscal period, are exempt from the State
13 matching requirement under subparagraph (A).

14 (2) STATE MAINTENANCE OF EFFORT.—

15 (A) IN GENERAL.—The State shall provide
16 an assurance to the Secretary that for each fis-
17 cal year that the State receives an allocation
18 under this section, the State's share of school
19 facilities capital outlay will be not less than 90
20 percent of the average of the State's share of
21 school facilities capital outlay for the 5 years
22 preceding the 2020 fiscal year.

23 (B) WAIVER.—Notwithstanding subpara-
24 graph (A), in response to a request from a
25 State, the Secretary may modify or waive, in

1 whole or in part, the requirement of subpara-
2 graph (A) if the Secretary determines that such
3 State demonstrates an exceptional or uncontrol-
4 lable circumstance, such as a natural disaster,
5 pandemic, or precipitous decline in revenue.

6 (3) SUPPLEMENT NOT SUPPLANT.—As a condi-
7 tion of receiving an allocation under subsection
8 (c)(1)(B), a State shall use funds received under
9 this section only to supplement the level of State and
10 local public funds that would, in the absence of the
11 receipt of Federal funds under this section, be made
12 available for the State’s contribution to school facili-
13 ties capital outlays, and not to supplant those other
14 funds.

15 (e) DEFINITIONS.—

16 (1) ESEA TERMS.—The terms “elementary
17 school”, “local educational agency”, “secondary
18 school”, and “State educational agency” have the
19 meanings given the terms in section 8101 of the Ele-
20 mentary and Secondary Education Act of 1965 (20
21 U.S.C. 7801).

22 (2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—
23 The term “eligible local educational agency” means
24 a local educational agency (including a public char-

1 ter school that is a local educational agency under
2 State law) in a State that—

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

7 (i) the highest numbers or percent-
8 ages of students counted under section
9 1124(c) of the Elementary and Secondary
10 Education Act of 1965 (20 U.S.C.
11 6333(c)); or

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

17 (B) certifies that any funds received under
18 this section shall be used to prioritize the im-
19 provement of public school facilities of public el-
20 ementary or secondary schools that serve the
21 highest percentages of students who are eligible
22 for a free or reduced price lunch under the
23 Richard B. Russell National School Lunch Act
24 (42 U.S.C. 1751), under a method established
25 by the Secretary; and

1 (C) certifies that any public school facili-
2 ties improved by funds received under this sec-
3 tion are—

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

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

8 (II) owned or leased from a private
9 entity, except that no individual associated
10 with such private entity may have a finan-
11 cial interest or management role in the
12 local educational agency.

13 (3) LOCAL FACILITIES MASTER PLAN.—The
14 term “local facilities master plan” means a plan of
15 a local educational agency developed under sub-
16 section (c)(3)(A)(i)(I) by the local educational agen-
17 cy, in consultation with local stakeholders, which in-
18 cludes an assessment of such agency’s public school
19 facilities, financing of school capital project outlays,
20 and student enrollment levels, and other factors de-
21 termined by the Secretary.

22 (4) OPERATIONS AND MAINTENANCE OF
23 SCHOOL FACILITIES.—The term “operations and
24 maintenance of school facilities” means the labor,
25 contracts, and supplies and materials supported by

1 a local educational agency’s annual operating budget
2 related to—

3 (A) cleaning, groundskeeping, and preven-
4 tive and routine maintenance of public school
5 facilities and grounds;

6 (B) minor repairs and operations of build-
7 ing systems and equipment for public school fa-
8 cilities; and

9 (C) payments for utilities for public school
10 facilities.

11 (5) PUBLIC SCHOOL FACILITY.—The term
12 “public school facility” means a school facility oper-
13 ated by a local educational agency that is primarily
14 used to educate students, including outdoor facilities
15 and grounds, but does not include—

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

20 (B) a vehicle; or

21 (C) a district central office, operation cen-
22 ter, or other school facility if it is not primarily
23 used to educate students.

24 (6) SCHOOL FACILITIES CAPITAL OUTLAY
25 PROJECT.—The term “school facilities capital outlay

1 project” means the assessment, planning, design,
2 construction, renovation, repair, management, and
3 financing of a public school facility project with a
4 life expectancy of at least 10 years, but does not in-
5 clude operations and maintenance of school facilities.

6 (7) SECRETARY.—The term “Secretary” means
7 the Secretary of Education.

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

11 (9) STATE’S CONTRIBUTION TO SCHOOL FACILI-
12 TIES CAPITAL OUTLAYS.—The term “State’s con-
13 tribution to school facilities capital outlays” means
14 the total amount of State appropriations on elemen-
15 tary and secondary education capital expenditures in
16 the State, including—

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

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

21 (C) direct payment of school facilities cap-
22 ital outlay projects; and

23 (D) grants or facilities allowances to char-
24 ter schools for facilities capital projects.

1 (10) STATE FACILITIES PLAN.—The term
2 “State facilities plan” means a State’s plan devel-
3 oped by the State educational agency, in accordance
4 with subsection (c)(3)(A)(ii)(I) and including plan
5 elements determined by the Secretary, for the pur-
6 pose of being eligible for an allocation described in
7 subsection (c)(1)(B).

8 (11) STATE SCHOOL FACILITIES DATABASE.—
9 The term “State school facilities database” means
10 an electronic, publicly available database maintained
11 by the State educational agency that contains an in-
12 ventory of the infrastructure of all public school fa-
13 cilities in the State, including the data elements de-
14 termined by the Secretary.

15 **SEC. 20002. OUTLYING AREAS.**

16 In addition to amounts otherwise available, there is
17 appropriated to the Department of Education for fiscal
18 year 2022, out of any money in the Treasury not otherwise
19 appropriated, \$410,900,000, to remain available until
20 September 30, 2026, for the Secretary of Education to
21 allocate to each outlying area (as defined in section 8101
22 of the Elementary and Secondary Education Act of 1965
23 (20 U.S.C. 7801)) an amount in proportion to the amount
24 received by the outlying area under part A of title I of
25 the Elementary and Secondary Education Act of 1965 (20

1 U.S.C. 6311) in the most recent fiscal year relative to the
2 total amount received under such part for such fiscal year
3 by all outlying areas, to carry out the activities described
4 in section 20001(c) in the outlying areas.

5 **SEC. 20003. IMPACT AID CONSTRUCTION GRANTS.**

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

15 (1) subsection (a)(2)(A) of such section shall be
16 applied by substituting “20 percent” for “50 per-
17 cent”;

18 (2) subsection (a)(2)(B) of such section shall be
19 applied by substituting “20 percent” for “50 per-
20 cent”; and

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

1 **SEC. 20004. BUREAU OF INDIAN EDUCATION.**

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

6 (1) \$369,810,000, to remain available until
7 September 30, 2026, for necessary expenses related
8 to construction, repair, improvement, and mainte-
9 nance of buildings, utilities, and other facilities nec-
10 essary for the operation of Indian education pro-
11 grams, including architectural and engineering serv-
12 ices by contract, acquisition of lands, and interests
13 in lands, of which no more than 3 percent shall be
14 used for administrative costs to carry out this sec-
15 tion; and

16 (2) \$41,090,000, to remain available until Sep-
17 tember 30, 2026, for digital infrastructure to im-
18 prove access to high-speed broadband sufficient for
19 digital learning and related digital infrastructure ac-
20 tivities or programs operated or funded by the Bu-
21 reau of Indian Education, for Bureau-funded schools
22 (as defined in section 1141(3) of the Education
23 Amendments of 1978 (25 U.S.C. 2021(3))).

24 **SEC. 20005. GALLAUDET UNIVERSITY.**

25 In addition to amounts otherwise available, there is
26 appropriated to the Department of Education for fiscal

1 year 2022, out of any money in the Treasury not otherwise
2 appropriated, \$150,000,000, to remain available until
3 September 30, 2026, for the Kendall Demonstration Ele-
4 mentary School and the Model Secondary School for the
5 Deaf at Gallaudet University for construction, as defined
6 in section 201(2) of the Education of the Deaf Act of 1986
7 (20 U.S.C. 4351(2)).

8 **SEC. 20006. GROW YOUR OWN PROGRAMS.**

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

17 (b) IN GENERAL.—Section 202 of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1022a) is amended—

19 (1) in subsection (b)(6)(C), by striking “sub-
20 section (f) or (g)” and inserting “subsection (f) or
21 (h)”;

22 (2) in subsection (c)(1), by inserting “a Grow
23 Your Own program under subsection (g),” after
24 “subsection (e),”;

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

4 (4) by inserting after subsection (f) the fol-
5 lowing:

6 “(g) PARTNERSHIP GRANTS FOR THE ESTABLISH-
7 MENT OF ‘GROW YOUR OWN’ PROGRAMS.—

8 “(1) IN GENERAL.—An eligible partnership that
9 receives a grant under this section shall carry out an
10 effective ‘Grow Your Own’ program to address
11 shortages of teachers in high-need subjects, fields,
12 schools, and geographic areas, or shortages of school
13 leaders in high-need schools, and to increase the di-
14 versity of qualified individuals entering into the
15 teacher, principal, or other school leader workforce.

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

22 “(A) integrate career-focused courses on
23 education topics with a year-long school-based
24 clinical experience in which candidates teach or
25 lead alongside an expert mentor teacher or

1 school leader who is the teacher or school leader
2 of record in the same local educational agencies
3 in which the candidates expect to work;

4 “(B) provide opportunities for candidates
5 to practice and develop teaching skills or school
6 leadership skills;

7 “(C) support candidates as they complete
8 their associate (in furtherance of their bacca-
9 laureate), baccalaureate, or master’s degree or
10 earn their teaching or school leadership creden-
11 tial;

12 “(D) work to provide academic, counseling,
13 and programmatic supports to candidates;

14 “(E) provide academic and nonacademic
15 supports, including advising and financial as-
16 sistance, to candidates to enter and complete
17 teacher or school leadership preparation pro-
18 grams and to access and complete State licen-
19 sure exams;

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

24 “(i) from groups or populations that
25 are underrepresented; and

1 “(ii) who live in and come from the
2 communities the schools serve;

3 “(G) evaluate the effectiveness of the pro-
4 gram, including, at a minimum, using the data
5 required under section 204(a)(1);

6 “(H) require candidates to complete all
7 State requirements to become fully certified;
8 and

9 “(I) provide stipends for candidates to en-
10 gage in school-based clinical placements.”.

11 **SEC. 20007. TEACHER RESIDENCIES.**

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

23 **SEC. 20008. SUPPORT SCHOOL PRINCIPALS.**

24 In addition to amounts otherwise available, there is
25 appropriated to the Department of Education for fiscal

1 year 2022, out of any money in the Treasury not otherwise
2 appropriated, \$198,000,000, to remain available through
3 September 30, 2025, to award grants for the development
4 and support of school leadership programs, as described
5 in section 2243 of the Elementary and Secondary Edu-
6 cation Act of 1965 (20 U.S.C. 6673).

7 **SEC. 20009. HAWKINS.**

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

16 **SEC. 20010. FUNDING FOR THE INDIVIDUALS WITH DISABIL-**
17 **ITIES EDUCATION PART D PERSONNEL DE-**
18 **VELOPMENT.**

19 In addition to amounts otherwise available, there is
20 appropriated to the Department of Education for fiscal
21 year 2022, out of any money in the Treasury not otherwise
22 appropriated, \$297,000,000, to remain available until
23 September 30, 2025, for personnel development in section
24 662 of the Individuals with Disabilities Education Act (20
25 U.S.C. 1462).

1 **PART 2—HIGHER EDUCATION**
2 **Subpart A—America’s College Promise**
3 **SEC. 20021. GRANTS FOR TUITION-FREE COMMUNITY COL-**
4 **LEGE.**

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

8 **“PART F—AMERICA’S COLLEGE PROMISE**
9 **“Subpart 1—Grants for Tuition-Free Community**
10 **College**

11 **“SEC. 785. GRANT AWARDS.**

12 “(a) IN GENERAL.—Beginning with award year
13 2023–2024, from amounts appropriated to carry out this
14 subpart for any fiscal year, the Secretary shall award
15 grants to States and eligible Tribal Colleges and Univer-
16 sities to pay the Federal share of expenditures needed to
17 carry out the activities and services described in section
18 789.

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

23 **“SEC. 786. FEDERAL SHARE; STATE SHARE.**

24 “(a) FEDERAL SHARE.—

25 “(1) IN GENERAL.—

1 “(A) AMOUNT.—Subject to paragraph (2),
2 the amount of the Federal share of a grant
3 under this subpart shall be based on a formula
4 that provides, for each eligible student enrolled
5 in a community college operated or controlled
6 by the State or in an eligible Tribal College or
7 University, a per-student amount (based on
8 full-time equivalent enrollment) that is equal to
9 the applicable percent described in subpara-
10 graph (B), or the percent described in para-
11 graph (2) with respect to an eligible Tribal Col-
12 lege or University, of—

13 “(i) for the 2023–2024 award year,
14 the median resident community college tui-
15 tion and fees per student in all States, not
16 weighted for enrollment, for the most re-
17 cent award year for which data are avail-
18 able; and

19 “(ii) for each subsequent award year,
20 the amount determined under this para-
21 graph for the preceding award year, in-
22 creased by the lesser of—

23 “(I) a percentage equal to the es-
24 timated percentage increase in the
25 Consumer Price Index (as determined

1 by the Secretary) since the date of
2 such determination; or

3 “(II) 3 percent.

4 “(B) APPLICABLE PERCENT.—The appli-
5 cable percent for a State receiving a grant
6 under this subpart shall be—

7 “(i) for the 2023–2024 award year,
8 100 percent;

9 “(ii) for the 2024–2025 award year,
10 95 percent;

11 “(iii) for the 2025–2026 award year,
12 90 percent;

13 “(iv) for the 2026–2027 award year,
14 85 percent; and

15 “(v) for the 2027–2028 award year,
16 80 percent.

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

21 “(A) 100 percent of the per-student
22 amount determined in accordance with clause
23 (i) or (ii) of paragraph (1)(A), as applicable,
24 with respect to eligible students enrolled in such

1 eligible Tribal College or University (based on
2 full-time equivalent enrollment); or

3 “(B) the amount that is 100 percent of the
4 total amount needed to set tuition and fees to
5 \$0 for all eligible students enrolled in such eligi-
6 ble Tribal College or University for the 2021–
7 2022 award year, increased by the percentage
8 increase in the Consumer Price Index (as deter-
9 mined by the Secretary) between July 1, 2021,
10 and the applicable award year, and adjusted to
11 reflect the enrollment in such eligible Tribal
12 College or University for such applicable award
13 year.

14 “(b) STATE SHARE.—

15 “(1) FORMULA.—

16 “(A) IN GENERAL.—The State share of a
17 grant under this subpart for each award year
18 shall be the amount needed to pay the applica-
19 ble percent described in subparagraph (B) of
20 the median resident community college tuition
21 and fees in all States, not weighted for enroll-
22 ment, per student (based on full-time equivalent
23 enrollment) determined in accordance with sub-
24 section (a)(1)(A)(i) for all eligible students en-

1 rolled in a community college operated or con-
2 trolled by the State for such award year.

3 “(B) APPLICABLE PERCENT.—The appli-
4 cable percent shall be—

5 “(i) for the 2023–2024 award year, 0
6 percent;

7 “(ii) for the 2024–2025 award year, 5
8 percent;

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

11 “(iv) for the 2026–2027 award year,
12 15 percent; and

13 “(v) for the 2027–2028 award year,
14 20 percent.

15 “(C) OBLIGATION TO PROVIDE SHARE.—

16 The State shall provide the State share even if
17 the State is able to set tuition and fees charged
18 to eligible students attending community col-
19 leges operated or controlled by the State to \$0
20 as required by section 788(a) without such
21 State share.

22 “(D) NO DOUBLE COUNTING FUNDS.—Ex-
23 cept with respect to funding described in para-
24 graph (2)(A), no funds that count toward the
25 maintenance of effort requirement under sec-

1 tion 788(c) may also count toward the State
2 share under this subsection.

3 “(E) SPECIAL RULE FOR OUTLYING AREAS
4 AND TERRITORIES.—

5 “(i) IN GENERAL.—If the Secretary
6 determines that requiring an outlying area
7 or territory to provide a State share in ac-
8 cordance with this subsection would rep-
9 resent a substantial hardship for the out-
10 lying area or territory, the Secretary may
11 reduce or waive the State share for such
12 area or territory. If the Secretary so re-
13 duces or waives the amount of the State
14 share of an outlying area or territory, the
15 Secretary shall increase the applicable per-
16 cent used to calculate the Federal share
17 for such area or territory, in proportion to
18 the reduction in the applicable percent
19 used to calculate such State share.

20 “(ii) DEFINITION.—For the purposes
21 of this subparagraph, the term ‘outlying
22 area or territory’ means the Common-
23 wealth of Puerto Rico, the District of Co-
24 lumbia, Guam, American Samoa, the
25 United States Virgin Islands, the Com-

1 monwealth of the Northern Mariana Is-
2 lands, and the Freely Associated States.

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

12 “(A) any financial aid that is provided
13 from State funds to an eligible student and
14 that—

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

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

22 “(B) any funds provided to community col-
23 leges by local governments in such State for the
24 purpose of carrying out this subpart.

1 “(3) RELATIONSHIP TO MAINTENANCE OF EF-
2 FORT.—The inclusion of funds described in para-
3 graph (2) as part of a State’s share shall modify the
4 maintenance of effort requirements under section
5 788(c) in accordance with the provisions of—

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

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

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

13 “(c) DETERMINING NUMBER OF ELIGIBLE STU-
14 DENTS.—

15 “(1) IN GENERAL.—For purposes of sub-
16 sections (a) and (b), the Secretary shall, in consulta-
17 tion with the State or eligible Tribal College or Uni-
18 versity concerned, determine the estimated number
19 of eligible students enrolled in the community col-
20 leges operated or controlled by such State or in such
21 eligible Tribal College or University for the applica-
22 ble award year.

23 “(2) ADJUSTMENT OF GRANT AMOUNT.—For
24 each year for which a State or eligible Tribal College
25 or University receives a grant under this subpart,

1 the Secretary shall, once final enrollment data for
2 such year are available—

3 “(A) in consultation with the State or eli-
4 gible Tribal College or University concerned,
5 determine the actual number of eligible stu-
6 dents enrolled in the community colleges oper-
7 ated or controlled by such State or in such eli-
8 gible Tribal College or University for the year
9 covered by the grant; and

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

18 “(d) COMMUNITY COLLEGES OPERATED OR CON-
19 TROLLED BY STATE TO INCLUDE COMMUNITY COLLEGES
20 OPERATED OR CONTROLLED BY LOCAL GOVERNMENTS
21 WITHIN THE STATE.—For purposes of this subpart, the
22 term ‘community college operated or controlled by a State’
23 shall include a community college operated or controlled
24 by a local government within such State.

1 “(e) INAPPLICABILITY OF STATE REQUIREMENTS TO
2 ELIGIBLE TCUS.—The Secretary may not apply any re-
3 quirements applicable only to States under this subpart
4 to an eligible Tribal College or University, including the
5 requirements under subsection (b), section 788(b) and (c),
6 and section 790.

7 **“SEC. 787. APPLICATIONS.**

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

11 “(1) an estimate of the number of eligible stu-
12 dents enrolled in the community colleges operated or
13 controlled by the State or in the eligible Tribal Col-
14 lege or University and the cost of waiving tuition
15 and fees for all eligible students for each award year
16 covered by the grant;

17 “(2) in the case of a State, a list of each of the
18 community colleges operated or controlled by the
19 State;

20 “(3) an assurance that each community college
21 operated or controlled by the State, or the eligible
22 Tribal College or University, as applicable, will set
23 community college tuition and fees for eligible stu-
24 dents to \$0 as required by section 788(a);

1 “(4) a description of how the State or eligible
2 Tribal College or University will ensure that pro-
3 grams leading to a recognized postsecondary creden-
4 tial meet the quality criteria established by the State
5 under section 122(b)(1) of the Workforce Innovation
6 and Opportunity Act (29 U.S.C. 3152(b)(1)) or
7 other quality criteria determined appropriate by the
8 State or eligible Tribal College or University;

9 “(5) an assurance that each community college
10 operated or controlled by the State or the eligible
11 Tribal College or University, as applicable, has en-
12 tered into a program participation agreement under
13 section 487;

14 “(6) an assurance that the State or eligible
15 Tribal College or University will assist eligible stu-
16 dents in obtaining information about and accessing
17 means-tested Federal benefit programs and similar
18 State, tribal, and local benefit programs that can
19 provide financial assistance for any component of
20 the student’s cost of attendance, as defined under
21 section 472, other than tuition and fees;

22 “(7) an assurance that, for each year of the
23 grant, the State or eligible Tribal College or Univer-
24 sity will notify each eligible student of the student’s

1 remaining eligibility for assistance under this sub-
2 part;

3 “(8) if the application is submitted by a
4 State—

5 “(A) an assurance that the State will meet
6 the requirements of section 788(b)(1) relating
7 to the alignment of secondary and postsec-
8 ondary education; and

9 “(B) an assurance that the State will meet
10 the requirements of section 788(b)(2) relating
11 to the improvement of transfer pathways be-
12 tween institutions of higher education; and

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

19 “(A) plans to implement the program
20 funded under this subpart; and

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

1 **“SEC. 788. PROGRAM REQUIREMENTS.**

2 “(a) GENERAL REQUIREMENTS.—As a condition of
3 receiving a grant under this subpart in each award year,
4 a State or eligible Tribal College or University shall—

5 “(1) ensure that the total amount of tuition
6 and fees charged to an eligible student attending a
7 community college operated or controlled by the
8 State or the eligible Tribal College or University, as
9 applicable, is \$0;

10 “(2) not apply financial assistance for which an
11 eligible student qualifies to tuition or fees; and

12 “(3) not use any funds provided under this sub-
13 part for administrative purposes relating to such
14 grant.

15 “(b) STATE REQUIREMENTS.—In addition to the re-
16 quirements under subsection (a), as a condition of receiv-
17 ing a grant under this subpart a State shall meet the fol-
18 lowing requirements:

19 “(1) ALIGNMENT OF SECONDARY AND HIGHER
20 EDUCATION.—The State shall—

21 “(A) submit and implement a plan to align
22 the requirements for receiving a regular high
23 school diploma from public schools in the State
24 with the requirements for entering credit-bear-
25 ing coursework at community colleges in such
26 State; and

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

5 “(2) TRANSFER PATHWAYS.—The State shall—

6 “(A) submit a plan, developed in collabora-
7 tion with faculty from institutions of higher
8 education in the State, to improve transfer
9 pathways among institutions of higher edu-
10 cation in the State, including by—

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

17 “(ii) increasing the transferability of
18 individual courses within the certificate or
19 associate programs offered by community
20 colleges in the State to related baccalaureate
21 programs offered by institutions
22 of higher education in such State to maxi-
23 mize the transferability of credits for stu-
24 dents who transfer before completing an
25 associate degree;

1 “(iii) expanding the use of reverse
2 transfer policies that allow institutions
3 to—

4 “(I) implement the process of
5 retroactively granting a certificate or
6 associate degree to students who had
7 not completed the requirements for
8 such certificate or degree before they
9 transferred; and

10 “(II) allow academic credits for
11 coursework completed at a 4-year in-
12 stitution to be applied to a previously-
13 attended community college for the
14 purpose of obtaining an associate de-
15 gree or a certificate; and

16 “(iv) ensuring that students attending
17 community colleges in the State have ac-
18 cess to comprehensive counseling and sup-
19 ports to facilitate the process of transfer-
20 ring to a 4-year institution of higher edu-
21 cation; and

22 “(B) not later than 3 years after the date
23 on which the State first receives a grant under
24 this subpart, certify to the Secretary that the
25 State is carrying out the plan submitted in ac-

1 cordance with subparagraph (A) and is meeting
2 the requirements of clauses (i) through (iv) of
3 such subparagraph.

4 “(c) STATE MAINTENANCE OF EFFORT.—A State re-
5 ceiving a grant under this subpart shall be entitled to re-
6 ceive its full allotment of funds under this subpart for a
7 fiscal year only if, for each year of the grant, the State
8 provides—

9 “(1) State fiscal support for higher education
10 per full-time equivalent student at a level equal to or
11 exceeding the average amount of State fiscal support
12 for higher education per full-time equivalent student
13 provided for the 3 consecutive preceding fiscal years;

14 “(2) financial support for operating expenses
15 (excluding capital expenses and research and devel-
16 opment costs) for public 4-year institutions of higher
17 education at a level equal to or exceeding the aver-
18 age amount provided for the 3 consecutive preceding
19 State fiscal years; and

20 “(3) financial support for need-based financial
21 aid at a level equal to or exceeding the average
22 amount provided for the 3 consecutive preceding
23 State fiscal years.

24 “(d) NO ADDITIONAL ELIGIBILITY REQUIRE-
25 MENTS.—A State or eligible Tribal College or University

1 that receives a grant under this subpart may not impose
2 additional eligibility requirements on eligible students
3 other than the requirements under this subpart.

4 “(e) ELIGIBILITY FOR BENEFITS.—No individual
5 shall be determined to be ineligible to receive benefits pro-
6 vided under this subpart (including tuition and fees set
7 to \$0 and other aid provided under this subpart) on the
8 basis of citizenship, alienage, or immigration status.

9 **“SEC. 789. ALLOWABLE USES OF FUNDS.**

10 “(a) IN GENERAL.—Except as provided in subsection
11 (b)—

12 “(1) a State shall use a grant under this sub-
13 part only to provide funds to each community college
14 operated or controlled by the State to enable each
15 such community college to set community college
16 tuition and fees for eligible students to \$0 as re-
17 quired under section 788(a); and

18 “(2) an eligible Tribal College or University
19 shall use a grant under this subpart only to set com-
20 munity college tuition and fees for eligible students
21 to \$0 as required under section 788(a).

22 “(b) ADDITIONAL USES.—If a State or an eligible
23 Tribal College or University demonstrates to the Secretary
24 that the State or eligible Tribal College or University has
25 grant funds remaining after meeting the demand for ac-

1 tivities described in subsection (a), the State or eligible
2 Tribal College or University shall use the remaining funds
3 to carry out 1 or more of the following:

4 “(1) Providing need-based financial aid to stu-
5 dents that may be used by such students to pay any
6 component of cost of attendance, as defined under
7 section 472.

8 “(2) Reducing unmet need at public 4-year in-
9 stitutions of higher education.

10 “(3) Improving student outcomes by imple-
11 menting evidence-based institutional reforms or
12 practices, including reforms or practices that are de-
13 scribed in section 795D(b)(1) or that meet an evi-
14 dence tier defined in section 795E(2).

15 “(4) Expanding access to dual or concurrent
16 enrollment programs or early college high school
17 programs.

18 “(c) SUPPLEMENT, NOT SUPPLANT.—Except as pro-
19 vided in section 786(b)(2)(A), funds made available under
20 this subpart shall be used to supplement, and not sup-
21 plant, other Federal, State, tribal, and local funds that
22 would otherwise be expended to carry out activities de-
23 scribed in this section.

24 “(d) CONTINUATION OF FUNDING.—

1 “(1) IN GENERAL.—Except as provided in para-
 2 graph (2), a State or an eligible Tribal College or
 3 University receiving a grant under this subpart for
 4 an award year may continue to receive funding
 5 under this subpart for subsequent award years con-
 6 ditioned on the availability of budget authority and
 7 on meeting the requirements of the grant, as deter-
 8 mined by the Secretary.

9 “(2) DISCONTINUATION.—The Secretary shall
 10 discontinue or reduce funding of the Federal share
 11 of a grant under this subpart if the State or an eli-
 12 gible Tribal College or University has violated the
 13 terms of the grant.

14 “(e) RULE OF CONSTRUCTION REGARDING BIE
 15 FUNDS.—Nothing in this subpart shall be construed to
 16 impact the availability of funds from, or uses of funds pro-
 17 vided by, the Bureau of Indian Education for Tribal Col-
 18 leges and Universities.

19 **“SEC. 790. AUTOMATIC STABILIZERS FOR AMERICA’S COL-**
 20 **LEGE PROMISE.**

21 “(a) MAINTENANCE OF EFFORT RELIEF.—A State
 22 that meets the qualifying spending requirement may re-
 23 quest a waiver of the requirements under section 788(c).
 24 Upon request by such a State, the Secretary shall waive
 25 the requirements of section 788(c) for the State as follows:

1 “(1) TIER I.—With respect to each State eligi-
2 ble for relief under tier I, such requirements shall be
3 waived for the fiscal year succeeding the fiscal year
4 for which the determination of the State’s eligibility
5 for such relief is made.

6 “(2) TIERS II THROUGH V.—With respect to
7 each State eligible for relief under tier II, III, IV,
8 or V, such requirements shall be waived, in accord-
9 ance with subsection (d), for—

10 “(A) the fiscal year for which the deter-
11 mination of the State’s eligibility for such relief
12 is made;

13 “(B) the fiscal year succeeding the fiscal
14 year described in subparagraph (A); or

15 “(C) both such fiscal years.

16 “(b) STATE SHARE RELIEF.—

17 “(1) STATE SHARE RELIEF.—A State that
18 meets the qualifying spending requirement and is el-
19 igible for relief under tier II, III, IV, or V may re-
20 quest relief with respect to the requirements of sec-
21 tion 786(b)(1)(B). Upon request by such a State,
22 the Secretary shall provide relief from the require-
23 ments of section 786(b)(1)(B), for the applicable
24 award year or years, for the State as follows:

1 “(A) TIER II.—With respect to a State
2 that is eligible for relief under tier II, the Sec-
3 retary shall—

4 “(i) apply section 786(a)(1)(B)(v) by
5 substituting ‘85 percent’ for ‘80 percent’;
6 and

7 “(ii) apply section 786(b)(1)(B)(v) by
8 substituting ‘15 percent’ for ‘20 percent’.

9 “(B) TIER III.—With respect to a State
10 that is eligible for relief under tier III, the Sec-
11 retary shall—

12 “(i) apply section 786(a)(1)(B)(iv) by
13 substituting ‘90 percent’ for ‘85 percent’;

14 “(ii) apply section 786(a)(1)(B)(v) by
15 substituting ‘90 percent’ for ‘80 percent’;

16 “(iii) apply section 786(b)(1)(B)(iv)
17 by substituting ‘10 percent’ for ‘15 per-
18 cent’; and

19 “(iv) apply section 786(b)(1)(B)(v) by
20 substituting ‘10 percent’ for ‘20 percent’.

21 “(C) TIER IV.—With respect to a State
22 that is eligible for relief under tier IV, the Sec-
23 retary shall—

24 “(i) apply section 786(a)(1)(B)(iii) by
25 substituting ‘95 percent’ for ‘90 percent’;

1 “(ii) apply section 786(a)(1)(B)(iv) by
2 substituting ‘95 percent’ for ‘85 percent’;

3 “(iii) apply section 786(a)(1)(B)(v) by
4 substituting ‘95 percent’ for ‘80 percent’;

5 “(iv) apply section 786(b)(1)(B)(iii)
6 by substituting ‘5 percent’ for ‘10 percent’;

7 “(v) apply section 786(b)(1)(B)(iv) by
8 substituting ‘5 percent’ for ‘15 percent’;

9 and

10 “(vi) apply section 786(b)(1)(B)(v) by
11 substituting ‘5 percent’ for ‘20 percent’.

12 “(D) TIER V.—With respect to a State
13 that is eligible for relief under tier V, the Sec-
14 retary shall—

15 “(i) apply section 786(a)(1)(B)(ii) by
16 substituting ‘100 percent’ for ‘95 percent’;

17 “(ii) apply section 786(a)(1)(B)(iii) by
18 substituting ‘100 percent’ for ‘90 percent’;

19 “(iii) apply section 786(a)(1)(B)(iv)
20 by substituting ‘100 percent’ for ‘85 per-
21 cent’;

22 “(iv) apply section 786(a)(1)(B)(v) by
23 substituting ‘100 percent’ for ‘80 percent’;

24 “(v) apply section 786(b)(1)(B)(ii) by
25 substituting ‘0 percent’ for ‘5 percent’;

1 “(vi) apply section 786(b)(1)(B)(iii)
2 by substituting ‘0 percent’ for ‘10 percent’;

3 “(vii) apply section 786(b)(1)(B)(iv)
4 by substituting ‘0 percent’ for ‘15 percent’;
5 and

6 “(viii) apply section 786(b)(1)(B)(v)
7 by substituting ‘0 percent’ for ‘20 percent’.

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

13 “(A) the award year for which the deter-
14 mination of the State’s eligibility for such relief
15 is made;

16 “(B) the award year succeeding the award
17 year described in subparagraph (A); or

18 “(C) both such award years.

19 “(c) STATE ELIGIBILITY.—A State’s eligibility for re-
20 lief under this section shall be determined as follows:

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

23 “(A) the State is in an elevated unemploy-
24 ment period at any point in the fiscal year; and

1 “(B) the State is not eligible for relief
2 under any other tier.

3 “(2) TIER II.—A State shall be eligible for re-
4 lief under tier II for a fiscal or award year, as appli-
5 cable, for which—

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

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

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

16 “(3) TIER III.—A State shall be eligible for re-
17 lief under tier III for a fiscal or award year, as ap-
18 plicable, for which—

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

23 “(ii) the national average unemployment
24 rate is equal to or greater than 7.5 percent but

1 less than 8.5 percent at any point in the fiscal
2 or award year; and

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

5 “(4) TIER IV.—A State shall be eligible for re-
6 lief under tier IV for a fiscal or award year, as ap-
7 plicable, for which—

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

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

16 “(B) the State is not eligible for relief
17 under tier V.

18 “(5) TIER V.—A State shall be eligible for relief
19 under tier V for a fiscal or award year, as applica-
20 ble, for which—

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

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

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

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

13 “(A) if the State requests such relief for
14 the fiscal year for which the determination of
15 the State’s eligibility for such relief is made, the
16 amount by which the State is unable to meet
17 the requirements of section 788(e) for such fis-
18 cal year; and

19 “(B) if the State requests such relief for
20 the fiscal year succeeding the year described in
21 subparagraph (A), the amount by which the
22 State anticipates being unable to meet such re-
23 quirements for such succeeding fiscal year.

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

4 “(A) if the State requests such relief for
5 the award year for which the determination of
6 the State’s eligibility for such relief is made, the
7 extent to which the State is unable to meet the
8 requirements of section 786(b)(1)(B) for such
9 award year; and

10 “(B) if the State requests such relief for
11 the award year succeeding the year described in
12 subparagraph (A), the extent to which the State
13 anticipates being unable to meet such require-
14 ments for such succeeding award year.

15 “(3) The actual or anticipated timing, severity,
16 and duration of the unemployment rate increase
17 during—

18 “(A) the fiscal or award year, as applica-
19 ble, for which the determination of the State’s
20 eligibility for such relief is made;

21 “(B) the fiscal or award year, as applica-
22 ble, succeeding the fiscal or award year de-
23 scribed in subparagraph (A); and

1 “(C) the fiscal or award year, as applica-
2 ble, preceding the fiscal or award year described
3 in subparagraph (A).

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

6 “(e) CONTINUED PAYMENT TO EMPLOYEES.—A
7 State that receives relief under subsection (a) or (b) shall,
8 to the greatest extent practicable, continue to pay its em-
9 ployees of, and contractors with, public institutions of
10 higher education in the State during the period in which
11 the State is receiving such relief.

12 “(f) DEFINITIONS.—In this section:

13 “(1) ELEVATED UNEMPLOYMENT PERIOD.—
14 The term ‘elevated unemployment period’—

15 “(A) when used with respect to the Nation
16 as a whole, means a consecutive, 3-month pe-
17 riod in a fiscal year for which the national aver-
18 age unemployment rate is not less than 0.5 per-
19 centage points above the lowest national aver-
20 age unemployment rate for the 12-month period
21 preceding such 3-month period; and

22 “(B) when used with respect to a State,
23 means a consecutive, 3-month period in a fiscal
24 year in which the State average unemployment
25 rate is not less than 0.5 percentage points

1 above the lowest State average unemployment
2 rate for such State for the 12-month period
3 preceding such 3-month period.

4 “(2) QUALIFYING SPENDING REQUIREMENT.—
5 The term ‘qualifying spending requirement’, when
6 used with respect to determining whether a State
7 has met such requirement, means the State has not
8 disproportionately decreased spending for any of the
9 categories described in paragraphs (1) through (3)
10 of section 788(c) relative to such State’s overall de-
11 crease in spending averaged over the 3 consecutive
12 preceding fiscal years.

13 “(3) NATIONAL AVERAGE UNEMPLOYMENT
14 RATE.—The term ‘national average unemployment
15 rate’ means the average (seasonally adjusted) rate of
16 total unemployment in all States for a consecutive,
17 3-month period in a fiscal year, based on data from
18 the Bureau of Labor Statistics of the Department of
19 Labor.

20 “(4) STATE AVERAGE UNEMPLOYMENT RATE.—
21 The term ‘State average unemployment rate’ means
22 the average (seasonally adjusted) rate of total unem-
23 ployment in a State for a consecutive, 3-month pe-
24 riod in a fiscal year, based on data from the Bureau
25 of Labor Statistics of the Department of Labor.

1 **“SEC. 791. DEFINITIONS.**

2 “In this subpart:

3 “(1) CAREER PATHWAY.—The term ‘career
4 pathway’ has the meaning given the term in section
5 3 of the Workforce Innovation and Opportunity Act
6 (29 U.S.C. 3102).

7 “(2) COMMUNITY COLLEGE.—The term ‘com-
8 munity college’ means—

9 “(A) a degree-granting public institution of
10 higher education at which—

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

13 “(ii) an associate degree is the pre-
14 dominant degree awarded;

15 “(B) an eligible Tribal College or Univer-
16 sity;

17 “(C) a degree-granting branch campus of a
18 4-year public institution of higher education, if,
19 at such branch campus—

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

22 “(ii) an associate degree is the pre-
23 dominant degree awarded; or

24 “(D) at the designation of the Secretary,
25 in the case of a State that does not operate or
26 control any institution that meets a definition

1 under subparagraph (A) or (C), a college or
2 similarly defined and structured academic enti-
3 ty—

4 “(i) that was in existence on July 1,
5 2021;

6 “(ii) within a 4-year public institution
7 of higher education; and

8 “(iii) at which—

9 “(I) the highest degree awarded
10 is an associate degree; or

11 “(II) an associate degree is the
12 predominant degree awarded.

13 “(3) DUAL OR CONCURRENT ENROLLMENT
14 PROGRAM.—The term ‘dual or concurrent enrollment
15 program’ has the meaning given the term in section
16 8101 of the Elementary and Secondary Education
17 Act of 1965.

18 “(4) EARLY COLLEGE HIGH SCHOOL.—The
19 term ‘early college high school’ has the meaning
20 given the term in section 8101 of the Elementary
21 and Secondary Education Act of 1965.

22 “(5) ELIGIBLE STUDENT.—The term ‘eligible
23 student’ means a student who—

24 “(A) is enrolled as an undergraduate stu-
25 dent in an eligible program (as defined in sec-

1 tion 481(b)) at a community college on not less
2 than a half-time basis;

3 “(B) in the case of a student who is en-
4 rolled in a community college that charges dif-
5 ferent tuition rates on the basis of in-State or
6 in-district residency, either—

7 “(i) qualifies for in-State or in-district
8 resident tuition at such community college;
9 or

10 “(ii) would qualify for such in-State
11 or in-district resident tuition at such com-
12 munity college, but for the immigration
13 status of such student;

14 “(C) has not been enrolled (whether full-
15 time or less than full-time) for more than 6 se-
16 mesters (or the equivalent) for which the com-
17 munity college tuition and fees of the student
18 were set to \$0 pursuant to section 788(a);

19 “(D) is not enrolled in a dual or concur-
20 rent enrollment program or early college high
21 school; and

22 “(E) in the case of a student who is a
23 United States citizen, has filed a Free Applica-
24 tion for Federal Student Aid described in sec-

1 tion 483 for the applicable award year for
2 which the student is enrolled.

3 “(6) ELIGIBLE TRIBAL COLLEGE OR UNIVER-
4 SITY.—The term ‘eligible Tribal College or Univer-
5 sity’ means—

6 “(A) a 2-year Tribal College or University;
7 or

8 “(B) a degree-granting Tribal College or
9 University—

10 “(i) at which the highest degree
11 awarded is an associate degree; or

12 “(ii) an associate degree is the pre-
13 dominant degree awarded.

14 “(7) INSTITUTION OF HIGHER EDUCATION.—
15 The term ‘institution of higher education’ has the
16 meaning given the term in section 101.

17 “(8) MEANS-TESTED FEDERAL BENEFIT PRO-
18 GRAM.—The term ‘means-tested Federal benefit pro-
19 gram’ has the meaning given the term in section
20 479.

21 “(9) RECOGNIZED POSTSECONDARY CREDEN-
22 TIAL.—The term ‘recognized postsecondary creden-
23 tial’ has the meaning given the term in section 3 of
24 the Workforce Innovation and Opportunity Act (29
25 U.S.C. 3102).

1 “(10) STATE FISCAL SUPPORT FOR HIGHER
2 EDUCATION.—

3 “(A) INCLUSIONS.—

4 “(i) IN GENERAL.—Except as pro-
5 vided in subparagraph (B), the term ‘State
6 fiscal support for higher education’, used
7 with respect to a State for a fiscal year,
8 means an amount that is equal to—

9 “(I) the gross amount of applica-
10 ble State funds appropriated or dedi-
11 cated, and expended by the State, in-
12 cluding funds from lottery receipts, in
13 the fiscal year, that are used to sup-
14 port institutions of higher education
15 and student financial aid for higher
16 education in the State; and

17 “(II) any funds described in
18 clause (ii), if applicable.

19 “(ii) LOCAL FUNDS.—In the case of a
20 State that includes, as part of the State
21 share under section 786(b)(2)(B) for an
22 award year, funds provided to community
23 colleges by local governments in such State
24 for the purpose of carrying out this sub-
25 part, local funds provided to community

1 colleges operated or controlled by such
2 State for operating expenses (excluding
3 capital expenses and research and develop-
4 ment costs) shall be included in the cal-
5 culation of the State fiscal support for
6 higher education for such award year
7 under clause (i).

8 “(B) EXCLUSIONS.—State fiscal support
9 for higher education for a State for a fiscal
10 year shall not include—

11 “(i) funds described in subparagraph
12 (A) that are returned to the State;

13 “(ii) State-appropriated funds derived
14 from Federal sources, including funds pro-
15 vided under section 786(a) and section
16 795A(a)(2);

17 “(iii) funds that are included in the
18 State share under section 786(b), including
19 funds included in the State share in ac-
20 cordance with paragraph (2)(A) of such
21 section;

22 “(iv) amounts that are portions of
23 multiyear appropriations to be distributed
24 over multiple years that are not to be
25 spent for the year for which the calculation

1 under this paragraph is being made, sub-
2 ject to subparagraph (C);

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

7 “(vi) funds for—

8 “(I) financial aid to students at-
9 tending, or operating expenses of—

10 “(aa) out-of-State institu-
11 tions of higher education;

12 “(bb) proprietary institu-
13 tions of higher education (as de-
14 fined in section 102(b));

15 “(cc) institutions of higher
16 education not accredited by an
17 agency or association recognized
18 by the Secretary pursuant to sec-
19 tion 496;

20 “(II) financial aid to students
21 awarded predominantly on the basis
22 of merit, including programs awarded
23 on the basis of predicted or actual
24 academic performance or assessments;

1 “(III) research and development;

2 or

3 “(IV) hospitals, athletics, or

4 other auxiliary enterprises;

5 “(vii) corporate or other private dona-

6 tions directed to one or more institutions

7 of higher education permitted to be ex-

8 pended by the State; or

9 “(viii) any other funds that the Sec-

10 retary determines shall not be included in

11 the calculation of State fiscal support for

12 higher education for such State.

13 “(C) ADJUSTMENTS FOR BIENNIAL APPRO-

14 PRIATIONS.—The Secretary shall take into con-

15 sideration any adjustments to the calculations

16 under this paragraph that may be required to

17 accurately reflect State fiscal support for higher

18 education in States with biennial appropriation

19 cycles.

20 “(11) STATE FISCAL SUPPORT FOR HIGHER

21 EDUCATION PER FULL-TIME EQUIVALENT STU-

22 DENT.—The term ‘State fiscal support for higher

23 education per full-time equivalent student’, when

24 used with respect to a State for a fiscal year, means

25 the amount that is equal to—

1 “(A) the State fiscal support for higher
2 education for the previous fiscal year; divided
3 by

4 “(B) the number of full-time equivalent
5 students enrolled in public institutions of higher
6 education in such State for such previous fiscal
7 year.

8 “(12) TRIBAL COLLEGE OR UNIVERSITY.—The
9 term ‘Tribal College or University’ has the meaning
10 given such term in section 316(b)(3).

11 **“SEC. 792. SUNSET.**

12 “(a) IN GENERAL.—The authority to make grants
13 under this subpart shall expire at the end of award year
14 2027–2028.

15 “(b) INAPPLICABILITY OF GEPA CONTINGENT EX-
16 TENSION OF PROGRAMS.—Section 422 of the General
17 Education Provisions Act (20 U.S.C. 1226a) shall not
18 apply to this subpart.

19 **“SEC. 793. APPROPRIATION.**

20 “‘In addition to amounts otherwise available, there is
21 appropriated for fiscal year 2022, out of any money in
22 the Treasury not otherwise appropriated, such sums as
23 may be necessary, to remain available until September 30,
24 2030, for carrying out this subpart.’”.

1 **SEC. 20022. RETENTION AND COMPLETION GRANTS.**

2 Part F of title VII of the Higher Education Act of
3 1965 (20 U.S.C. 1133 et seq.), as added by section 20021,
4 is further amended by adding at the end the following:

5 **“Subpart 2—Retention and Completion Grants**

6 **“SEC. 795. RETENTION AND COMPLETION GRANTS.**

7 “Beginning with award year 2023–2024, from
8 amounts appropriated to carry out this subpart for any
9 fiscal year, the Secretary shall carry out a grant program
10 to make grants (which shall be known as ‘retention and
11 completion grants’) to eligible States and Tribal Colleges
12 and Universities to enable the eligible States and Tribal
13 Colleges and Universities to carry out the activities de-
14 scribed in section 795D.

15 **“SEC. 795A. GRANT AMOUNTS.**

16 “(a) RESERVATION.—From the amounts appro-
17 priated to carry out this subpart, the Secretary shall—

18 “(1) reserve an amount equal to 3 percent of
19 such amounts to allocate grants to Tribal Colleges
20 and Universities, which shall be distributed accord-
21 ing to the formula in section 316(d)(3)(B), to carry
22 out the activities described in section 795D(b)(1)
23 and implement reforms or practices that meet an
24 evidence tier defined in section 795E(2); and

25 “(2) use the amount remaining after the alloca-
26 tion under paragraph (1) to award competitive

1 grants to eligible States that have submitted applica-
2 tions under section 795B.

3 “(b) SUPPLEMENT, NOT SUPPLANT.—Grant funds
4 awarded under this subpart shall be used to supplement,
5 and not supplant, other Federal, State, tribal, and local
6 funds that would otherwise be expended to carry out ac-
7 tivities assisted under this subpart.

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

11 **“SEC. 795B. APPLICATIONS.**

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

15 “(1) a description of—

16 “(A) how the eligible State will use the
17 funds to implement evidence-based institutional
18 reforms or practices at institutions of higher
19 education in such State to improve student out-
20 comes and meet the requirements of section
21 795D(b)(2), including—

22 “(i) how such eligible State will use
23 grant funds to implement 1 or more re-
24 forms or practices described in section
25 795D(b)(1) at such institutions;

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

5 “(iii) annual implementation bench-
6 marks that the eligible State will use to
7 track progress in implementing such re-
8 forms or practices;

9 “(B) how such eligible State will increase
10 support for the public institutions of higher
11 education identified in accordance with para-
12 graph (2)(B); and

13 “(C) the improvements the eligible State
14 anticipates in student outcomes, including im-
15 provements in retention, completion, or transfer
16 rates or labor market outcomes, or a combina-
17 tion of such student outcomes, disaggregated by
18 student demographics including, at a minimum,
19 race, ethnicity, income, disability status, reme-
20 diation, and status as a first generation college
21 student;

22 “(2)(A) with respect to each State public insti-
23 tution of higher education—

24 “(i) the total per-student funding;

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

3 “(iii) the share of students at the institu-
4 tion who are students of color, low-income stu-
5 dents, students with disabilities, students in
6 need of remediation, or first generation college
7 students; and

8 “(B) an identification of public institutions
9 of higher education in the eligible State that re-
10 ceived less funding on a per-student basis as
11 described in clause (i) or (ii), or both, of sub-
12 paragraph (A), and are serving disproportion-
13 ately high shares of students of color, low-in-
14 come students, students with disabilities, stu-
15 dents in need of remediation, or first generation
16 college students;

17 “(3) a description of the steps the eligible State
18 will take to ensure the sustainability of the institu-
19 tional reforms or practices identified in paragraph
20 (1)(A); and

21 “(4) a description of how the eligible State will
22 evaluate the effectiveness of activities funded under
23 this subpart, including how such eligible State will
24 assess impacts on student outcomes, including reten-

1 tion, transfer, and completion rates and labor mar-
2 ket outcomes.

3 “(b) PRIORITIES.—In awarding funds under this sub-
4 part, the Secretary shall give priority to eligible States
5 that do one or more of the following:

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

9 “(2) Propose to use a significant share of grant
10 funds to improve retention, transfer, and completion
11 rates and labor market outcomes among students of
12 color, low-income students, students with disabilities,
13 students in need of remediation, first generation col-
14 lege students, and other underserved student popu-
15 lations in such State.

16 “(3) Propose to use a significant share of grant
17 funds to improve retention, transfer, and completion
18 rates and labor market outcomes among students at-
19 tending institutions identified in subsection
20 (a)(2)(B).

21 “(4) Demonstrate a commitment to supporting
22 activities funded under this subpart with non-Fed-
23 eral funds.

1 **“SEC. 795C. PROGRAM REQUIREMENTS.**

2 “(a) IN GENERAL.—As a condition of continuing to
3 receive funds under this subpart, for each year in which
4 an eligible State participates in the program under this
5 subpart, the eligible State shall submit to the Secretary
6 the eligible State’s progress—

7 “(1) in meeting the annual implementation
8 benchmarks included in the application of such eligi-
9 ble State under section 795B(a)(1)(A)(iii);

10 “(2) in increasing funding for the public insti-
11 tutions of higher education identified in accordance
12 with section 795B(a)(2)(B), as included in the appli-
13 cation of such eligible State under section
14 795B(a)(1)(B); and

15 “(3) in improving the student outcomes identi-
16 fied by the State under section 795B(a)(1)(C).

17 “(b) ELIGIBILITY FOR BENEFITS.—No individual
18 shall be determined to be ineligible to receive benefits pro-
19 vided under this subpart (including services and other aid
20 provided under this subpart) on the basis of citizenship,
21 alienage, or immigration status.

22 **“SEC. 795D. USES OF FUNDS.**

23 “(a) GENERAL REQUIREMENT FOR STATES.—Except
24 as provided in subsection (c), an eligible State shall use
25 a grant under this subpart only to carry out activities de-

1 scribed in the application for such year under section
2 795B(a)(1).

3 “(b) EVIDENCE-BASED INSTITUTIONAL REFORMS OR
4 PRACTICES.—

5 “(1) IN GENERAL.—An eligible State or Tribal
6 College or University receiving a grant under this
7 subpart shall, directly or in collaboration with insti-
8 tutions of higher education and other non-profit or-
9 ganizations, use the grant funds to implement one or
10 more of the following evidence-based institutional re-
11 forms or practices:

12 “(A) Providing comprehensive academic,
13 career, and student support services, including
14 mentoring, advising, case management services,
15 or career pathway navigation.

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

20 “(C) Providing emergency financial aid
21 grants to students for unexpected expenses and
22 to meet basic needs.

23 “(D) Providing accelerated learning oppor-
24 tunities, including dual or concurrent enroll-
25 ment programs and early college high school

1 programs, and pathways to graduate and pro-
2 fessional degree programs, and reforming
3 course scheduling and credit awarding policies.

4 “(E) Reforming remedial and develop-
5 mental education.

6 “(F) Utilizing career pathways, including
7 through building capacity for career and tech-
8 nical education as defined in section 3 of the
9 Carl D. Perkins Career and Technical Edu-
10 cation Act of 2006 (20 U.S.C. 2302), programs
11 of study as defined in such section, or degree
12 pathways.

13 “(G) Improving transfer pathways between
14 community colleges and four-year institutions of
15 higher education in the eligible State, or, in the
16 case of a Tribal College or University, between
17 the Tribal College or University and other insti-
18 tutions of higher education.

19 “(2) STATE ALLOCATION MINIMUMS WITH RE-
20 SPECT TO EVIDENCE TIERS.—An eligible State re-
21 ceiving a grant under this subpart shall use not less
22 than 30 percent of the grant funds for evidence-
23 based reforms or practices that meet an evidence
24 tier defined in section 795E(2), of which at least

1 two-thirds shall be used for evidence-based reforms
2 or practices that meet evidence tier 1.

3 “(c) USE OF FUNDS FOR ADMINISTRATIVE PUR-
4 POSES.—An eligible State or Tribal College or University
5 that receives a grant under this subpart may use—

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

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

12 **“SEC. 795E. DEFINITIONS.**

13 “In this subpart:

14 “(1) ELIGIBLE STATE.—The term ‘eligible
15 State’ means a State that is a recipient of a grant
16 under subpart 1.

17 “(2) EVIDENCE TIERS.—

18 “(A) EVIDENCE TIER 1.—The term ‘evi-
19 dence tier 1’, when used with respect to a re-
20 form or practice, means a reform or practice
21 that meets the criteria for receiving an expan-
22 sion grant from the education innovation and
23 research program under section 4611 of the El-
24 elementary and Secondary Education Act of 1965

1 (20 U.S.C. 7261), as determined by the Sec-
2 retary in accordance with such section.

3 “(B) EVIDENCE TIER 2.—The term ‘evi-
4 dence tier 2’, when used with respect to a re-
5 form or practice, means a reform that meets
6 the criteria for receiving a mid-phase grant
7 from the education innovation and research pro-
8 gram under section 4611 of the Elementary
9 and Secondary Education Act of 1965 (20
10 U.S.C. 7261), as determined by the Secretary
11 in accordance with such section.

12 “(3) FIRST GENERATION COLLEGE STUDENT.—
13 The term ‘first generation college student’ has the
14 meaning given the term in section 402A(h).

15 “(4) INSTITUTION OF HIGHER EDUCATION.—
16 The term ‘institution of higher education’ has the
17 meaning given the term in section 101.

18 “(5) TRIBAL COLLEGE OR UNIVERSITY.—The
19 term ‘Tribal College or University’ has the meaning
20 given the term in section 316(b)(3).

21 **“SEC. 795F. SUNSET.**

22 “(a) IN GENERAL.—The authority to make grants
23 under this subpart shall expire at the end of award year
24 2029–2030.

1 “(b) INAPPLICABILITY OF GEPA CONTINGENT EX-
2 TENSION OF PROGRAMS.—Section 422 of the General
3 Education Provisions Act (20 U.S.C. 1226a) shall not
4 apply to this subpart.

5 **“SEC. 795G. APPROPRIATION.**

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

11 **SEC. 20023. TUITION ASSISTANCE FOR STUDENTS AT HIS-**
12 **TORICALLY BLACK COLLEGES AND UNIVER-**
13 **SITIES, TRIBAL COLLEGES AND UNIVER-**
14 **SITIES, AND MINORITY-SERVING INSTITU-**
15 **TIONS.**

16 Part F of title VII of the Higher Education Act of
17 1965 (20 U.S.C. 1133 et seq.), as added and amended
18 by this Act, is further amended by adding at the end the
19 following:

1 **“Subpart 3—Tuition Assistance for Students at His-**
2 **torically Black Colleges and Universities, Tribal**
3 **Colleges and Universities, and Minority-serving**
4 **Institutions**

5 **“SEC. 796. TUITION ASSISTANCE FOR HISTORICALLY BLACK**
6 **COLLEGES AND UNIVERSITIES.**

7 “Beginning with award year 2023–2024, from
8 amounts appropriated to carry out this subpart for any
9 fiscal year, the Secretary shall award grants to partici-
10 pating historically Black colleges and universities that are
11 eligible institutions.

12 **“SEC. 796A. TUITION ASSISTANCE FOR TRIBAL COLLEGES**
13 **AND UNIVERSITIES.**

14 “Beginning with award year 2023–2024, from
15 amounts appropriated to carry out this subpart for any
16 fiscal year, the Secretary shall award grants to partici-
17 pating Tribal Colleges and Universities that are eligible
18 institutions.

1 **“SEC. 796B. TUITION ASSISTANCE FOR ALASKA NATIVE-**
2 **SERVING INSTITUTIONS, ASIAN AMERICAN**
3 **AND NATIVE AMERICAN PACIFIC ISLANDER-**
4 **SERVING INSTITUTIONS, HISPANIC-SERVING**
5 **INSTITUTIONS, NATIVE AMERICAN-SERVING**
6 **NONTRIBAL INSTITUTIONS, NATIVE HAWAI-**
7 **IAN-SERVING INSTITUTIONS, AND PREDOMI-**
8 **NANTLY BLACK INSTITUTIONS.**

9 “(a) IN GENERAL.—Beginning with award year
10 2023–2024, from amounts appropriated to carry out this
11 subpart for any fiscal year, the Secretary shall award
12 grants to participating Alaska Native-serving institutions,
13 Asian American and Native American Pacific Islander-
14 serving institutions, Hispanic-serving institutions, Native
15 American-serving nontribal institutions, Native Hawaiian-
16 serving institutions, and Predominantly Black institutions
17 that are eligible institutions.

18 “(b) STATUS OF INSTITUTION.—An institution’s sta-
19 tus as an eligible institution described in subsection (a)
20 shall—

21 “(1) be based on the most recent data available;
22 and

23 “(2) be reviewed annually to ensure that the in-
24 stitution continues to meet the requirements for sta-
25 tus as an institution described in subsection (a).

1 **“SEC. 796C. GRANT TERMS.**

2 “(a) GRANT AMOUNT.—

3 “(1) IN GENERAL.—For each year for which an
4 eligible institution participates in the grant program
5 under this subpart, such eligible institution shall re-
6 ceive a grant in an amount equal to the product
7 of—

8 “(A) the number of eligible students en-
9 rolled at the institution for such year; and

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

15 “(ii) for the 2024–2025 award year and
16 each subsequent award year, the amount deter-
17 mined under this subparagraph for the pre-
18 ceding award year, increased by the lesser of—

19 “(I) a percentage equal to the esti-
20 mated percentage increase in the Con-
21 sumer Price Index (as determined by the
22 Secretary) since the date of such deter-
23 mination; or

24 “(II) 3 percent.

25 “(2) FIRST-YEAR TUITION AND FEES.—As a
26 condition of receiving a grant under this subpart, an

1 eligible institution shall not increase tuition and fees
2 during the first year of participation in the grant
3 program under this subpart at a rate greater than
4 the average annual increase at the eligible institution
5 in the previous 5 years.

6 “(3) STUDENTS ENROLLED LESS THAN FULL-
7 TIME.—The Secretary shall develop and implement a
8 formula for making adjustments to grant amounts
9 under this subpart based on the number of eligible
10 students at each eligible institution enrolled less
11 than full-time and the associated tuition and fees
12 charged to such students in proportion to the degree
13 to which each such student is not attending on a
14 full-time basis.

15 “(4) DATA ADJUSTMENTS.—

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

20 “(i) provides the necessary eligible
21 student enrollment data at the start of the
22 award year; and

23 “(ii) initially receives grant funds, as
24 calculated under this subsection, based on
25 such data.

1 “(B) ADJUSTMENT OF GRANT AMOUNT.—

2 For each year for which an eligible institution
3 receives a grant under this subpart, the Sec-
4 retary shall, once final enrollment data for such
5 year are available—

6 “(i) in consultation with the eligible
7 institution concerned, determine the actual
8 number of eligible students for the year
9 covered by the grant; and

10 “(ii) adjust the grant amount received
11 by the eligible institution to reflect the ac-
12 tual number of eligible students, which
13 may include applying the relevant adjust-
14 ment to such grant amount in the subse-
15 quent award year.

16 “(b) DUPLICATE GRANTS PROHIBITED.—An institu-
17 tion shall not receive more than one grant at a time under
18 this subpart.

19 “(c) APPLICATION.—An eligible institution that de-
20 sires a grant under this subpart shall submit an applica-
21 tion to the Secretary that includes—

22 “(1) an assurance that the institution commits
23 to maintaining, expanding, or adopting and imple-
24 menting evidence-based institutional reforms or
25 practices to improve student outcomes, which shall

1 include one or more of the practices described in sec-
2 tion 795D(b)(1); and

3 “(2) in the case of an eligible institution that
4 enrolls students who transfer from another institu-
5 tion, an assurance that the institution—

6 “(A) commits to increasing the transfer-
7 ability of individual courses within certificate or
8 associate programs offered by community col-
9 leges in the State to related baccalaureate pro-
10 grams offered by such institution to maximize
11 the transferability of credits for students who
12 transfer before completing an associate degree;

13 “(B) will ensure that students attending
14 community colleges in the State have access to
15 comprehensive counseling and other easily ac-
16 cessible tools regarding the process for transfer-
17 ring to such institution; and

18 “(C) has a formal, statewide articulation
19 agreement with community colleges in the State
20 in which such institution operates that, at a
21 minimum, ensures that associate degrees
22 awarded by community colleges in the State are
23 fully transferable to, and credited as, the first
24 2 years of related baccalaureate programs at
25 such institution.

1 “(d) USE OF FUNDS.—

2 “(1) REQUIRED USE.—Funds awarded under
3 this subpart to a participating eligible institution
4 shall be used to reduce tuition and fees for eligible
5 students by an amount that is not less than the min-
6 imum per-student amount described in paragraph
7 (2), unless the actual cost of tuition and fees at such
8 institution is not more than such per-student
9 amount, in which case such institution shall use
10 such funds to waive all such tuition and fees charged
11 to such students and use any remaining funds in ac-
12 cordance with paragraph (3).

13 “(2) MINIMUM PER-STUDENT AMOUNT.—The
14 minimum per-student amount described in this para-
15 graph shall be equal to—

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

21 “(B) for the 2024–2025 award year and
22 each subsequent award year, the amount deter-
23 mined under this paragraph for the preceding
24 award year, increased by the lesser of—

1 “(i) a percentage equal to the esti-
2 mated percentage increase in the Con-
3 sumer Price Index (as determined by the
4 Secretary) since the date of such deter-
5 mination; or

6 “(ii) 3 percent.

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

14 “(e) SUPPLEMENT, NOT SUPPLANT.—Funds made
15 available to carry out this subpart shall be used to supple-
16 ment, and not supplant, other Federal, State, tribal, and
17 local funds that would otherwise be expended to carry out
18 activities under this subpart.

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

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

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

12 “(g) ELIGIBILITY FOR BENEFITS.—No individual
13 shall be determined to be ineligible to receive benefits pro-
14 vided under this subpart (including reduction of tuition
15 and fees and other aid provided under this subpart) on
16 the basis of citizenship, alienage, or immigration status.

17 **“SEC. 796D. DEFINITIONS.**

18 “‘In this subpart:

19 “(1) ALASKA NATIVE-SERVING INSTITUTION.—
20 The term ‘Alaska Native-serving institution’ has the
21 meaning given such term in section 317(b).

22 “(2) ASIAN AMERICAN AND NATIVE AMERICAN
23 PACIFIC ISLANDER-SERVING INSTITUTION.—The
24 term ‘Asian American and Native American Pacific

1 Islander-serving institution’ has the meaning given
2 such term in section 371(c).

3 “(3) COST OF ATTENDANCE.—The term ‘cost of
4 attendance’ has the meaning given such term in sec-
5 tion 472.

6 “(4) ELIGIBLE INSTITUTION.—

7 “(A) IN GENERAL.—The term ‘eligible in-
8 stitution’ means a public or nonprofit 4-year in-
9 stitution of higher education that has an under-
10 graduate student body of which not less than
11 35 percent are low-income students.

12 “(B) CONTINUING ELIGIBILITY.—The Sec-
13 retary’s determination of whether an institution
14 meets the requirement under subparagraph (A)
15 shall be based on the most recent data avail-
16 able, and shall be reviewed annually to ensure
17 that the institution continues to meet the re-
18 quirements for participation.

19 “(5) ELIGIBLE STUDENT.—

20 “(A) IN GENERAL.—The term ‘eligible stu-
21 dent’ means a student, regardless of age, who—

22 “(i) is enrolled as an undergraduate
23 student in an eligible program (as defined
24 in section 481(b)) at a participating eligi-

1 ble institution, on at least a half-time
2 basis;

3 “(ii) is a low-income student;

4 “(iii) has been enrolled at such par-
5 ticipating eligible institution under this
6 subpart for not more than 60 credits, sub-
7 ject to section 796C(f);

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

13 “(v) is not enrolled in a dual or con-
14 current enrollment program or early col-
15 lege high school;

16 “(vi) has not completed an under-
17 graduate baccalaureate course of study;
18 and

19 “(vii) in the case of a student who is
20 a United States citizen, has filed a Free
21 Application for Federal Student Aid de-
22 scribed in section 483 for the applicable
23 award year for which the student is en-
24 rolled.

1 “(B) CONTINUED ELIGIBILITY.—In the
2 case of an eligible student who receives assist-
3 ance under this subpart and attends an institu-
4 tion that loses status as an eligible institution
5 or as an institution described in section
6 796B(a), the student may continue to receive
7 such assistance for the period for which the stu-
8 dent would have been eligible if the institution
9 at which they are enrolled had retained such
10 status.

11 “(6) HISPANIC-SERVING INSTITUTION.—The
12 term ‘Hispanic-serving institution’ has the meaning
13 given such term in section 502.

14 “(7) HISTORICALLY BLACK COLLEGE OR UNI-
15 VERSITY.—The term ‘historically Black college or
16 university’ means a part B institution as defined in
17 section 322.

18 “(8) LOW-INCOME STUDENT.—The term ‘low-
19 income student’ means a student who meets the fi-
20 nancial eligibility criteria for receiving a Federal Pell
21 Grant under section 401, regardless of whether such
22 student is otherwise eligible to receive such Federal
23 Pell Grant.

24 “(9) NATIVE AMERICAN-SERVING NONTRIBAL
25 INSTITUTION.—The term ‘Native American-serving

1 nontribal institution’ has the meaning given such
2 term in section 319.

3 “(10) NATIVE HAWAIIAN-SERVING INSTITU-
4 TION.—The term ‘Native Hawaiian-serving institu-
5 tion’ has the meaning given such term in section
6 317(b).

7 “(11) PREDOMINANTLY BLACK INSTITUTION.—
8 The term ‘Predominantly Black institution’ has the
9 meaning given such term in section 371(c).

10 “(12) TRIBAL COLLEGE OR UNIVERSITY.—The
11 term ‘Tribal College or University’ has the meaning
12 given such term in section 316(b)(3).

13 **“SEC. 796E. SUNSET.**

14 “(a) IN GENERAL.—The authority to make grants
15 under this subpart shall expire at the end of award year
16 2029–2030.

17 “(b) INAPPLICABILITY OF GEPA CONTINGENT EX-
18 TENSION OF PROGRAMS.—Section 422 of the General
19 Education Provisions Act (20 U.S.C. 1226a) shall not
20 apply to this subpart.

21 **“SEC. 796F. APPROPRIATION.**

22 “In addition to amounts otherwise available, there is
23 appropriated for fiscal year 2022, out of any money in
24 the Treasury not otherwise appropriated, such sums as

1 may be necessary, to remain available until September 30,
2 2030, for carrying out this subpart.”.

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

6 Part F of title VII of the Higher Education Act of
7 1965 (20 U.S.C. 1133 et seq.), as added and amended
8 by this Act, is further amended by adding at the end the
9 following:

10 **“SEC. 798. NORTHERN MARIANA ISLANDS, AMERICAN**
11 **SAMOA, UNITED STATES VIRGIN ISLANDS,**
12 **AND GUAM COLLEGE ACCESS GRANTS.**

13 “(a) GRANTS.—

14 “(1) GRANT AMOUNTS.—

15 “(A) IN GENERAL.—Beginning with award
16 year 2023–2024, from amounts appropriated to
17 carry out this section, the Secretary shall pro-
18 vide such sums as may be necessary to the Gov-
19 ernors of each outlying area for such Governors
20 to award grants to eligible institutions that en-
21 roll eligible students to pay the difference be-
22 tween the tuition and fees charged for in-State
23 students and the tuition and fees charged for
24 out-of-State students on behalf of each eligible
25 student enrolled in the eligible institution.

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

4 “(i) not more than \$15,000 for any
5 one award year (as defined in section 481);
6 and

7 “(ii) not more than \$75,000 in the
8 aggregate.

9 “(C) PRORATION.—The Governor shall
10 prorate payments under this section with re-
11 spect to eligible students who attend an eligible
12 institution on less than a full-time basis.

13 “(2) APPLICATION.—Each eligible student de-
14 siring a payment under this section shall submit an
15 application to the eligible institution at which such
16 student is enrolled or plans to enroll.

17 “(3) ELIGIBILITY FOR BENEFITS.—No indi-
18 vidual shall be determined to be ineligible to receive
19 benefits provided under this subpart (including tui-
20 tion payments and other aid provided under this
21 subpart) on the basis of citizenship, alienage, or im-
22 migration status.

23 “(b) ADMINISTRATION OF PROGRAM.—

24 “(1) IN GENERAL.—Each Governor shall carry
25 out the program under this section in consultation

1 with the Secretary. Each Governor may enter into a
2 grant, contract, or cooperative agreement with an-
3 other public or private entity to administer the pro-
4 gram under this section.

5 “(2) MEMORANDUM OF AGREEMENT.—Each
6 Governor and the Secretary shall enter into a memo-
7 randum of agreement that describes—

8 “(A) the manner in which the Governor
9 will consult with the Secretary with respect to
10 administering the program under this section;
11 and

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

18 “(3) CONSTRUCTION.—Nothing in this section
19 shall be construed to require an institution of higher
20 education to alter the institution’s admissions poli-
21 cies or standards in any manner to enable an eligible
22 student to enroll in the institution.

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

1 “(c) INAPPLICABILITY OF GEPA CONTINGENT EX-
2 TENSION OF PROGRAMS.—Section 422 of the General
3 Education Provisions Act (20 U.S.C. 1226a) shall not
4 apply to this section.

5 “(d) DEFINITIONS.—In this section:

6 “(1) ELIGIBLE INSTITUTION.—The term ‘eligi-
7 ble institution’ means an institution that—

8 “(A) is a public four-year institution of
9 higher education located in one of the several
10 States of the United States, the District of Co-
11 lumbia, Puerto Rico, or an outlying area;

12 “(B) is eligible to participate in the stu-
13 dent financial assistance programs under title
14 IV; and

15 “(C) enters into an agreement with the
16 Governor of an outlying area, or with two or
17 more of such Governors (except that such insti-
18 tution may not enter into an agreement with
19 the Governor of the outlying area in which such
20 institution is located), containing such condi-
21 tions as each Governor may specify, including a
22 requirement that the institution use the funds
23 made available under this section to supplement
24 and not supplant assistance that otherwise

1 would be provided to eligible students from out-
2 lying areas.

3 “(2) ELIGIBLE STUDENT.—The term ‘eligible
4 student’ means an individual who—

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

9 “(B) has not completed an undergraduate
10 baccalaureate course of study;

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

19 “(i) graduation from secondary
20 school, or obtaining the recognized equiva-
21 lent of a secondary school diploma; or

22 “(ii) transfer from an institution of
23 higher education located in an outlying
24 area (including transfer following the com-

1 pletion of an associate degree or certificate
2 at such institution); and

3 “(D) is enrolled or accepted for enrollment,
4 on at least a half-time basis, in a baccalaureate
5 degree or other program (including a program
6 of study abroad approved for credit by the insti-
7 tution at which such student is enrolled) lead-
8 ing to a recognized educational credential at an
9 eligible institution.

10 “(3) INSTITUTION OF HIGHER EDUCATION.—
11 The term ‘institution of higher education’ has the
12 meaning given the term in section 101.

13 “(4) GOVERNOR.—The term ‘Governor’ means
14 the Governor of an outlying area.

15 “(5) OUTLYING AREA.—The term ‘outlying
16 area’ means the Northern Mariana Islands, Amer-
17 ican Samoa, the United States Virgin Islands, and
18 Guam.

19 “(e) APPROPRIATIONS.—In addition to amounts oth-
20 erwise available, there is appropriated for fiscal year 2022,
21 out of any money in the Treasury not otherwise appro-
22 priated, such sums as may be necessary, to remain avail-
23 able until September 30, 2030, for carrying out this sec-
24 tion.”.

1 **Subpart B—Pell Grants and Student Loans**

2 **SEC. 20031. INCREASING THE MAXIMUM FEDERAL PELL**
3 **GRANT.**

4 (a) AWARD YEAR 2022–2023.—Section 401(b)(7) of
5 the Higher Education Act of 1965 (20 U.S.C.
6 1070a(b)(7)) is amended—

7 (1) in subparagraph (A)(iii), by inserting “and
8 such sums as may be necessary for fiscal year 2022
9 to carry out the \$500 increase provided under sub-
10 paragraph (C)(iii)” before “; and”; and

11 (2) in subparagraph (C)(iii), by inserting before
12 the period at the end the following: “, except that,
13 for award year 2022–2023, such amount shall be in-
14 creased by \$500”.

15 (b) SUBSEQUENT AWARD YEARS THROUGH 2029–
16 2030.—

17 (1) IN GENERAL.—Section 401(b) of the High-
18 er Education Act of 1965 (20 U.S.C. 1070a(b)), as
19 amended by section 703 of the FAFSA Simplifica-
20 tion Act (title VII of division FF of Public Law
21 116–260), is amended—

22 (A) in paragraph (5)(A)—

23 (i) in clause (i), by striking “and”
24 after the semicolon;

25 (ii) by redesignating clause (ii) as
26 clause (iii); and

1 (iii) by inserting after clause (i) the
2 following:

3 “(ii) for each of award years 2023–
4 2024 through 2029–2030, an additional
5 \$500; and”; and

6 (B) in paragraph (6)(A)—

7 (i) in clause (i)—

8 (I) by striking “appropriated)
9 such” and inserting the following:

10 “appropriated)—

11 “(I) such”; and

12 (II) by adding at the end the fol-
13 lowing:

14 “(II) such sums as are necessary
15 to carry out paragraph (5)(A)(ii) for
16 each of fiscal years 2023 through
17 2029; and”; and

18 (ii) in clause (ii), by striking
19 “(5)(A)(ii)” and inserting “(5)(A)(iii)”.

20 (2) EFFECTIVE DATE.—The amendments made
21 by paragraph (1) shall take effect as if included in
22 section 703 of the FAFSA Simplification Act (title
23 VII of division FF of Public Law 116–260) and in
24 accordance with section 701(b) of such Act.

1 **SEC. 20032. FEDERAL STUDENT AID ELIGIBILITY.**

2 Section 484(a)(5) of the Higher Education Act of
3 1965 (20 U.S.C. 1091(a)(5)) is amended by inserting “,
4 or, with respect to any grant, loan, or work assistance re-
5 ceived under this title for award years 2022–2023 through
6 2029–2030, be subject to a grant of deferred enforced de-
7 parture or have deferred action pursuant to the Deferred
8 Action for Childhood Arrivals policy of the Secretary of
9 Homeland Security or temporary protected status under
10 section 244 of the Immigration and Nationality Act (8
11 U.S.C. 1254a)” after “becoming a citizen or permanent
12 resident”.

13 **SEC. 20033. ACTIVE DUTY DEFERMENT PERIODS COUNTED**
14 **TOWARD PUBLIC SERVICE LOAN FORGIVE-**
15 **NESS.**

16 Section 455(m) of the Higher Education Act of 1965
17 (20 U.S.C. 1087e(m)) is amended—

18 (1) by redesignating paragraphs (2) through
19 (4) as paragraphs (3) through (5), respectively; and

20 (2) in paragraph (1), in the matter preceding
21 subparagraph (A), by striking “paragraph (2)” and
22 inserting “paragraph (3)”; and

23 (3) by inserting after paragraph (1) the fol-
24 lowing:

25 “(2) ACTIVE DUTY DEFERMENT PERIODS.—

1 “(A) IN GENERAL.—Notwithstanding para-
2 graph(1)(A) and subject to subparagraph (B),
3 the Secretary shall deem each month for which
4 a loan payment was in deferment under sub-
5 section (f)(2) of this section or for which a loan
6 payment was in forbearance under section
7 685.205(a)(7) of title 34, Code of Federal Reg-
8 ulations, (or similar successor regulations), for
9 a borrower described in subsection (f)(2)(C) as
10 if the borrower of the loan had made a payment
11 for the purpose of public service loan forgive-
12 ness under this subsection.

13 “(B) LIMITATION.—Subparagraph (A)
14 shall apply only to eligible Federal Direct Loans
15 originated before the first day of fiscal year
16 2031.”.

17 **Subpart C—Investments in Historically Black Col-**
18 **leges and Universities, Tribal Colleges and Uni-**
19 **versities, and Minority-Serving Institutions**

20 **SEC. 20041. INSTITUTIONAL AID.**

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

1 (1) \$113,738,000, to remain available until
2 September 30, 2022, for carrying out section
3 371(b)(2)(B) of the Higher Education Act of 1965
4 (20 U.S.C. 1067q(b)(2)(B)) in fiscal year 2022;

5 (2) \$113,738,000, to remain available until
6 September 30, 2023, for carrying out section
7 371(b)(2)(B) of the Higher Education Act of 1965
8 (20 U.S.C. 1067q(b)(2)(B)) in fiscal year 2023;

9 (3) \$113,738,000, to remain available until
10 September 30, 2024, for carrying out section
11 371(b)(2)(B) of the Higher Education Act of 1965
12 (20 U.S.C. 1067q(b)(2)(B)) in fiscal year 2024;

13 (4) \$113,738,000, to remain available until
14 September 30, 2025, for carrying out section
15 371(b)(2)(B) of the Higher Education Act of 1965
16 (20 U.S.C. 1067q(b)(2)(B)) in fiscal year 2025;

17 (5) \$113,738,000, to remain available until
18 September 30, 2026, for carrying out section
19 371(b)(2)(B) of the Higher Education Act of 1965
20 (20 U.S.C. 1067q(b)(2)(B)) in fiscal year 2026;

21 (6) \$113,738,000, to remain available until
22 September 30, 2022, for carrying out section
23 371(b)(2)(C) of the Higher Education Act of 1965
24 (20 U.S.C. 1067q(b)(2)(C)) in fiscal year 2022;

1 (7) \$113,738,000, to remain available until
2 September 30, 2023, for carrying out section
3 371(b)(2)(C) of the Higher Education Act of 1965
4 (20 U.S.C. 1067q(b)(2)(C)) in fiscal year 2023;

5 (8) \$113,738,000, to remain available until
6 September 30, 2024, for carrying out section
7 371(b)(2)(C) of the Higher Education Act of 1965
8 (20 U.S.C. 1067q(b)(2)(C)) in fiscal year 2024;

9 (9) \$113,738,000, to remain available until
10 September 30, 2025, for carrying out section
11 371(b)(2)(C) of the Higher Education Act of 1965
12 (20 U.S.C. 1067q(b)(2)(C)) in fiscal year 2025;

13 (10) \$113,738,000, to remain available until
14 September 30, 2026, for carrying out section
15 371(b)(2)(C) of the Higher Education Act of 1965
16 (20 U.S.C. 1067q(b)(2)(C)) in fiscal year 2026;

17 (11) \$34,104,000, to remain available until
18 September 30, 2022, for carrying out section
19 371(b)(2)(D)(i) of the Higher Education Act of
20 1965 (20 U.S.C. 1067q(b)(2)(D)(i)) in fiscal year
21 2022;

22 (12) \$34,104,000, to remain available until
23 September 30, 2023, for carrying out section
24 371(b)(2)(D)(i) of the Higher Education Act of

1 1965 (20 U.S.C. 1067q(b)(2)(D)(i)) in fiscal year
2 2023;

3 (13) \$34,104,000, to remain available until
4 September 30, 2024, for carrying out section
5 371(b)(2)(D)(i) of the Higher Education Act of
6 1965 (20 U.S.C. 1067q(b)(2)(D)(i)) in fiscal year
7 2024;

8 (14) \$34,104,000, to remain available until
9 September 30, 2025, for carrying out section
10 371(b)(2)(D)(i) of the Higher Education Act of
11 1965 (20 U.S.C. 1067q(b)(2)(D)(i)) in fiscal year
12 2025;

13 (15) \$34,104,000, to remain available until
14 September 30, 2026, for carrying out section
15 371(b)(2)(D)(i) of the Higher Education Act of
16 1965 (20 U.S.C. 1067q(b)(2)(D)(i)) in fiscal year
17 2026;

18 (16) \$17,052,000, to remain available until
19 September 30, 2022, for carrying out section
20 371(b)(2)(D)(ii) of the Higher Education Act of
21 1965 (20 U.S.C. 1067q(b)(2)(D)(ii)) in fiscal year
22 2022;

23 (17) \$17,052,000, to remain available until
24 September 30, 2023, for carrying out section
25 371(b)(2)(D)(ii) of the Higher Education Act of

1 1965 (20 U.S.C. 1067q(b)(2)(D)(ii)) in fiscal year
2 2023;

3 (18) \$17,052,000, to remain available until
4 September 30, 2024, for carrying out section
5 371(b)(2)(D)(ii) of the Higher Education Act of
6 1965 (20 U.S.C. 1067q(b)(2)(D)(ii)) in fiscal year
7 2024;

8 (19) \$17,052,000, to remain available until
9 September 30, 2025, for carrying out section
10 371(b)(2)(D)(ii) of the Higher Education Act of
11 1965 (20 U.S.C. 1067q(b)(2)(D)(ii)) in fiscal year
12 2025;

13 (20) \$17,052,000, to remain available until
14 September 30, 2026, for carrying out section
15 371(b)(2)(D)(ii) of the Higher Education Act of
16 1965 (20 U.S.C. 1067q(b)(2)(D)(ii)) in fiscal year
17 2026;

18 (21) \$5,684,000, to remain available until Sep-
19 tember 30, 2022, for carrying out section
20 371(b)(2)(D)(iii) of the Higher Education Act of
21 1965 (20 U.S.C. 1067q(b)(2)(D)(iii)) in fiscal year
22 2022;

23 (22) \$5,684,000, to remain available until Sep-
24 tember 30, 2023, for carrying out section
25 371(b)(2)(D)(iii) of the Higher Education Act of

1 1965 (20 U.S.C. 1067q(b)(2)(D)(iii) in fiscal year
2 2023;

3 (23) \$5,684,000, to remain available until Sep-
4 tember 30, 2024, for carrying out section
5 371(b)(2)(D)(iii) of the Higher Education Act of
6 1965 (20 U.S.C. 1067q(b)(2)(D)(iii) in fiscal year
7 2024;

8 (24) \$5,684,000, to remain available until Sep-
9 tember 30, 2025, for carrying out section
10 371(b)(2)(D)(iii) of the Higher Education Act of
11 1965 (20 U.S.C. 1067q(b)(2)(D)(iii) in fiscal year
12 2025;

13 (25) \$5,684,000, to remain available until Sep-
14 tember 30, 2026, for carrying out section
15 371(b)(2)(D)(iii) of the Higher Education Act of
16 1965 (20 U.S.C. 1067q(b)(2)(D)(iii) in fiscal year
17 2026;

18 (26) \$5,684,000, to remain available until Sep-
19 tember 30, 2022, for carrying out section
20 371(b)(2)(D)(iv) of the Higher Education Act of
21 1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year
22 2022;

23 (27) \$5,684,000, to remain available until Sep-
24 tember 30, 2023, for carrying out section
25 371(b)(2)(D)(iv) of the Higher Education Act of

1 1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year
2 2023;

3 (28) \$5,684,000, to remain available until Sep-
4 tember 30, 2024, for carrying out section
5 371(b)(2)(D)(iv) of the Higher Education Act of
6 1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year
7 2024;

8 (29) \$5,684,000, to remain available until Sep-
9 tember 30, 2025, for carrying out section
10 371(b)(2)(D)(iv) of the Higher Education Act of
11 1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year
12 2025; and

13 (30) \$5,684,000, to remain available until Sep-
14 tember 30, 2026, for carrying out section
15 371(b)(2)(D)(iv) of the Higher Education Act of
16 1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year
17 2026;

18 (b) USE OF FUNDS.—The Secretary shall use 15 per-
19 cent of each of the amounts appropriated under para-
20 graphs (6) through (10) of subsection (a) to award 25 ad-
21 ditional grants under section 371(b)(2)(C)(ii).

22 **SEC. 20042. RESEARCH AND DEVELOPMENT INFRASTRUC-**
23 **TURE COMPETITIVE GRANT PROGRAM.**

24 Title III of the Higher Education Act of 1965 (20
25 U.S.C. 1051 et seq.) is amended—

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

2 (2) by inserting after section 371 the following:

3 **“PART G—IMPROVING RESEARCH & DEVELOP-**
4 **MENT INFRASTRUCTURE FOR MINORITY-**
5 **SERVING INSTITUTIONS**

6 **“SEC. 381. IMPROVING RESEARCH & DEVELOPMENT INFRA-**
7 **STRUCTURE FOR MINORITY-SERVING INSTI-**
8 **TUTIONS.**

9 “(a) ELIGIBLE INSTITUTION.—In this section, the
10 term ‘eligible institution’ means an institution that—

11 “(1) is described in section 371(a);

12 “(2) is a 4-year institution; and

13 “(3) is not an institution classified as very high
14 research activity by the Carnegie Classification of
15 Institutions of Higher Education.

16 “(b) AUTHORIZATION OF GRANT PROGRAMS.—

17 “(1) PLANNING GRANTS.—The Secretary shall
18 award planning grants, on a competitive basis, to eli-
19 gible institutions to assist the eligible institutions in
20 developing a strategic plan, assessing capacity, and
21 carrying out other activities to develop and submit
22 an application for an implementation grant under
23 paragraph (2) to support research and development
24 infrastructure. Planning grants awarded under this
25 paragraph shall be for a period of 1 to 2 years.

1 “(2) IMPLEMENTATION GRANTS.—The Sec-
2 retary shall award implementation grants, on a com-
3 petitive basis, to eligible institutions to assist the eli-
4 gible institutions in supporting research and develop-
5 ment infrastructure. Implementation grants awarded
6 under this paragraph shall be for a period of 1 to
7 5 years.

8 “(c) APPLICATIONS.—

9 “(1) IN GENERAL.—

10 “(A) PLANNING GRANTS.—An eligible in-
11 stitution that desires to receive a planning
12 grant under subsection (b)(1) shall submit an
13 application to the Secretary. Such application
14 shall include—

15 “(i) a description of the activities that
16 will be carried out with grant funds; and

17 “(ii) an assurance that the grant
18 funds provided under subsection (b)(1)
19 shall be used to supplement, and not sup-
20 plant, other Federal, State, tribal, and
21 local funds that would otherwise be ex-
22 pended to develop a plan, assess capacity,
23 or carry out other activities related to re-
24 search and development infrastructure.

25 “(B) IMPLEMENTATION GRANTS.—

1 “(i) IN GENERAL.—An eligible institu-
2 tion that desires to receive an implementa-
3 tion grant under subsection (b)(2) shall
4 submit an application to the Secretary.
5 Such application shall include—

6 “(I) a description of the projects
7 that will be carried out with grant
8 funds and, in the case of an institu-
9 tion that was previously awarded a
10 planning grant under subsection
11 (b)(1), the strategic plan developed as
12 part of such planning grant;

13 “(II) a description of how such
14 projects will support the research and
15 development infrastructure of the in-
16 stitution; and

17 “(III) an assurance that the
18 grant funds provided under subsection
19 (b)(2) shall be used to supplement,
20 and not supplant, other Federal,
21 State, tribal, and local funds that
22 would otherwise be expended to sup-
23 port research and development infra-
24 structure.

1 “(2) CONSORTIA.—An eligible institution may
2 apply to receive a grant under this section on behalf
3 of a consortium, which may include institutions clas-
4 sified as very high research activity by the Carnegie
5 Classification of Institutions of Higher Education,
6 two-year institutions of higher education, and other
7 academic partners, philanthropic organizations, and
8 industry partners, provided that the eligible institu-
9 tion is the lead member and fiscal agent of the con-
10 sortium.

11 “(3) NO COMPREHENSIVE DEVELOPMENT
12 PLAN.—The requirement under section 391(b)(1)
13 shall not apply to grants awarded under this section.

14 “(d) PRIORITY IN AWARDS.—In awarding planning
15 and implementation grants under this section, the Sec-
16 retary shall give priority to eligible institutions that meet
17 any of the following:

18 “(1) Received less than \$10,000,000 for the
19 previous fiscal year for research and development
20 from all Federal sources combined, except that, in
21 the case of an eligible institution being considered
22 for an implementation grant, the calculation of such
23 amount shall not include a planning grant under
24 this section.

1 “(2) In the case of eligible institutions being
2 considered for an implementation grant, have re-
3 ceived a planning grant under this section and have
4 developed and submitted to the Secretary a high-
5 quality strategic plan, in accordance with the re-
6 quirements of such planning grant.

7 “(e) USE OF FUNDS.—

8 “(1) PLANNING GRANTS.—An eligible institu-
9 tion that receives a planning grant under subsection
10 (b)(1) shall use the grant funds to develop a stra-
11 tegic plan, assess capacity, and carry out other ac-
12 tivities to develop and submit an application for an
13 implementation grant to support research and devel-
14 opment infrastructure. In carrying out the activities
15 under such grant, each such eligible institution—

16 “(A) shall develop a high-quality strategic
17 plan for improving institutional research and
18 development infrastructure that includes—

19 “(i) an assessment of the existing in-
20 stitutional research capacity and research
21 and development infrastructure; and

22 “(ii) a detailed description of how re-
23 search and development infrastructure
24 funds provided by an implementation grant
25 under this section would be used to in-

1 crease institutional research capacity and
2 support research and development infra-
3 structure; and

4 “(B) in developing such strategic plan,
5 may work in partnership with entities described
6 in subsection (c)(2) to identify and secure non-
7 Federal funding to support research and devel-
8 opment infrastructure.

9 “(2) IMPLEMENTATION GRANTS.—An eligible
10 institution that receives an implementation grant
11 under subsection (b)(2) shall use the grant funds to
12 support research and development infrastructure,
13 which shall include carrying out at least one of the
14 following activities:

15 “(A) Providing funding for a program
16 under paragraph (1), (2), or (9) of section
17 311(c) or under paragraph (1), (2), or (8) of
18 section 503(b) related to research and develop-
19 ment infrastructure that is being carried out by
20 the eligible institution on the date on which the
21 eligible institution receives a grant under this
22 section.

23 “(B) Providing for the improvement of in-
24 frastructure existing on the date of the grant
25 award, including deferred maintenance, or the

1 establishment of new physical infrastructure,
2 including instructional program spaces, labora-
3 tories, or research facilities relating to the fields
4 of science, technology, engineering, the arts,
5 mathematics, health, agriculture, education,
6 medicine, law, and other disciplines.

7 “(C) Hiring and retaining faculty, stu-
8 dents, research-related staff, or other personnel,
9 including research personnel skilled in oper-
10 ating, using, or applying technology, equipment,
11 or devices used to conduct or support research.

12 “(D) Supporting research internships and
13 fellowships for students, including under-
14 graduate, graduate, and post-doctoral positions,
15 which may include providing direct student fi-
16 nancial assistance to such students.

17 “(E) Creating new, or expanding existing,
18 academic positions, including internships, fel-
19 lowships, and post-doctoral positions, in fields
20 of research for which research and development
21 infrastructure funds have been awarded under
22 this section.

23 “(F) Creating and supporting inter- and
24 intra-institutional research centers (including
25 formal and informal communities of practice) in

1 fields of research for which research and devel-
2 opment infrastructure funds have been awarded
3 under this section, including hiring staff, pur-
4 chasing supplies and equipment, and funding
5 travel to relevant conferences and seminars to
6 support the work of such centers.

7 “(G) Building new institutional support
8 structures and departments that help faculty
9 learn about, and increase faculty and student
10 access to, Federal research and development
11 grant funds and non-Federal academic research
12 grants.

13 “(H) Building data and collaboration in-
14 frastructure so that early findings and research
15 can be securely shared to facilitate peer review
16 and other appropriate collaboration.

17 “(I) Providing programs of study and
18 courses in fields of research for which research
19 and development infrastructure funds have been
20 awarded under this section.

21 “(J) Paying operating and administrative
22 expenses for, and coordinating project partner-
23 ships with members of, a consortium described
24 in subsection (c)(2) on behalf of which the eligi-

1 ble institution has received a grant under this
2 section.

3 “(K) Installing or extending the life and
4 usability of basic systems and components of
5 campus facilities related to research, including
6 high-speed broadband internet infrastructure
7 sufficient to support digital and technology-
8 based learning.

9 “(L) Expanding, remodeling, renovating,
10 or altering biomedical and behavioral research
11 facilities existing on the date of the grant
12 award that receive support under section 404I
13 of the Public Health Service Act (42 U.S.C.
14 283k).

15 “(M) Acquiring and installing furniture,
16 fixtures, and instructional research-related
17 equipment and technology for academic instruc-
18 tion in campus facilities in fields of research for
19 which research and development infrastructure
20 funds have been awarded under this section.

21 “(N) Providing increased funding to pro-
22 grams that support research and development
23 at the eligible institution that are funded by
24 National Institutes of Health, including the

1 Path to Excellence and Innovation program
2 with the National Institutes of Health.

3 “(f) ELIGIBILITY FOR BENEFITS.—No individual
4 shall be determined to be ineligible to receive benefits pro-
5 vided with grant funds awarded under this section (includ-
6 ing direct student financial assistance) on the basis of citi-
7 zenship, alienage, or immigration status.

8 “(g) SUNSET.—

9 “(1) IN GENERAL.—The authority to make—
10 “(A) planning grants under subsection
11 (b)(1) shall expire at the end of fiscal year
12 2025; and

13 “(B) implementation grants under sub-
14 section (b)(2) shall expire at the end of fiscal
15 year 2027.

16 “(2) INAPPLICABILITY OF GEPA CONTINGENT
17 EXTENSION OF PROGRAMS.—Section 422 of the
18 General Education Provisions Act (20 U.S.C.
19 1226a) shall not apply to this section.

20 “(h) APPROPRIATIONS.—In addition to amounts oth-
21 erwise available, there is appropriated for fiscal year 2022,
22 out of any money in the Treasury not otherwise appro-
23 priated, \$2,000,000,000, to remain available until Sep-
24 tember 30, 2028, for carrying out this section.”.

1 **PART 3—MISCELLANEOUS**

2 **SEC. 20051. OFFICE OF INSPECTOR GENERAL.**

3 In addition to amounts otherwise available, there is
4 appropriated to the Department of Education for fiscal
5 year 2022, out of any money in the Treasury not otherwise
6 appropriated, \$35,000,000, to remain available until ex-
7 pended, for the Office of Inspector General of the Depart-
8 ment of Education, for salaries and expenses necessary for
9 oversight, investigations, and audits of programs, grants,
10 and projects funded under this subtitle and sections 22101
11 and 22102 carried out by the Office of Inspector General.

12 **SEC. 20052. PROGRAM ADMINISTRATION FUNDS.**

13 In addition to amounts otherwise available, there is
14 appropriated to the Department of Education for fiscal
15 year 2022, out of any money in the Treasury not otherwise
16 appropriated, \$738,000,000, to remain available until ex-
17 pended, for necessary administrative expenses associated
18 with carrying out this subtitle and sections 22101 and
19 22102.

20 **SEC. 20053. STUDENT AID ADMINISTRATION.**

21 In addition to amounts otherwise available, there is
22 appropriated to the Department of Education for fiscal
23 year 2022, out of any money in the Treasury not otherwise
24 appropriated, \$91,000,000, to remain available through
25 September 30, 2030, for Student Aid Administration with-

1 in the Department of Education for necessary administra-
2 tive expenses associated with carrying out this subtitle.

3 **Subtitle B—Labor Matters**

4 **SEC. 21001. DEPARTMENT OF LABOR.**

5 In addition to amounts otherwise available, out of any
6 money in the Treasury not otherwise appropriated, there
7 are appropriated to the Department of Labor for fiscal
8 year 2022, to remain available until September 30, 2026,
9 the following amounts:

10 (1) \$195,000,000 to the Employee Benefits Se-
11 curity Administration for carrying out enforcement
12 activities.

13 (2) \$707,000,000 to the Occupational Safety
14 and Health Administration for carrying out enforce-
15 ment, standards development, whistleblower inves-
16 tigation, compliance assistance, funding for State
17 plans, and related activities within the Occupational
18 Safety and Health Administration.

19 (3) \$133,000,000 to the Mine Safety and
20 Health Administration for carrying out enforcement,
21 standard setting, technical assistance, and related
22 activities.

23 (4) \$405,000,000 to the Wage and Hour Divi-
24 sion for carrying out activities.

1 (5) \$121,000,000 to the Office of Workers'
2 Compensation Programs for carrying out activities
3 of the Office relating to claims activity, policy and
4 standards development, and monitoring of State
5 workers' compensation programs.

6 (6) \$201,000,000 to the Office of Federal Con-
7 tract Compliance Programs for carrying out audit,
8 investigation, enforcement, and compliance assist-
9 ance, and other activities.

10 (7) \$176,000,000 to the Office of the Solicitor
11 for carrying out necessary legal support for activities
12 carried out by the Office related to and in support
13 of the activities of those Department of Labor agen-
14 cies receiving additional funding in this section.

15 **SEC. 21002. NATIONAL LABOR RELATIONS BOARD.**

16 In addition to amounts otherwise available, out of any
17 money in the Treasury not otherwise appropriated, there
18 are appropriated to the National Labor Relations Board
19 for fiscal year 2022, \$350,000,000, to remain available
20 until September 30, 2026, for carrying out the activities
21 of the Board, of which not more than \$5,000,000 shall
22 be for the implementation of systems to conduct electronic
23 voting for union representation elections.

1 **SEC. 21003. EQUAL EMPLOYMENT OPPORTUNITY COMMIS-**
2 **SION.**

3 In addition to amounts otherwise available, out of any
4 money in the Treasury not otherwise appropriated, there
5 are appropriated to the Equal Employment Opportunity
6 Commission for fiscal year 2022, \$321,000,000, to remain
7 available until September 30, 2026, for carrying out inves-
8 tigation, enforcement, outreach, and related activities.

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

10 (a) OCCUPATIONAL SAFETY AND HEALTH ACT OF
11 1970.—Section 17 of the Occupational Safety and Health
12 Act of 1970 (29 U.S.C. 666) is amended—

13 (1) in subsection (a)—

14 (A) by striking “\$70,000” and inserting
15 “\$700,000”; and

16 (B) by striking “\$5,000” and inserting
17 “\$50,000”;

18 (2) in subsection (b), by striking “\$7,000” and
19 inserting “\$70,000”; and

20 (3) in subsection (d), by striking “\$7,000” and
21 inserting “\$70,000”.

22 (b) FAIR LABOR STANDARDS ACT OF 1938.—Section
23 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C.
24 216(e)) is amended—

25 (1) in paragraph (1)(A)—

1 (A) in clause (i), by striking “\$11,000”
2 and inserting “\$132,270”; and

3 (B) in clause (ii), by striking “\$50,000”
4 and inserting “\$601,150”; and

5 (2) in paragraph (2)—

6 (A) in the first sentence, by striking
7 “\$1,100” and inserting “\$20,740”; and

8 (B) in the second sentence, by striking
9 “\$1,100” and inserting “\$11,620”.

10 (c) MIGRANT AND SEASONAL AGRICULTURAL WORK-
11 ER PROTECTION ACT.—Section 503(a)(1) of the Migrant
12 and Seasonal Agricultural Worker Protection Act (29
13 U.S.C. 1853(a)(1)) is amended by striking “\$1,000” and
14 inserting “\$25,790”.

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

17 **SEC. 21005. CIVIL MONETARY PENALTIES FOR PARITY VIO-**
18 **LATIONS.**

19 (a) CIVIL MONETARY PENALTIES RELATING TO PAR-
20 ITY IN MENTAL HEALTH AND SUBSTANCE USE DIS-
21 ORDERS.—Section 502(c)(10) of the Employee Retirement
22 Income Security Act of 1974 (29 U.S.C. 1132(c)(10)(A))
23 is amended—

24 (1) in the heading, by striking “USE OF GE-
25 NETIC INFORMATION” and inserting “USE OF GE-

1 NETIC INFORMATION AND PARITY IN MENTAL
2 HEALTH AND SUBSTANCE USE DISORDER BENE-
3 FITS”; and

4 (2) in subparagraph (A)—

5 (A) by striking “any plan sponsor of a
6 group health plan” and inserting “any plan
7 sponsor or plan administrator of a group health
8 plan”; and

9 (B) by striking “for any failure” and all
10 that follows through “in connection with the
11 plan.” and inserting “for any failure by such
12 sponsor, administrator, or issuer, in connection
13 with the plan—

14 “(i) to meet the requirements of sub-
15 section (a)(1)(F), (b)(3), (c), or (d) of sec-
16 tion 702 or section 701 or 702(b)(1) with
17 respect to genetic information; or

18 “(ii) to meet the requirements of sub-
19 section (a) of section 712 with respect to
20 parity in mental health and substance use
21 disorder benefits.”.

22 (b) EXCEPTION TO THE GENERAL PROHIBITION ON
23 ENFORCEMENT.—Section 502 of such Act (29 U.S.C.
24 1132) is amended—

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

3 (2) in subsection (b)(3)—

4 (A) by striking “subsections (c)(9) and
5 (a)(6)” and inserting “subsections (c)(9),
6 (c)(10), and (a)(6)”;

7 (B) by striking “under subsection (c)(9)”
8 and inserting “under subsections (c)(9) and
9 (c)(10)), and except with respect to enforce-
10 ment by the Secretary of section 712”; and

11 (C) by striking “706(a)(1)” and inserting
12 “733(a)(1)”.

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

19 **SEC. 21006. PENALTIES UNDER THE NATIONAL LABOR RE-**
20 **LATIONS ACT.**

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

23 (1) by striking “**SEC. 12.** Any person” and in-
24 serting the following:

1 **“SEC. 12. PENALTIES.**

2 “(a) VIOLATIONS FOR INTERFERENCE WITH
3 BOARD.—Any person”; and

4 (2) by adding at the end the following:

5 “(b) CIVIL PENALTIES FOR UNFAIR LABOR PRAC-
6 TICES.—Any employer who commits an unfair labor prac-
7 tice within the meaning of section 8(a) affecting commerce
8 shall be subject to a civil penalty in an amount not to
9 exceed \$50,000 for each such violation, except that, with
10 respect to such an unfair labor practice within the mean-
11 ing of paragraph (3) or (4) of section 8(a) or such a viola-
12 tion of section 8(a) that results in the discharge of an em-
13 ployee or other serious economic harm to an employee, the
14 Board shall double the amount of such penalty, to an
15 amount not to exceed \$100,000, in any case where the
16 employer has within the preceding 5 years committed an-
17 other such violation of such paragraph (3) or (4) or such
18 violation of section 8(a) that results in such discharge or
19 other serious economic harm. A civil penalty under this
20 paragraph shall be in addition to any other remedy or-
21 dered by the Board.

22 “(c) CONSIDERATIONS.—In determining the amount
23 of any civil penalty under this section, the Board shall con-
24 sider—

25 “(1) the gravity of the actions of the employer
26 resulting in the penalty, including the impact of such

1 actions on the charging party or on other persons
2 seeking to exercise rights guaranteed by this Act;

3 “(2) the size of the employer;

4 “(3) the history of previous unfair labor prac-
5 tices or other actions by the employer resulting in a
6 penalty; and

7 “(4) the public interest.

8 “(d) DIRECTOR AND OFFICER LIABILITY.—If the
9 Board determines, based on the particular facts and cir-
10 cumstances presented, that a director or officer’s personal
11 liability is warranted, a civil penalty for a violation de-
12 scribed in this section may also be assessed against any
13 director or officer of the employer who directed or com-
14 mitted the violation, had established a policy that led to
15 such a violation, or had actual or constructive knowledge
16 of and the authority to prevent the violation and failed
17 to prevent the violation.”.

18 (b) ADDITIONAL PENALTIES.—The National Labor
19 Relations Act (29 U.S.C. 151 et seq.) is amended by in-
20 serting after section 12 (29 U.S.C. 162) the following:

21 **“SEC. 12A. ADDITIONAL PENALTIES.**

22 “(a) CIVIL PENALTIES FOR ADDITIONAL CON-
23 DUCT.—Any employer who violates subsection (d) affect-
24 ing commerce shall be subject to a civil penalty in an
25 amount not to exceed \$50,000 for each such violation, ex-

1 cept that, with respect to such a violation that results in
2 the discharge of an employee or other serious economic
3 harm to an employee, the Board shall double the amount
4 of such penalty, to an amount not to exceed \$100,000,
5 in any case where the employer has within the preceding
6 5 years committed another such violation of subsection (d)
7 that results in such discharge or other serious economic
8 harm.

9 “(b) CONSIDERATIONS.—In determining the amount
10 of any civil penalty under this section, the Board shall con-
11 sider—

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

16 “(2) the size of the employer;

17 “(3) the history of previous unfair labor prac-
18 tices or other actions by the employer resulting in a
19 penalty; and

20 “(4) the public interest.

21 “(c) DIRECTOR AND OFFICER LIABILITY.—If the
22 Board determines, based on the particular facts and cir-
23 cumstances presented, that a director or officer’s personal
24 liability is warranted, a civil penalty for a violation de-
25 scribed in this section may also be assessed against any

1 director or officer of the employer who directed or com-
2 mitted the violation, had established a policy that led to
3 such a violation, or had actual or constructive knowledge
4 of and the authority to prevent the violation and failed
5 to prevent the violation.

6 “(d) PROHIBITION.—It shall be unlawful for an em-
7 ployer—

8 “(1) to promise, threaten, or take any action—

9 “(A) to permanently replace an employee
10 who participates in a strike as defined by sec-
11 tion 501(2) of the Labor Management Rela-
12 tions Act, 1947 (29 U.S.C. 142(2));

13 “(B) to discriminate against an employee
14 who is working or has unconditionally offered to
15 return to work for the employer because the
16 employee supported or participated in such a
17 strike; or

18 “(C) to lockout, suspend, or otherwise
19 withhold employment from employees in order
20 to influence the position of such employees or
21 the representative of such employees in collec-
22 tive bargaining prior to a strike;

23 “(2) to communicate or misrepresent to an em-
24 ployee under section 2(3) that such employee is ex-

1 cluded from the definition of employee under section
2 2(3);

3 “(3) to require or coerce an employee to attend
4 or participate in such employer’s campaign activities
5 unrelated to the employee’s job duties, including ac-
6 tivities that are subject to the requirements under
7 section 203(b) of the Labor-Management Reporting
8 and Disclosure Act of 1959 (29 U.S.C. 433(b)); or

9 “(4) to violate subsection (e).

10 “(e) COLLECTIVE ACTION.—

11 “(1) IN GENERAL.—No employer shall—

12 “(A) enter into or attempt to enforce any
13 agreement, express or implied, whereby prior to
14 a dispute to which the agreement applies, an
15 employee undertakes or promises not to pursue,
16 bring, join, litigate, or support any kind of
17 joint, class, or collective claim arising from or
18 relating to the employment of such employee in
19 any forum that, but for such agreement, is of
20 competent jurisdiction;

21 “(B) coerce an employee into undertaking
22 or promising not to pursue, bring, join, litigate,
23 or support any kind of joint, class, or collective
24 claim arising from or relating to the employ-
25 ment of such employee; or

1 “(C) retaliate or threaten to retaliate
2 against an employee for refusing to undertake
3 or promise not to pursue, bring, join, litigate,
4 or support any kind of joint, class, or collective
5 claim arising from or relating to the employ-
6 ment of such employee.

7 “(2) EXCEPTION.—This subsection shall not
8 apply to any agreement embodied in or expressly
9 permitted by a contract between an employer and a
10 labor organization.

11 “(f) ENFORCEMENT.—The provisions of section 10
12 and 11 shall apply to a violation of this section in the
13 same manner as such provisions apply to an unfair labor
14 practice, except that—

15 “(1) an order under section 10 with respect to
16 a violation of this section—

17 “(A) shall require only that the person in
18 such violation pay a civil penalty under sub-
19 section (a); and

20 “(B) shall not include a requirement for a
21 person to cease and desist such violation or any
22 form of affirmative action other than the pay-
23 ment of such penalty;

24 “(2) a petition under subsection (e) of section
25 10 with respect to a violation of this section may be

1 only for enforcement of an order for the payment of
2 a civil penalty under subsection (a);

3 “(3) a petition under subsection (f) of section
4 10 with respect to a violation of this section may be
5 only for review of an order for the payment of such
6 a civil penalty; and

7 “(4) a court under section 10 may not grant
8 any form of relief, including temporary relief, a re-
9 straining order, or any other form of injunctive re-
10 lief, for a violation of this section other than a de-
11 cree to enforce, modify, or set aside in whole or in
12 part an order of the Board imposing a civil penalty
13 under subsection (a) for a violation of this section.”.

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

16 **Subtitle C—Workforce** 17 **Development Matters**

18 **PART 1—DEPARTMENT OF LABOR**

19 **SEC. 22001. DISLOCATED WORKER EMPLOYMENT AND** 20 **TRAINING ACTIVITIES.**

21 (a) IN GENERAL.—In addition to amounts otherwise
22 made available, there is appropriated to the Department
23 of Labor for fiscal year 2022, out of any money in the
24 Treasury not otherwise appropriated, \$16,000,000,000, to
25 remain available until September 30, 2026, except that no

1 amounts may be expended after September 30, 2031,
2 which shall be reserved and allotted to States in accord-
3 ance with subsection (b)(2) of section 132 of the Work-
4 force Innovation and Opportunity Act (29 U.S.C. 3172),
5 reserved and allocated to local areas in accordance with
6 subsections (a) and (b)(1)(B) of section 133 of such Act
7 (29 U.S.C. 3173), and reserved by such local areas as fol-
8 lows:

9 (1) Not less than 20 percent shall be reserved
10 for carrying out the career services authorized under
11 subsection (c)(2) of section 134 of the Workforce In-
12 novation and Opportunity Act (29 U.S.C. 3174) and
13 expanding access to the individualized career serv-
14 ices described in section 134(c)(2)(A)(xii) of such
15 Act (29 U.S.C. 3174(c)(2)(A)(xii)).

16 (2) Not less than 20 percent shall be reserved
17 for carrying out the supportive services and pro-
18 viding the needs-related payments authorized under
19 paragraphs (2) and (3) of section 134(d) of the
20 Workforce Innovation and Opportunity Act (29
21 U.S.C. 3174(d)), except that for purposes of the res-
22 ervation under this paragraph the requirements of
23 subparagraphs (B) and (C) of paragraph (3) of such
24 section shall not apply; and

1 (3) Not less than 50 percent shall be reserved
2 for carrying out the training services—

3 (A) of which, not less than 60 percent
4 shall be made available for individual training
5 accounts authorized under section 134(c)(3) of
6 the Workforce Innovation and Opportunity Act
7 (29 U.S.C. 3174(c)(3)).

8 (B) except that for purposes of providing
9 transitional jobs as part of those services under
10 this section, section 134(d)(5) of such Act (29
11 U.S.C. 3174(d)(5)) shall be applied by sub-
12 stituting “40 percent” for “10 percent”.

13 (b) SUPPLEMENT NOT SUPPLANT.—Amounts made
14 available to carry out this section shall be used to supple-
15 ment and not supplant other Federal, State, and local
16 public funds expended to provide employment and training
17 activities for dislocated workers, including funds provided
18 under the Workforce Innovation and Opportunity Act (29
19 U.S.C. 3101 et seq.).

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

22 (a) IN GENERAL.—In addition to amounts otherwise
23 made available, there is appropriated to the Department
24 of Labor for fiscal year 2022, out of any money in the
25 Treasury not otherwise appropriated, \$15,000,000,000, to

1 remain available until September 30, 2026, except that no
2 amounts may be expended after September 30, 2031,
3 which shall be reserved and allotted to States in accord-
4 ance with subsection (b)(1) of section 132 of the Work-
5 force Innovation and Opportunity Act (29 U.S.C. 3172),
6 reserved and allocated to local areas in accordance with
7 subsections (a) and (b)(1)(A) of section 133 of such Act
8 (29 U.S.C. 3173), and reserved by such local areas as fol-
9 lows:

10 (1) Not less than 20 percent shall be reserved
11 for carrying out the career services authorized under
12 subsection (c)(2) of section 134 of the Workforce In-
13 novation and Opportunity Act (29 U.S.C. 3174) and
14 expanding access to the individualized career serv-
15 ices described in section 134(c)(2)(A)(xii) of such
16 Act (29 U.S.C. 3174(c)(2)(A)(xii)).

17 (2) Not less than 10 percent shall be reserved
18 for carrying out the supportive services and pro-
19 viding the needs-related payments authorized under
20 paragraphs (2) and (3) of section 134(d) of the
21 Workforce Innovation and Opportunity Act (29
22 U.S.C. 3174(d)).

23 (3) Not less than 50 percent shall be reserved
24 for carrying out the training services—

1 (A) of which, not less than 60 percent
2 shall be made available for individual training
3 accounts or contracts authorized under of sec-
4 tion 134(e)(3) of the Workforce Innovation and
5 Opportunity Act (29 U.S.C. 3174(e)(3)); and

6 (B) except that for purposes of providing
7 incumbent worker training as part of those
8 services under this section, if such training is
9 provided to low-wage workers, section
10 134(d)(4)(A)(i) of the Workforce Innovation
11 and Opportunity Act (29 U.S.C.
12 3174(d)(4)(A)(i)) shall be applied by sub-
13 stituting “40 percent” for “20 percent”.

14 (b) SUPPLEMENT NOT SUPPLANT.—Amounts made
15 available to carry out this section shall be used to supple-
16 ment and not supplant other Federal, State, and local
17 public funds expended to provide adult employment and
18 training activities, including funds provided under the
19 Workforce Innovation and Opportunity Act (29 U.S.C.
20 3101 et seq.).

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

22 (a) IN GENERAL.—In addition to amounts otherwise
23 made available, there is appropriated to the Department
24 of Labor for fiscal year 2022, out of any money in the
25 Treasury not otherwise appropriated, \$9,054,000,000, to

1 remain available until September 30, 2026, except that no
2 amounts may be expended after September 30, 2031,
3 which shall be reserved and allotted to States in accord-
4 ance with subparagraphs (B) and (C) of section 127(b)(1)
5 of the Workforce Innovation and Opportunity Act (29
6 U.S.C. 3162(b)(1)), reserved and allocated to local areas
7 in accordance with subsections (a) and (b) of section 128
8 of such Act (29 U.S.C. 3163), and reserved by such local
9 areas as follows:

10 (1) 25 percent shall be reserved for carrying
11 out the youth workforce investment activities author-
12 ized under section 129 of the Workforce Innovation
13 and Opportunity Act (29 U.S.C. 3164 et seq.).

14 (2) 75 percent shall be reserved to provide op-
15 portunities for in-school youth and out-of-school
16 youth to participate in paid work experiences de-
17 scribed in subsection (c)(2)(C) of section 129 of the
18 Workforce Innovation and Opportunity Act (29
19 U.S.C. 3164).

20 (b) PARTNERSHIPS.—Not less than 20 percent of
21 amounts made available under subsection (a) shall be used
22 by local areas to partner with community-based organiza-
23 tions serving out-of-school youth to carry out activities de-
24 scribed in paragraphs (1) and (2) of subsection (a), in-
25 cluding those residing in high-crime or high-poverty areas.

1 (c) SUPPLEMENT NOT SUPPLANT.—Amounts made
2 available to carry out this section shall be used to supple-
3 ment and not supplant other Federal, State, and local
4 public funds expended for youth workforce investment ac-
5 tivities, including funds provided under the Workforce In-
6 novation and Opportunity Act (29 U.S.C. 3101 et seq.).

7 **SEC. 22004. EMPLOYMENT SERVICE.**

8 In addition to amounts otherwise made available,
9 there is appropriated to the Department of Labor for fis-
10 cal year 2022, out of any money in the Treasury not other-
11 wise appropriated, the following amounts, to remain avail-
12 able until September 30, 2026, except that no amounts
13 may be expended after September 30, 2031

14 (1) \$1,250,000,000 for carrying out the State
15 grant activities authorized under section 7 of the
16 Wagner-Peyser Act (29 U.S.C. 49f), which shall be
17 allotted in accordance with section 6 of such Act (29
18 U.S.C. 49e), except that, for purposes of this sec-
19 tion, funds shall also be provided to the Common-
20 wealth of the Northern Mariana Islands and Amer-
21 ican Samoa in amounts the Secretary determines ap-
22 propriate prior to the allotments being made in ac-
23 cordance with section 6 of such Act (29 U.S.C. 49d).

24 (2) \$100,000,000 for carrying out improve-
25 ments to the workforce and labor market informa-

1 tion systems authorized under section 15 of the
2 Wagner-Peyser Act (29 U.S.C. 491-2).

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

4 In addition to amounts otherwise made available,
5 there is appropriated to the Department of Labor for fis-
6 cal year 2022, out of any money in the Treasury not other-
7 wise appropriated, \$3,600,000,000, to remain available
8 until September 30, 2026, except that no amounts may
9 be expended after September 30, 2031, for carrying out
10 ex-offender activities, under the authority of section 169
11 of the Workforce Innovation and Opportunity Act (29
12 U.S.C. 3224). Not less than 25 percent of such funds shall
13 be for competitive grants to national and regional inter-
14 mediaries for activities that prepare for employment of
15 young adults with criminal records, young adults who have
16 been justice system-involved, or young adults who have
17 dropped out of school or other educational programs, with
18 a priority for projects serving high-crime, high-poverty
19 areas.

20 **SEC. 22006. REGISTERED APPRENTICESHIPS, YOUTH AP-
21 PRENTICESHIPS, AND PRE-APPRENTICE-
22 SHIPS.**

23 (a) IN GENERAL.—In addition to amounts otherwise
24 made available, there is appropriated to the Department
25 of Labor for fiscal year 2022, out of any amounts in the

1 Treasury not otherwise appropriated, \$5,000,000,000, to
2 remain available until September 30, 2026, except that no
3 amounts may be expended after September 30, 2031, to
4 carry out activities through grants, cooperative agree-
5 ments, contracts or other arrangements, with States and
6 other appropriate entities, including equity intermediaries
7 and business and labor industry partner intermediaries,
8 to create or expand only—

9 (1) apprenticeship programs registered under
10 the Act of August 16, 1937 (commonly known as
11 the “National Apprenticeship Act”; 50 Stat. 664,
12 chapter 663; 29 U.S.C. 50 et seq.); and

13 (2) youth apprenticeship programs and pre-ap-
14 prenticeship programs that articulate to apprentice-
15 ship programs described in paragraph (1).

16 (b) RESERVATION.—Not less than 50 percent of the
17 funds made available under section (a) shall be reserved
18 for—

19 (1) entities serving a high number or high per-
20 centage of individuals with barriers to employment
21 (as defined in section 3 of the Workforce Innovation
22 and Opportunity Act (29 U.S.C. 3102)), including
23 individuals with disabilities, or nontraditional ap-
24 prenticeship populations; or

1 (2) youth apprenticeships or pre-apprentice-
2 ships that articulate to such registered apprentice-
3 ships programs.

4 **SEC. 22007. COMMUNITY COLLEGE AND INDUSTRY PART-**
5 **nership Grants.**

6 (a) DEFINITIONS.—In this section—

7 (1) ELIGIBLE INSTITUTION.—The term “eligi-
8 ble institution” means an institution of higher edu-
9 cation (as defined in section 101 or 102(c) of the
10 Higher Education Act of 1965 (20 U.S.C. 1001,
11 1002(c)), including a Tribal College or University
12 (as defined in section 316 of such Act (20 U.S.C.
13 1059c)), or a consortium of such institutions—

14 (A) at which the highest degree awarded is
15 an associate degree; or an associate degree is
16 the predominant degree awarded; and

17 (B) that is working directly with an indus-
18 try or sector partnership, or in the process of
19 establishing such partnership, to carry out a
20 grant under this section.

21 (2) PERKINS CTE DEFINITIONS.—The terms
22 “career and technical education”, “career guidance
23 and academic counseling” , “dual or concurrent en-
24 rollment program”, “evidence-based” and “work-
25 based learning” have the meanings given the terms

1 in section 3 of the Carl D. Perkins Career and Tech-
2 nical Education Act of 2006 (20 U.S.C. 2302).

3 (3) REGISTERED APPRENTICESHIP PROGRAM.—

4 The term “registered apprenticeship program”
5 means an apprenticeship registered under the Act of
6 August 16, 1937 (commonly known as the “National
7 Apprenticeship Act”; 50 Stat. 664, chapter 663; 29
8 U.S.C. 50 et seq.).

9 (4) SECRETARY.—The term “Secretary” means
10 the Secretary of Labor.

11 (5) WIOA DEFINITIONS.—

12 (A) IN GENERAL.—The terms “career
13 pathway”, “in-demand industry sector or occu-
14 pation”, “individual with a barrier to employ-
15 ment”, “industry or sector partnership”, “inte-
16 grated education and training”, “recognized
17 postsecondary credential” and “supportive serv-
18 ices” have the meanings given the terms in sec-
19 tion 3 of the Workforce Innovation and Oppor-
20 tunity Act (29 U.S.C. 3102).

21 (B) CAREER SERVICES.—The term “career
22 services” means services described in section
23 134(c)(2) of the Workforce Innovation and Op-
24 portunity Act (29 U.S.C. 3174(c)(2)).

1 (b) IN GENERAL.—In addition to amounts otherwise
2 made available, there is appropriated to the Department
3 of Labor for fiscal year 2022, out of any money in the
4 Treasury not otherwise appropriated, \$2,000,000,000, to
5 remain available until September 30, 2026, except that no
6 amounts may be expended after September 30, 2031, to
7 carry out this section.

8 (c) GRANTS.—From funds appropriated under sub-
9 section (b) and not reserved under subsection (e), and
10 under the authority of section 169(b)(5) of the Workforce
11 Innovation and Opportunity Act (29 U.S.C. 3224(b)(5)),
12 the Secretary shall award grants on a competitive basis
13 to eligible institutions for the purposes of expanding work-
14 force development and employment opportunities in high-
15 skill, high-wage, or in-demand industry sectors or occupa-
16 tions. To receive such a grant, an eligible institution shall
17 submit to the Secretary an application at such time, in
18 such manner, and containing such information as specified
19 by the Secretary, including a description of the related
20 programs, recognized postsecondary credentials, and em-
21 ployment opportunities.

22 (d) USE OF GRANT FUNDS.—

23 (1) IN GENERAL.—An eligible institution
24 awarded a grant under this section shall use such
25 grant funds to expand opportunities for attainment

1 of recognized postsecondary credentials that are na-
2 tionally portable and stackable for high-skill, high-
3 wage, or in-demand industry sectors or occupations
4 by—

5 (A) establishing, improving, or scaling
6 high-quality, evidence-based education and
7 training programs, such as career and technical
8 education programs, career pathway programs,
9 and work-based learning programs (including
10 programs of registered apprenticeships or pre-
11 apprenticeships that articulate to registered ap-
12 prenticeships);

13 (B) creating, developing, or expanding ar-
14 ticulation agreements (as defined in section
15 486A(a) of the Higher Education Act of 1965
16 (20 U.S.C. 1093a(a))), credit transfer agree-
17 ments, corequisite remediation programs, dual
18 or concurrent enrollment programs, or policies
19 and processes to award academic credit for
20 prior learning or career training programs sup-
21 ported by the funds described in subsection (c);

22 (C) making available open, searchable, and
23 comparable information on curriculum or recog-
24 nized postsecondary credentials, including those
25 created or developed using such funds, and in-

1 formation on the related skills or competencies,
2 and related employment and earnings outcomes;

3 (D) establishing or implementing plans for
4 providers of programs supported with such
5 funds to be included on the eligible training
6 services provider list described in section 122(d)
7 of the Workforce Innovation and Opportunity
8 Act (29 U.S.C. 3152(d));

9 (E) purchasing, leasing, or refurbishing
10 specialized equipment necessary to carry out
11 the education or career training programs sup-
12 ported by such funds;

13 (F) reducing or eliminating out-of-pocket
14 expenses related to participants' cost of attend-
15 ance in the education or career training activi-
16 ties supported by such funds; or

17 (G) establishing or expanding industry or
18 sector partnerships to successfully carry out the
19 activities described in subparagraphs (A)
20 through (F).

21 (2) RESERVATION.—An eligible institution
22 awarded a grant under this section shall use not less
23 than 15 percent of such grant funds to provide serv-
24 ices to help individuals with barriers to employment
25 complete and successfully transition out of education

1 or career training programs supported by such
2 funds, which shall include providing supportive serv-
3 ices, career services, career guidance and academic
4 counseling, or job placement assistance.

5 (e) RESERVATIONS.—From the amounts made avail-
6 able under subsection (b), the Secretary shall reserve not
7 more than 5 percent for—

8 (1) targeted outreach to eligible institutions
9 serving a high number or high percentage of low-in-
10 come individuals or individuals with barriers to em-
11 ployment, and rural-serving eligible institutions, to
12 provide guidance and assistance in the grant appli-
13 cation process under this section;

14 (2) administration of the program described in
15 this section, including providing technical assistance
16 and oversight to support eligible institutions (includ-
17 ing consortia of eligible institutions); and

18 (3) evaluating and reporting on the perform-
19 ance and impact of programs funded under this sec-
20 tion.

21 (f) SUPPLEMENT NOT SUPPLANT.—Amounts avail-
22 able to carry out this section shall be used to supplement
23 and not supplant other Federal, State, and local public
24 funds expended to support community college education
25 or career training programs.

1 **SEC. 22008. INDUSTRY OR SECTOR PARTNERSHIP GRANTS.**

2 (a) IN GENERAL.—In addition to amounts otherwise
3 made available, there is appropriated to the Department
4 of Labor for fiscal year 2022, out of any money in the
5 Treasury not otherwise appropriated, \$10,000,000,000, to
6 remain available until September 30, 2026, except that no
7 amounts may be expended after September 30, 2031, to
8 carry out this section.

9 (b) GRANTS.—From amounts appropriated under
10 subsection (a) and not reserved under subsection (d), and
11 under the authority of section 169(b)(5) of the Workforce
12 Innovation and Opportunity Act (29 U.S.C. 3224(b)(5)),
13 the Secretary shall award grants on a competitive basis
14 to eligible partnerships for the purposes of expanding
15 workforce development and employment opportunities for
16 high-skill, high-wage, or in-demand industry sectors or oc-
17 cupations, including information technology, clean energy,
18 arts and entertainment, infrastructure and transportation,
19 advanced manufacturing, health care, public health, home
20 care, and early childhood care and education. To receive
21 such a grant, an eligible partnership shall submit to the
22 Secretary an application at such time, in such manner,
23 and containing such information as specified by the Sec-
24 retary.

25 (c) USES OF FUNDS.—An eligible partnership award-
26 ed such a grant under this section shall use—

1 (1) such grant funds to engage and regularly
2 convene stakeholders in a collaborative structure to
3 identify, develop, improve, or expand training, em-
4 ployment, and growth opportunities for the high-
5 skill, high-wage, or in-demand industry sector or oc-
6 cupation on which such partnership is focused;

7 (2) not less than 50 percent of such grant
8 funds to directly provide, or arrange for the provi-
9 sion of, high-quality, evidence-based training for the
10 high-skill, high-wage, or in-demand industry sector
11 or occupation on which such partnership is focused,
12 which shall include—

13 (A) training services described in any
14 clause of subparagraph (D) of section 134(c)(3)
15 of the Workforce Innovation and Opportunity
16 Act (29 U.S.C. 3174(c)(3))) provided through
17 contracts that meet the requirements of that
18 section 134(c)(3); or

19 (B) training provided through registered
20 apprenticeship programs, youth apprenticeship,
21 or pre-apprenticeship programs that articulate
22 to registered apprenticeship programs, or
23 through joint labor-management partnerships;
24 and

1 (C) establishing or implementing plans for
2 providers of programs supported with such
3 funds to be included on the eligible training
4 services provider list described in section 122(d)
5 of the Workforce Innovation and Opportunity
6 Act (29 U.S.C. 3152(d)).

7 (3) not less than 15 percent of such grant
8 funds to directly provide, or arrange for the provi-
9 sion of, services to help individuals with barriers to
10 employment complete and successfully transition out
11 of training described in paragraph (2), which serv-
12 ices shall include career services, supportive services,
13 or the provision of needs-related payments author-
14 ized under subsections (c)(2), (d)(2), and (d)(3) of
15 section 134 of the Workforce Innovation and Oppor-
16 tunity Act (29 U.S.C. 3174).

17 (d) RESERVATIONS.—

18 (1) IN GENERAL.—From the amounts made
19 available under subsection (a), the Secretary shall
20 reserve not more than 5 percent for—

21 (A) targeted outreach and support to eligi-
22 ble partnerships serving local areas with high
23 unemployment rates or high percentages of in-
24 dividuals with low incomes or individuals with
25 barriers to employment, to provide guidance

1 and assistance in the grant application process
2 under this section;

3 (B) administration of the program de-
4 scribed in this section, including providing com-
5 prehensive technical assistance and oversight to
6 support eligible partnerships; and

7 (C) evaluating and reporting on the per-
8 formance and impact of programs funded under
9 this section.

10 (2) STATE BOARD OR LOCAL BOARD FUNDS.—

11 From amounts made available under subsection (a),
12 the Secretary shall reserve not less than 5 percent
13 to provide direct assistance to State boards or local
14 boards to support the creation or expansion of in-
15 dustry or sector partnerships in local areas with
16 high unemployment rates or high percentages of in-
17 dividuals with low incomes or individuals with bar-
18 riers to employment, as compared to State or na-
19 tional averages for such rates or percentages.

20 (e) SUPPLEMENT NOT SUPPLANT.—Amounts made
21 available to carry out this section shall be used to supple-
22 ment and not supplant other Federal, State, and local
23 public funds expended to support activities described in
24 this section.

25 (f) DEFINITIONS.—In this section:

1 (1) ELIGIBLE PARTNERSHIP.—The term “eligi-
2 ble partnership” means—

3 (A) an industry or sector partnership,
4 which shall include multiple representatives de-
5 scribed in each of clauses (i) through (iii) of
6 paragraph (26)(A) of section 3 of the Work-
7 force Innovation and Opportunity Act (29
8 U.S.C. 3102); or

9 (B) a partnership of multiple entities de-
10 scribed in section 3(26) of such Act (29 U.S.C.
11 3102(26)), and a State board or local board,
12 that is in the process of establishing an indus-
13 try or sector partnership.

14 (2) PERKINS CTE DEFINITIONS.—The terms
15 “career guidance and academic counseling” and
16 “evidence-based” have the meanings given the terms
17 in section 3 of the Carl D. Perkins Career and Tech-
18 nical Education Act of 2006 (20 U.S.C. 2302).

19 (3) REGISTERED APPRENTICESHIP PROGRAM.—
20 The term “registered apprenticeship program”
21 means an apprenticeship registered under the Act of
22 August 16, 1937 (commonly known as the “National
23 Apprenticeship Act”; 50 Stat. 664, chapter 663; 29
24 U.S.C. 50 et seq.).

1 (4) SECRETARY.—The term “Secretary” means
2 the Secretary of Labor.

3 (5) WIOA DEFINITIONS.—The terms “career
4 pathway”, “in-demand industry sector or occupa-
5 tion”, “individual with a barrier to employment”,
6 “industry or sector partnership”, “local area”, “local
7 board”, and “State board” have the meanings given
8 the terms in section 3 of the Workforce Innovation
9 and Opportunity Act (29 U.S.C. 3102).

10 **SEC. 22009. JOB CORPS.**

11 In addition to amounts otherwise made available,
12 there is appropriated to the Department of Labor for fis-
13 cal year 2022, out of any amounts in the Treasury not
14 otherwise appropriated, \$1,500,000,000, to remain avail-
15 able until September 30, 2026, except that no amounts
16 may be expended after September 30, 2031, for the Job
17 Corps program authorized under section 143 of the Work-
18 force Innovation and Opportunity Act (29 U.S.C. 3193),
19 including improving and expanding access to allowances
20 and supports described in section 150 of such Act (29
21 U.S.C. 3200), except that for the purposes of this section,
22 outlying areas as defined in section 3 of such Act (29
23 U.S.C. 3102) shall be considered eligible to receive funds
24 under this section. Of such funds, no less than

1 \$750,000,000 shall be reserved for construction, rehabili-
2 tation and acquisition of Job Corps Centers.

3 **SEC. 22010. NATIVE AMERICAN PROGRAMS.**

4 In addition to amounts otherwise made available,
5 there is appropriated to the Department of Labor for fis-
6 cal year 2022, out of any amounts in the Treasury not
7 otherwise appropriated, \$450,000,000, to remain available
8 until September 30, 2026, except that no amounts may
9 be expended after September 30, 2031, for the Native
10 American programs authorized under the Workforce Inno-
11 vation and Opportunity Act.

12 **SEC. 22011. MIGRANT AND SEASONAL FARMWORKER PRO-**
13 **GRAMS.**

14 In addition to amounts otherwise made available,
15 there is appropriated to the Department of Labor for fis-
16 cal year 2022, out of any amounts in the Treasury not
17 otherwise appropriated, \$450,000,000, to remain available
18 until September 30, 2026, except that no amounts may
19 be expended after September 30, 2031, for the migrant
20 and seasonal farmworker programs authorized under
21 Workforce Innovation and Opportunity Act, except that,
22 for purposes of providing services under those programs
23 to low-income individuals under this section, section
24 3(36)(A)(ii)(I) of such Act (29 U.S.C. 3102(36)(A)(ii)(I))

1 shall be applied by substituting “150 percent of the pov-
2 erty line” for “the poverty line”.

3 **SEC. 22012. YOUTHBUILD PROGRAM.**

4 In addition to amounts otherwise made available,
5 there is appropriated to the Department of Labor for fis-
6 cal year 2022, out of any amounts in the Treasury not
7 otherwise appropriated, \$500,000,000, to remain available
8 until September 30, 2026, except that no amounts may
9 be expended after September 30, 2031, for the YouthBuild
10 program authorized under the Workforce Innovation and
11 Opportunity Act (29 U.S.C. 3226), including for the pur-
12 poses of improving and expanding access to services, sti-
13 pends, wages, and benefits described in subsections
14 (c)(2)(A)(vii) and (c)(2)(F) of section 171 of such Act.

15 **SEC. 22013. SENIOR COMMUNITY SERVICE EMPLOYMENT**
16 **PROGRAM.**

17 In addition to amounts otherwise made available,
18 there is appropriated to the Department of Labor for fis-
19 cal year 2022, out of any amounts in the Treasury not
20 otherwise appropriated, \$100,000,000, to remain available
21 until September 30, 2026, except that no amounts may
22 be expended after September 30, 2031, for the Senior
23 Community Service Employment program authorized
24 under title V of the Older Americans Act (42 U.S.C. 3056
25 et seq.).

1 **SEC. 22014. PROGRAM ADMINISTRATION.**

2 In addition to amounts otherwise made available,
3 there is appropriated to the Department of Labor for fis-
4 cal year 2022, out of any money in the Treasury not other-
5 wise appropriated, \$720,000,000, to remain available until
6 September 30, 2028, except that no amounts may be ex-
7 pended after September 30, 2031, for program adminis-
8 tration within the Department of Labor for salaries and
9 expenses necessary to implement this part, parts 3 and
10 4, and section 22402 of part 5 of this subtitle, including
11 for management, legal, or other support necessary to im-
12 plement such parts or section.

13 **PART 2—DEPARTMENT OF EDUCATION**

14 **SEC. 22101. ADULT EDUCATION AND LITERACY.**

15 (a) IN GENERAL.—In addition to amounts otherwise
16 made available, there is appropriated to the Department
17 of Education for fiscal year 2022, out of any money in
18 the Treasury not otherwise appropriated, \$3,600,000,000,
19 to remain available until September 30, 2028, to carry out
20 title II of the Workforce Innovation and Opportunity Act
21 (29 U.S.C. 3101 et seq.), which shall be reserved, and
22 granted and allotted to eligible agencies in accordance with
23 subsections (a), (b), and (c) of section 211 of such Act,
24 respectively.

25 (b) REQUIREMENT.—With respect to each eligible
26 agency that receives funds appropriated by this section,

1 for each fiscal year for which such eligible agency receives
2 such funds, section 222(a)(1) of the Workforce Innovation
3 and Opportunity Act (29 U.S.C. 3302(a)(1)) the shall be
4 applied by substituting “not less than 10 percent” for
5 “not more than 20 percent”.

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

7 (a) IN GENERAL.—In addition to amounts otherwise
8 made available, there is appropriated to the Department
9 of Education for fiscal year 2022, out of any money in
10 the Treasury not otherwise appropriated, the following
11 amounts, to remain available until September 30, 2028:

12 (1) \$3,000,000,000 for carrying out career and
13 technical education programs authorized under sec-
14 tion 124 and section 135 of the Carl D. Perkins Ca-
15 reer and Technical Education Act of 2006 (20
16 U.S.C. 2301 et seq.), which shall be allotted in ac-
17 cordance with section 111 and section 112 of such
18 Act (20 U.S.C. 2321, 2322), except that subsection
19 (b) of section 112 of such Act (20 U.S.C. 2322)
20 shall not apply.

21 (2) \$1,000,000,000 for carrying out the innova-
22 tion and modernization program described in sub-
23 section(e) of section 114 of the Carl D. Perkins Ca-
24 reer and Technical Education Act of 2006 (20

1 U.S.C. 2324(e)), except that for purposes of this
2 paragraph—

3 (A) the 20 percent limitation in paragraph
4 (1) of such subsection, and paragraph (2) of
5 such subsection, shall not apply; and

6 (B) eligible agencies (as defined in section
7 3 of such Act) shall be eligible to receive grants
8 under section 114(e) of such Act.

9 (b) SUPPLEMENT NOT SUPPLANT.—Amounts made
10 available to carry out this section shall be used to supple-
11 ment and not supplant other Federal, State, and local
12 public funds expended for career and technical education
13 programs, including the funds provided under the Carl D.
14 Perkins Career and Technical Education Act of 2006 (20
15 U.S.C. 2301 et seq.).

16 **PART 3—COMPETITIVE INTEGRATED EMPLOY-**
17 **MENT TRANSFORMATION GRANT PROGRAM**

18 **SEC. 22201. COMPETITIVE INTEGRATED EMPLOYMENT**
19 **TRANSFORMATION GRANT PROGRAM.**

20 (a) IN GENERAL.—In addition to amounts otherwise
21 made available, there is appropriated to the Department
22 of Labor, \$300,000,000 for fiscal year 2022, out of any
23 money in the Treasury not otherwise appropriated, to re-
24 main available until expended, for the Secretary of Labor
25 (referred to in this section as the “Secretary”) to award

1 grants to States in accordance with this section to assist
2 employers in such States who were issued special certifi-
3 cates under section 14(c) of the Fair Labor Standards Act
4 of 1938 (29 U.S.C. 214(c)) in transforming (or continuing
5 to transform) their business and program models from
6 providing employment using special certificates to busi-
7 ness and program models that employ and support people
8 with disabilities in competitive integrated employment and
9 to cover any administrative costs associated with such
10 grants.

11 (b) RESERVATIONS AND ALLOTMENTS; DURATION OF
12 AWARDS.—

13 (1) RESERVATIONS.—

14 (A) ALLOTMENTS TO NON-COVERED
15 STATES.—

16 (i) IN GENERAL.—The Secretary shall
17 reserve 10 percent of the amount appro-
18 priated by subsection (a) to award grants,
19 in accordance to clause (ii), to States de-
20 scribed in subsection (c)(3) that submit an
21 application under subsection (c) meeting
22 the applicable requirements of such sub-
23 section.

24 (ii) ALLOTMENT AMOUNT.—The Sec-
25 retary shall allot grants to each State

1 under clause (i) a grant in an amount that
2 bears the same relationship to the total
3 amount reserved under clause (i) as the
4 population of the State bears to the total
5 population of all States described in such
6 clause.

7 (B) NATIONAL TECHNICAL ASSISTANCE
8 CENTER.—The Secretary shall use 2 percent of
9 the amounts appropriated in subsection (a) to
10 establish, either directly or through grants, con-
11 tracts, or cooperative agreements, a national
12 technical assistance center to provide technical
13 assistance to employers who are transforming
14 from employing people with disabilities using
15 special certificates to providing competitive inte-
16 grated employment and to collect and dissemi-
17 nate evidence-based practices with respect to
18 the transformations and in providing competi-
19 tive integrated employment and integrated serv-
20 ices.

21 (2) ALLOTMENTS TO COVERED STATES.—

22 (A) 15 OR MORE COVERED STATES.—

23 (i) IN GENERAL.—In the case that, as
24 of a date determined appropriate by the
25 Secretary, there are 15 or more covered

1 States the Secretary shall allot to each cov-
2 ered State a grant in an amount equal to
3 the sum of the allotted to such State under
4 clauses (ii) and (iii).

5 (ii) ALLOTMENT BASED ON NUMBER
6 OF EMPLOYEES UNDER SPECIAL CERTIFI-
7 CATES.—From the total amount that is 70
8 percent of the funds appropriated under
9 subsection (a) and not reserved under
10 paragraph (1), the Secretary shall allot to
11 each covered State an amount that bears
12 the same relationship to such total amount
13 as the number of people with disabilities
14 who are employed under a special certifi-
15 cate in the covered State bears to the total
16 number of people with disabilities who are
17 employed under a special certificate in all
18 covered States.

19 (iii) ALLOTMENT BASED ON EMPLOY-
20 ERS WITH SPECIAL CERTIFICATES.—From
21 the total amount that is 30 percent of the
22 funds appropriated under subsection (a)
23 and not reserved under paragraph (1), the
24 Secretary shall allot to each covered State
25 an amount that bears the same relation-

1 ship to such total amount as the number
2 of employers in the covered State who have
3 in effect a special certificate bears to the
4 total number of employers in all covered
5 States who have in effect such a certifi-
6 cate.

7 (B) 14 OR FEWER COVERED STATES.—In
8 the case that, as of the date determined appro-
9 priate by the Secretary under subparagraph
10 (A), there are fewer than 15 covered States, the
11 Secretary shall award grants to each covered
12 State on a competitive basis in an amount that
13 the Secretary determines necessary to accom-
14 plish the purpose of the grant described in sub-
15 section (a).

16 (C) COVERED STATE.—In this subsection,
17 the term “covered State” means a State that—

18 (i) is not described in subsection
19 (c)(3); and

20 (ii) submits an application under sub-
21 section (c) that meets the applicable re-
22 quirements under such subsection.

23 (3) DURATION OF AWARDS.—A grant under
24 this section shall be awarded for a period of 5 years.

1 (4) CUTOFF.—The Secretary may not issue a
2 grant under this subsection after September 30,
3 2025.

4 (c) APPLICATIONS.—

5 (1) IN GENERAL.—To be eligible to receive a
6 grant under this section, a State shall submit an ap-
7 plication to the Secretary at such time, in such man-
8 ner, and including such information as the Secretary
9 may reasonably require.

10 (2) CONTENTS.—In the case of a State not de-
11 scribed in paragraph (3), an application submitted
12 under paragraph (1) shall include—

13 (A) a description of the status of the em-
14 ployers in the State providing employment
15 using special certificates, which may include—

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

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

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

23 (iv) the average hourly wage for such
24 employees;

1 (B) a description of activities to be funded
2 under the grant, and the goals of such activi-
3 ties, including the activities of the State with
4 respect to competitive integrated employment
5 for people with disabilities; and

6 (C) assurances that—

7 (i) the activities carried out under the
8 grant will, by not later than the end of the
9 5-year grant period, result in—

10 (I) each employer in the State
11 voluntarily ceasing to use special cer-
12 tificates by the end of the 5-year
13 grant period and no longer applying
14 for or renewing such certificates; or

15 (II) in the case of an employer in
16 the State that, as of the date of enact-
17 ment of this Act, provides employment
18 using special certificates, the em-
19 ployer—

20 (aa) transforms its business
21 and program models as described
22 in subsection (d)(1)(A); or

23 (bb) ceases providing spe-
24 cialized employment services for
25 people with disabilities; and

1 (ii) each individual in the State who is
2 employed under a special certificate on or
3 after the date of enactment will be em-
4 ployed in competitive integrated employ-
5 ment or a combination of competitive inte-
6 grated employment and integrated services,
7 including by compensating all employees of
8 the employer for all hours worked at a rate
9 that is—

10 (I) not less than the higher of
11 the rate specified in section 6(a)(1) of
12 the Fair Labor Standards Act of
13 1938 (29 U.S.C. 206(a)(1)) or the
14 rate specified in the applicable State
15 or local minimum wage law, or the ap-
16 plicable prevailing wage rate under
17 the McNamara-O’Hara Service Con-
18 tract Act (41 U.S.C. 6701 et seq.);
19 and

20 (II) not less than the rate paid
21 by the employer for the same or simi-
22 lar work performed by other employ-
23 ees who are not people with disabil-
24 ities, and who are similarly situated in
25 similar occupations by the same em-

1 ployer and who have similar training,
2 experience, and skills; and

3 (iii) the State will establish an advi-
4 sory council described in subsection (e) to
5 monitor and guide the process of trans-
6 forming business and program models of
7 employers in the State as described in sub-
8 section (d)(1)(A).

9 (3) APPLICATIONS FOR STATES RECEIVING
10 AMOUNT FROM RESERVATION.—In the case of a
11 State that, as of the date of enactment of this Act,
12 is determined by the Secretary to have phased out
13 or to be in the process of phasing out the use of spe-
14 cial certificates in the State, an application under
15 this subsection from such State shall include only
16 the information described in paragraph (2)(B).

17 (d) USE OF FUNDS.—

18 (1) IN GENERAL.—In the case of a State not
19 described in paragraph (2), such State shall use the
20 grant funds for each of the following activities:

21 (A) Identifying each employer in the State
22 that will transform its business and program
23 models from employing people with disabilities
24 using special certificates to employing people
25 with disabilities in competitive integrated em-

1 ployment settings, or a setting involving a com-
2 bination of competitive integrated employment
3 and integrated services.

4 (B) Implementing a service delivery infra-
5 structure to support people with disabilities who
6 have been employed under special certificates
7 through such a transformation, including pro-
8 viding enhanced integrated services to support
9 people with the most significant disabilities.

10 (C) Expanding competitive integrated em-
11 ployment and integrated services to be provided
12 to such people as a result of transformations
13 described in subparagraph (A).

14 (2) STATES RECEIVING AMOUNT FROM RES-
15 ERVATION.—A State that, as of the date of enact-
16 ment of this Act, is determined by the Secretary to
17 have phased out or to be in the process of phasing
18 out the use of special certificates in the State, shall
19 use the grant funds for expansion of competitive in-
20 tegrated employment and integrated services to be
21 provided to people with disabilities.

22 (e) MEMBERS OF THE ADVISORY COUNCIL.—A State
23 receiving a grant under this section shall, for the purpose
24 described in subsection (c)(2)(C)(iii), establish an advisory
25 council composed of the following:

1 (1) People with disabilities, including people
2 with intellectual or developmental disabilities and
3 people with mental health disabilities, who are or
4 were employed under a special certificate, who shall
5 comprise not less than 25 percent of the members
6 of such advisory council.

7 (2) Family members of a person with an intel-
8 lectual, developmental, or mental health disability
9 who is or was employed under a special certificate
10 or is employed in competitive integrated employ-
11 ment.

12 (3) An employer providing competitive inte-
13 grated employment.

14 (4) An employer providing employment under
15 special certificates.

16 (5) Representatives of relevant State agencies
17 with expertise in competitive integrated employment,
18 disability organizations with such expertise, and dis-
19 ability related offices and groups with such exper-
20 tise.

21 **SEC. 22202. DEFINITIONS.**

22 In this part:

23 (1) **COMPETITIVE INTEGRATED EMPLOY-**
24 **MENT.**—The term “competitive integrated employ-
25 ment” has the meaning given such term in section

1 7(5) of the Rehabilitation Act of 1973 (29 U.S.C.
2 705(5)).

3 (2) EMPLOYEE; EMPLOYER.—The terms “em-
4 ployee” and “employer” have the meanings given
5 such terms in section 3 of the Fair Labor Standards
6 Act of 1938 (29 U.S.C. 203).

7 (3) INTEGRATED COMMUNITY PARTICIPATION
8 AND WRAPAROUND SERVICES; INTEGRATED SERV-
9 ICES.—The terms “integrated community participa-
10 tion and wraparound services” or “integrated serv-
11 ices” mean services for people with disabilities that
12 are—

13 (A) designed to assist such people in devel-
14 oping skills and abilities to reside successfully
15 in home and community-based settings;

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

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

20 (i) maintaining competitive integrated
21 employment;

22 (ii) achieving independent living; or

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

1 (D) provided in a community location that
2 is not specifically intended for people with dis-
3 abilities;

4 (E) provided in a location that—

5 (i) allows the people receiving the
6 services to interact with people without dis-
7 abilities to the fullest extent possible; and

8 (ii) makes it possible for the people
9 receiving the services to access community
10 resources that are not specifically intended
11 for people with disabilities and to have the
12 same opportunity to participate in the
13 community as people who do not have a
14 disability; and

15 (F) provided in multiple locations to allow
16 the individual receiving the services to have op-
17 tions, thereby—

18 (i) optimizing individual initiative, au-
19 tonomy, and independence; and

20 (ii) facilitating choice regarding serv-
21 ices and supports, and choice regarding the
22 provider of such services.

23 (4) PEOPLE WITH DISABILITIES.—The term
24 “people with disabilities” includes individuals de-

1 scribed in section 14(c)(1) of the Fair Labor Stand-
2 ards Act of 1938 (29 U.S.C. 214(c)(1)).

3 (5) STATE.—The term “State” has the mean-
4 ing given the term in section 3 of the Fair Labor
5 Standards Act of 1938 (29 U.S.C. 203)).

6 **PART 4—RECRUITMENT, EDUCATION AND TRAIN-**
7 **ING, RETENTION, AND CAREER ADVANCE-**
8 **MENTS FOR THE DIRECT CARE WORKFORCE**

9 **SEC. 22301. DEFINITIONS.**

10 In this part:

11 (1) CTE DEFINITIONS.—The terms “evidence-
12 based” and “work-based learning” have the mean-
13 ings given such terms in section 3 of the Carl D.
14 Perkins Career and Technical Education Act of
15 2006 (20 U.S.C. 2302).

16 (2) WIOA DEFINITIONS.—The terms “career
17 pathway”, “career planning”, “individual with a bar-
18 rier to employment”, “local board”, “older indi-
19 vidual”, “on-the-job training”, “recognized postsec-
20 ondary credential”, and “State board” have the
21 meanings given such terms in section 3 of the Work-
22 force Innovation and Opportunity Act (29 U.S.C.
23 3102).

24 (3) OTHER DEFINITIONS.—

1 (A) CAREER AND TECHNICAL EDUCATION
2 SCHOOL.—The term “career and technical edu-
3 cation school” has the meaning given the term
4 “eligible recipient” in section 3 of the 3 of the
5 Carl D. Perkins Career and Technical Edu-
6 cation Act of 2006 (20 U.S.C. 2302).

7 (B) DIRECT CARE WORKER.—The term
8 “direct care worker” means—

9 (i) a direct support professional;

10 (ii) any worker who provides direct
11 care services in home or community-based
12 setting;

13 (iii) a respite care provider who pro-
14 vides short-term support and care to an in-
15 dividual in order to provide relief to a fam-
16 ily caregiver;

17 (iv) a palliative care worker;

18 (v) a direct care worker, as defined in
19 section 799B of the Public Health Service
20 Act (42 U.S.C. 795p); or

21 (vi) an individual in any other position
22 or job related to those described in clauses
23 (i) through (vi), as determined by the Sec-
24 retary in consultation with the Secretary of
25 Health and Human Services acting

1 through the Administrator for the Admin-
2 istration for Community Living.

3 (C) ELIGIBLE ENTITY.—The term “eligible
4 entity” means an entity that is—

5 (i) a State;

6 (ii) a labor organization, a joint labor-
7 management organization, or a Multi-Em-
8 ployer Training and Education Fund;

9 (iii) a nonprofit organization with ex-
10 perience in aging, disability, supporting the
11 rights and interests of direct care workers,
12 or training or educating direct care work-
13 ers;

14 (iv) an Indian Tribe or Tribal organi-
15 zation (as defined in section 4 of the In-
16 dian Self-Determination and Education
17 Assistance Act (25 U.S.C. 5304));

18 (v) an urban Indian organization (as
19 defined in section 4 of the Indian Health
20 Care Improvement Act (25 U.S.C. 1603));

21 (vi) a State board or local board;

22 (vii) an area agency on aging (as de-
23 fined in section 102 of the Older Ameri-
24 cans Act of 1965 (42 U.S.C. 3002));

1 (viii) when in partnership with an en-
2 tity described in any of clauses (i) through
3 (vii)—

4 (I) an institution of higher edu-
5 cation (as defined in section 101 of
6 the Higher Education Act of 1965 (20
7 U.S.C. 1001) or section 102(a)(1)(B)
8 of such Act (20 U.S.C.
9 1002(a)(1)(B))); or

10 (II) a career and technical edu-
11 cation school; or

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

14 (D) FAMILY CAREGIVER.—The term “fam-
15 ily caregiver” means a paid or unpaid adult
16 family member or other individual who has a
17 significant relationship with, and who provides
18 a broad range of assistance to, an individual
19 with a chronic or other health condition, dis-
20 ability, or functional limitation.

21 (E) HOME AND COMMUNITY-BASED SERV-
22 ICES.—The term “home and community-based
23 services” has the meaning given such term in
24 section 9817(a)(2) of the American Rescue
25 Plan Act of 2021 (Public Law 117–2).

1 (F) PERSON WITH A DISABILITY.—The
2 term “person with a disability” means an indi-
3 vidual with a disability as defined in section 3
4 of the Americans with Disabilities Act of 1990
5 (42 U.S.C. 12102).

6 (G) PRE-APPRENTICESHIP PROGRAM.—The
7 term “pre-apprenticeship program” means a
8 program that articulates to a registered appren-
9 ticeship program.

10 (H) REGISTERED APPRENTICESHIP PRO-
11 GRAM.—The term “registered apprenticeship
12 program” means an apprenticeship program
13 registered under the Act of August 16, 1937
14 (commonly known as the “National Apprentice-
15 ship Act”; 50 Stat. 664, chapter 663; 29
16 U.S.C. 50 et seq.).

17 (I) SECRETARY.—The term “Secretary”
18 means the Secretary of Labor.

19 (J) STATE.—The term “State” means
20 each of the 50 States of the United States, the
21 District of Columbia, the Commonwealth of
22 Puerto Rico, American Samoa, Guam, the
23 United States Virgin Islands, and the Common-
24 wealth of the Northern Mariana Islands.

1 **SEC. 22302. GRANTS TO SUPPORT THE DIRECT CARE WORK-**
2 **FORCE.**

3 (a) GRANTS AUTHORIZED.—In addition to amounts
4 otherwise available, there is appropriated to the Secretary
5 for fiscal year 2022, out of any money in the Treasury
6 not otherwise appropriated, \$1,480,000,000, to remain
7 available until September 30, 2031, for awarding, on a
8 competitive basis, grants to eligible entities to carry out
9 the activities described in subsection (c) with respect to
10 direct care workers.

11 (b) APPLICATIONS; AWARD BASIS.—

12 (1) APPLICATIONS.—

13 (A) IN GENERAL.—An eligible entity seek-
14 ing a grant under subsection (a) shall submit to
15 the Secretary an application at such time, in
16 such manner, and containing such information
17 as the Secretary, in coordination with the Sec-
18 retary of Health and Human Services acting
19 through the Administrator of the Administra-
20 tion for Community Living, may require.

21 (B) CONTENTS.—Each application under
22 subparagraph (A) shall include—

23 (i) a description of the type or types
24 of direct care workers the entity plans to
25 serve through the activities supported by
26 the grant;

1 (ii) a description of the one or more
2 eligible partnering entities collaborating to
3 carry out the activities described in sub-
4 section (c);

5 (iii) an assurance that—

6 (I) the eligible entity will estab-
7 lish a consultative process, as de-
8 scribed in subsection (c)(2); and

9 (II) the eligible entity will consult
10 on the implementation of the grant, or
11 coordinate the activities of the grant,
12 with the agencies in the State that are
13 responsible for developmental dis-
14 ability services, aging, education,
15 workforce development, and Medicaid,
16 to the extent that each such entity is
17 not the eligible entity; and

18 (iv) a plan for ensuring that the eligi-
19 ble entity will remain neutral in any orga-
20 nizing effort involving direct care workers
21 served by the grant who seek to form, join,
22 or assist a labor organization.

23 (2) CONSIDERATION.—In awarding grants
24 under subsection (a), the Secretary, in coordination
25 with the Secretary of Health and Human services

1 acting through the Administrator of the Administra-
2 tion for Community Living, shall ensure equitable
3 geographic diversity in distribution of the grants, in-
4 cluding by selecting recipients in rural areas and se-
5 lecting recipients in urban areas.

6 (3) DURATION OF GRANTS.—A grant awarded
7 under this section shall be for a period of 3 years,
8 and may be renewed. The Secretary, in coordination
9 with the Secretary of Health and Human Services
10 acting through the Administrator of the Administra-
11 tion for Community Living, shall award grants (in-
12 cluding any renewals) under this section in 3-year
13 cycles subject to the limits set forth in subsection
14 (a).

15 (c) USE OF FUNDS.—

16 (1) IN GENERAL.—

17 (A) REQUIRED USE OF FUNDS.—Each eli-
18 gible entity receiving a grant under subsection
19 (a) shall use the grant funds to provide com-
20 petitive wages, benefits, and other supportive
21 services, including transportation, child care,
22 dependent care, workplace accommodations,
23 and workplace health and safety protections, to
24 the direct care workers served by the grant that

1 are necessary to enable such workers to partici-
2 pate in the activities supported by the grant.

3 (B) ADDITIONAL ACTIVITIES.—In addition
4 to the requirement described in subparagraph
5 (A), each eligible entity receiving a grant under
6 subsection (a) shall use the grant funds for one
7 or more of the following activities:

8 (i) Developing and implementing a
9 strategy for the recruitment of direct care
10 workers.

11 (ii) Developing and implementing a
12 strategy for the retention of direct care
13 workers using evidence-based best prac-
14 tices, such as providing mentoring to such
15 workers.

16 (iii) Developing or implementing an
17 education and training program for the di-
18 rect care workers served by the grant,
19 which shall include—

20 (I) education and training on—
21 (aa) the rights of direct care
22 workers under applicable Fed-
23 eral, State, or local employment
24 law on—

1 (AA) wages and hours,
2 including under the Fair
3 Labor Standards Act of
4 1938 (29 U.S.C. 201 et
5 seq.);

6 (BB) safe working con-
7 ditions, including under the
8 Occupational Safety and
9 Health Act of 1970 (29
10 U.S.C. 651 et seq.);

11 (CC) forming, joining,
12 or assisting a labor organi-
13 zation, including under the
14 National Labor Relations
15 Act (29 U.S.C. 153 et seq.);
16 and

17 (DD) other applicable
18 terms and conditions of em-
19 ployment; and

20 (bb) relevant Federal and
21 State laws (including regulations)
22 on the provision of home and
23 community-based services; and

24 (II) providing a progressively in-
25 creasing, clearly defined schedule of

1 hourly wages to be paid to each direct
2 care worker served by the grant for
3 each hour the worker spends on edu-
4 cation or training provided through
5 the program described in this clause,
6 with a schedule of hourly wages
7 that—

8 (aa) is consistent with meas-
9 urable skill gains or attainment
10 of a recognized postsecondary
11 credential received as a result of
12 participation in or completion of
13 such education or training pro-
14 gram; and

15 (bb) ensures that each such
16 worker is compensated for each
17 hour the worker spends on edu-
18 cation or training through such
19 program at an entry rate that is
20 not less than the greater of the
21 applicable minimum wage re-
22 quired by other applicable Fed-
23 eral, State, or local law, or a col-
24 lective bargaining agreement;

1 (III) developing and imple-
2 menting a strategy for the retention
3 and career advancement of the direct
4 care workers served by the grant, in-
5 cluding providing career planning for
6 the direct care workers served by the
7 grant to support the identification of
8 advancement opportunities, and career
9 pathways in the direct care or home
10 care sectors; and

11 (IV) using evidence-based models
12 and standards for achievement for the
13 attainment of any associated recog-
14 nized postsecondary credentials, which
15 include—

16 (aa) supporting opportuni-
17 ties to participate in pre-appren-
18 ticeship or registered apprentice-
19 ship programs, work-based learn-
20 ing, or on-the-job training;

21 (bb) providing on-the-job su-
22 pervision or mentoring to support
23 the development of related skills
24 and competencies throughout

1 completion of such credentials;
2 and

3 (cc) training on the in-de-
4 mand skills and competencies of
5 direct care workers served by the
6 grant, including the provision of
7 culturally competent and dis-
8 ability competent supports and
9 services.

10 (2) CONSULTATION.—Each eligible entity re-
11 ceiving a grant under this section shall consult in
12 the development and implementation of the grant
13 with—

14 (A) individuals with disabilities;

15 (B) older individuals;

16 (C) direct care workers;

17 (D) family caregivers, guardians, or family
18 members; or

19 (E) representatives of—

20 (i) organizations representing the
21 rights and interests of people receiving
22 home and community-based services;

23 (ii) provider agencies or employers of
24 direct care workers served by the grant;

1 (iii) labor or joint labor-management
2 organizations, or advocacy organizations,
3 representing direct care workers served by
4 the grant; or

5 (iv) institutions of higher education or
6 career and technical education schools pro-
7 viding education and training on direct
8 care.

9 (d) SUPPLEMENT AND NOT SUPPLANT.—An eligible
10 entity receiving a grant under this section shall use such
11 grant only to supplement, and not supplant, the amount
12 of funds that, in the absence of such grant, would be avail-
13 able to the eligible entity to address the recruitment, edu-
14 cation and training, retention, or career advancement of
15 direct care workers in the State served by the grant.

16 **PART 5—WORKFORCE DEVELOPMENT PRO-**
17 **GRAMS IN SUPPORT OF COMMUNITIES AND**
18 **THE ENVIRONMENT**

19 **SEC. 22401. CORPORATION FOR NATIONAL AND COMMU-**
20 **NITY SERVICE.**

21 (a) IN GENERAL.—

22 (1) AMERICORPS STATE AND NATIONAL PRO-
23 GRAMS.—

24 (A) IN GENERAL.—In addition to amounts
25 otherwise made available, there is appropriated

1 for fiscal year 2023, out of any money in the
2 Treasury not otherwise appropriated, to the
3 Corporation for National and Community Serv-
4 ice, \$1,305,000,000, to remain available until
5 September 30, 2027, for carrying out national
6 service programs authorized under section
7 122(a)(3)(B) of the National and Community
8 Service Act of 1990 (42 U.S.C.
9 12572(a)(3)(B)) which shall be used to make
10 funding adjustments to existing (as of the date
11 of enactment of this Act) awards and make new
12 awards to entities to support national service
13 programs authorized under the AmeriCorps
14 State and National program (whether or not
15 the entities are already grant recipients under
16 such provisions on the date of enactment of this
17 Act) and to increase the living allowances of
18 participants in national service programs.

19 (B) WAIVER OF MATCHING REQUIRE-
20 MENT.—For the purposes of carrying out this
21 subparagraph, the Corporation shall waive any
22 match requirement in whole or in part where a
23 grantee demonstrates such waiver would in-
24 crease access and remove barriers for organiza-
25 tions that serve communities that are adversely

1 affected by persistent poverty, discrimination,
2 or inequality.

3 (2) NATIONAL CIVILIAN COMMUNITY CORPS.—

4 In addition to amounts otherwise made available,
5 there is appropriated for fiscal year 2023, out of any
6 money in the Treasury not otherwise appropriated,
7 to the Corporation for National and Community
8 Service, \$80,000,000, to remain available until Sep-
9 tember 30, 2027, for carrying out the National Civil-
10 ian Community Corps authorized under section 152
11 of the National and Community Service Act of 1990
12 (42 U.S.C. 12612).

13 (3) VOLUNTEERS IN SERVICE TO AMERICA PRO-

14 GRAM.—In addition to amounts otherwise made
15 available, there is appropriated for fiscal year 2023,
16 out of any money in the Treasury not otherwise ap-
17 propriated, to the Corporation for National and
18 Community Service, \$100,000,000, to remain avail-
19 able until September 30, 2027, for carrying out the
20 Volunteers in Service to America (VISTA) program
21 for the purposes described in section 101 of the Do-
22 mestic Volunteer Service Act of 1973 (42 U.S.C.
23 4951), including to increase the living allowances of
24 volunteers, described in section 105(b) of such Act
25 (42 U.S.C. 4955).

1 (4) STATE COMMISSIONS.—In addition to
2 amounts otherwise made available, there is appro-
3 priated for fiscal year 2023, out of any money in the
4 Treasury not otherwise appropriated, to the Cor-
5 poration for National and Community Service,
6 \$40,000,000, to remain available until September
7 30, 2027, to make adjustments to existing (as of the
8 date of enactment of this Act) awards and new and
9 additional awards, including awards to State Com-
10 missions on National and Community Service, under
11 section 126(a) of the National and Community Serv-
12 ice Act of 1990 (42 U.S.C. 12576(a)).

13 (5) USE OF FUNDS.—Amounts made available
14 under paragraphs (1) through (4) shall be used by
15 the Corporation for National and Community Serv-
16 ice to carry out activities described in section
17 122(a)(3)(B) of the National and Community Serv-
18 ice Act of 1990 (42 U.S.C. 12572(a)(3)(B)) and for
19 activities related to environmental resiliency, remedi-
20 ation, or mitigation by—

21 (A) ensuring at least 50 percent of such
22 funds are awarded to entities that serve, and
23 have representation from, low-income commu-
24 nities, Tribal, Alaska Native, or Native Hawai-
25 ian communities, or communities experiencing

1 (or at risk of experiencing) adverse health and
2 environmental conditions;

3 (B) taking into account the diversity of
4 communities served by such entities and the di-
5 versity of AmeriCorps members serving in these
6 projects, including racial, ethnic, socioeconomic,
7 linguistic, or geographic diversity, and utilizing
8 culturally competent and multilingual strategies
9 in the provision of services to communities and
10 in the recruitment of members;

11 (C) supporting projects that are planned
12 and implemented with the community served by
13 such activities;

14 (D) providing participants with workforce
15 development opportunities such as pre-appren-
16 ticeship programs that articulate to registered
17 apprenticeships, and pathways to post-service
18 employment in high-quality jobs or registered
19 apprenticeships; and

20 (E) coordinating with and providing re-
21 sources to the Departments of Labor and Edu-
22 cation to improve the readiness of participants
23 to transition to high-quality jobs or further edu-
24 cation.

25 (b) ADMINISTRATIVE COSTS.—

1 (1) IN GENERAL.—In addition to amounts oth-
2 erwise made available, there is appropriated for fis-
3 cal year 2022, out of any money in the Treasury not
4 otherwise appropriated, to the Corporation for Na-
5 tional and Community Service, \$199,650,000, to re-
6 main available until September 30, 2027, which
7 shall be used for administrative expenses as provided
8 under section 501(a)(5) of the National and Com-
9 munity Service Act of 1990 (42 U.S.C. 12681(a)(5))
10 and under section 504(a) of the Domestic Volunteer
11 Service Act of 1973 (42 U.S.C. 5084(a)), including
12 an evaluation of the Corporation’s information tech-
13 nology security, corrective actions to address rec-
14 ommendations arising from audits of the agency and
15 the National Service Trust, and, in consultation with
16 the Inspector General, the development of grant
17 fraud prevention and detection controls and risk-
18 based anti-fraud grant monitoring. Not less than 5
19 percent of funds under this paragraph shall be re-
20 served for outreach to and recruitment of members
21 from communities traditionally underrepresented in
22 the programs and activities funded under this sec-
23 tion.

24 (2) PROJECT, OPERATIONS, AND MANAGEMENT
25 PLAN.—In addition to amounts otherwise made

1 available, there is appropriated for fiscal year 2022,
2 out of any money in the Treasury not otherwise ap-
3 propriated, to the Corporation for National and
4 Community Service, \$350,000, to remain available
5 until September 30, 2023, which shall be used by
6 the Chief Executive Officer of the Corporation for
7 National and Community Service in collaboration
8 with the Department of Labor, to develop, issue, and
9 implement a project, operations, and management
10 plan for funds appropriated under this section. In
11 developing the financial management portion of the
12 plan, the Chief Executive Officer shall consult with
13 the Inspector General. Such plan shall be provided
14 to the Committee on Education and Labor of the
15 House of Representatives and the Committee on
16 Health, Education, Labor, and Pensions of the Sen-
17 ate prior to obligating funds or making outlays for
18 funds appropriated under subsection (a).

19 (c) OFFICE OF INSPECTOR GENERAL.—In addition
20 to amounts otherwise made available, there is appro-
21 priated for fiscal year 2022, out of any money in the
22 Treasury not otherwise appropriated, to the Office of In-
23 spector General of the Corporation for National and Com-
24 munity Service, \$15,000,000 to remain available until
25 September 30, 2030, which shall be used by the Office

1 of Inspector General of the Corporation for National and
2 Community Service for salaries and expenses necessary for
3 oversight and audit of programs, activities and operations
4 funded under this section.

5 (d) NATIONAL SERVICE TRUST.—In addition to
6 amounts otherwise made available, there is appropriated
7 for fiscal year 2023, out of any money in the Treasury
8 not otherwise appropriated, to the National Service Trust,
9 \$260,000,000, to remain available until expended, for—

10 (1) administration of the National Service
11 Trust; and

12 (2) payment to the Trust for the provision of
13 educational awards pursuant to section 145(a)(1)(A)
14 and section 148 of the National and Community
15 Service Act of 1990 (42 U.S.C. 12601(a)(1)(A);
16 12604).

17 **SEC. 22402. DEPARTMENT OF LABOR.**

18 (a) IN GENERAL.—

19 (1) YOUTHBUILD PROGRAM.—In addition to
20 amounts otherwise made available, there is appro-
21 priated for fiscal year 2023, out of any money in the
22 Treasury not otherwise appropriated, to the Depart-
23 ment of Labor, \$250,000,000, to remain available
24 until September 30, 2027, except that no amounts
25 may be expended after September 30, 2031, for the

1 YouthBuild program authorized under section
2 171(c)(1) of the Workforce Innovation and Oppor-
3 tunity Act (29 U.S.C. 3226(c)(1)), including for the
4 purposes of improving and expanding access to serv-
5 ices, stipends, wages, and benefits described in sub-
6 sections (c)(2)(A)(vii) and (c)(2)(F) of section 171
7 of such Act.

8 (2) JOB CORPS PROGRAM.—In addition to
9 amounts otherwise made available, there is appro-
10 priated for fiscal year 2023, out of any money in the
11 Treasury not otherwise appropriated, to the Depart-
12 ment of Labor, \$500,000,000, to remain available
13 until September 30, 2030, except that no amounts
14 may be expended after September 30, 2031, for the
15 Job Corps program authorized under section 143 of
16 the Workforce Innovation and Opportunity Act (29
17 U.S.C. 3193 et seq.), including Civilian Conservation
18 Centers as described in section 147(d)(1) of such
19 Act (29 U.S.C. 3197) and for the purposes of im-
20 proving and expanding access to allowances and sup-
21 ports described in section 150 of such Act (29
22 U.S.C. 3200).

23 (3) EX-OFFENDER ACTIVITIES.—In addition to
24 amounts otherwise made available, there is appro-
25 priated for fiscal year 2023, out of any money in the

1 Treasury not otherwise appropriated, to the Depart-
2 ment of Labor, \$500,000,000, to remain available
3 until September 30, 2027, except that no amounts
4 may be expended after September 30, 2031, for ex-
5 offender activities under the authority of section
6 169(b)(5) of the Workforce Innovation and Oppor-
7 tunity Act (29 U.S.C. 3224(b)(5)).

8 (4) APPRENTICESHIP PROGRAMS.—In addition
9 to amounts otherwise made available, there is appro-
10 priated for fiscal year 2023, out of any money in the
11 Treasury not otherwise appropriated, to the Depart-
12 ment of Labor, \$1,000,000,000, to remain available
13 until September 30, 2027, except that no amounts
14 may be expended after September 30, 2031, to carry
15 out activities through grants, cooperative agree-
16 ments, contracts or other arrangements, with States
17 and other appropriate entities, including equity
18 intermediaries and business and labor industry part-
19 ner intermediaries, to create or expand only appren-
20 ticeship programs registered under the Act of Au-
21 gust 16, 1937 (commonly known as the “National
22 Apprenticeship Act”; 50 Stat. 664, chapter 663; 29
23 U.S.C. 50 et seq.), youth apprenticeship programs,
24 and pre-apprenticeship programs articulating to ap-
25 prenticeship programs registered under such Act.

1 (5) PAID YOUTH EMPLOYMENT ACTIVITIES.—In
2 addition to amounts otherwise made available, there
3 is appropriated for fiscal year 2023, out of any
4 money in the Treasury not otherwise appropriated,
5 to the Department of Labor, \$249,800,000, to re-
6 main available until September 30, 2030, except
7 that no amounts may be expended after September
8 30, 2031, for paid youth employment activities
9 under the authority of section 169(b)(5) of the
10 Workforce Innovation and Opportunity Act (29
11 U.S.C. 3224(b)(5)) for in-school and out-of-school
12 youth as defined in section 3 of such Act (29 U.S.C.
13 3102).

14 (b) USE OF FUNDS.—Amounts made available under
15 paragraphs (1) through (8) of subsection (a) shall be used
16 for activities to include training for careers in industry
17 sectors and occupations related to environmental resil-
18 iency, remediation, or mitigation and activities to increase
19 diversity within such industry sectors and occupations,
20 taking into account the diversity of communities and par-
21 ticipants served by such programs, including racial, ethnic,
22 socioeconomic, linguistic, or geographic diversity.

23 (c) PROJECT, OPERATIONS, AND MANAGEMENT
24 PLAN.—In addition to amounts otherwise made available,
25 there is appropriated for fiscal year 2022, out of any

1 money in the Treasury not otherwise appropriated, to the
2 Department of Labor, \$200,000, to remain available until
3 September 30, 2023, which shall be used by the Secretary
4 of Labor in collaboration with the Chief Executive Officer
5 of the Corporation for National and Community Service,
6 to develop and issue a project, operations, and manage-
7 ment plan for funds appropriated under this section. Such
8 plan shall be provided to the Committee on Education and
9 Labor of the House of Representatives and the Committee
10 on Health, Education, Labor, and Pensions of the Senate
11 prior to obligating funds or making outlays for funds ap-
12 propriated under subsection (a).

13 **PART 6—DEPARTMENT OF LABOR INSPECTOR**

14 **GENERAL FUNDING**

15 **SEC. 22501. DEPARTMENT OF LABOR INSPECTOR GENERAL**
16 **FUNDING.**

17 In addition to amounts otherwise available, there is
18 appropriated to the Office of Inspector General of the De-
19 partment of Labor for fiscal year 2022, out of any money
20 in the Treasury not otherwise appropriated,
21 \$100,000,000, to remain available until expended for sala-
22 ries and expenses necessary for oversight, investigations,
23 and audits of programs, grants, and projects of the De-
24 partment of Labor funded under this subtitle and subtitle
25 B of this title.

1 **Subtitle D—Child Care and**
2 **Universal Pre-Kindergarten**

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

5 (a) **SHORT TITLE.**—This section may be cited as the
6 “Birth Through Five Child Care and Early Learning En-
7 titlement Act”.

8 (b) **DEFINITIONS.**—

9 (1) **IN GENERAL.**—The definitions in section
10 658P of the Child Care and Development Block
11 Grant Act of 1990 (42 U.S.C. 9858n) shall apply to
12 this section, except as provided in subparagraph (2)
13 and as otherwise specified.

14 (2) **ADDITIONAL TERMS.**—In this section:

15 (A) **CHILD CARE CERTIFICATE.**—

16 (i) **IN GENERAL.**—The term “child
17 care certificate” means a certificate (that
18 may be a check or other disbursement)
19 that is issued by a State or local govern-
20 ment under this section directly to a par-
21 ent who may use such certificate only as
22 payment for child care services or as a de-
23 posit for child care services if such a de-
24 posit is required of other children being
25 cared for by the provider.

1 (ii) RULE.—Nothing in this section
2 shall preclude the use of such certificates
3 for sectarian child care services if freely
4 chosen by the parent. For the purposes of
5 this section, child care certificates shall be
6 considered Federal financial assistance to
7 the provider.

8 (B) CHILD EXPERIENCING HOMELESS-
9 NESS.—The term “child experiencing homeless-
10 ness” means an individual who is a homeless
11 child or youth under section 725 of the McKin-
12 ney-Vento Homeless Assistance Act (42 U.S.C.
13 11434a).

14 (C) ELIGIBLE ACTIVITY.—The term “eligi-
15 ble activity”, with respect to a parent, shall in-
16 clude, at minimum, activities consisting of—

- 17 (i) full-time or part-time employment;
18 (ii) self-employment;
19 (iii) job search activities;
20 (iv) job training;
21 (v) secondary, postsecondary, or adult
22 education, including education through a
23 program of high school classes, a course of
24 study at an institution of higher education,
25 classes towards an equivalent of a high

1 school diploma recognized by State law, or
2 English as a second language classes;

3 (vi) health treatment (including men-
4 tal health and substance use treatment) for
5 a condition that prevents the parent from
6 participating in other eligible activities;

7 (vii) activities to prevent child abuse
8 and neglect, or family violence prevention
9 or intervention activities;

10 (viii) employment and training activi-
11 ties under the supplemental nutrition as-
12 sistance program established under the
13 Food and Nutrition Act of 2008 (7 U.S.C.
14 2011 et seq.);

15 (ix) employment and training activi-
16 ties under the Workforce Innovation and
17 Opportunity Act (29 U.S.C. 3101)

18 (x) work activities under the program
19 of block grants to States for temporary as-
20 sistance for needy families under part A of
21 title IV of the Social Security Act (42
22 U.S.C. 601 et seq.); and

23 (xi) taking leave under the Family
24 and Medical Leave Act of 1993 (29 U.S.C.
25 2601 et seq.) (or equivalent provisions for

1 Federal employees), a State or local paid
2 or unpaid leave law, or a program of em-
3 ployer-provided leave.

4 (D) ELIGIBLE CHILD.—The term “eligible
5 child” means an individual (without regard to
6 the immigration status of the individual or of
7 any parent of the individual)—

8 (i) who is less than 6 years of age;

9 (ii) who is not yet in kindergarten;

10 (iii) whose family income—

11 (I) does not exceed 100 percent
12 of the State median income for a fam-
13 ily of the same size for fiscal year
14 2022;

15 (II) does not exceed 115 percent
16 of such State median income for fiscal
17 year 2023;

18 (III) does not exceed 130 percent
19 of such State median income for fiscal
20 year 2024; and

21 (IV) for each of the fiscal years
22 2025 through 2027, is of any level;

23 (iv) whose family assets do not exceed
24 \$1,000,000 (as certified by a member of
25 such family); and

1 (v) who—

2 (I) resides with a parent partici-
3 pating in an eligible activity;

4 (II) is included in a population of
5 vulnerable children identified by the
6 lead agency involved, which at a min-
7 imum shall include children experi-
8 encing homelessness, children in foster
9 care, children in kinship care, and
10 children who are receiving, or need to
11 receive, child protective services; or

12 (III) resides with a parent who is
13 more than 65 years of age.

14 (E) ELIGIBLE CHILD CARE PROVIDER.—

15 (i) IN GENERAL.—The term “eligible
16 child care provider” means a center-based
17 child care provider, a family child care pro-
18 vider, or other provider of child care serv-
19 ices for compensation that—

20 (I) is licensed to provide child
21 care services under State law;

22 (II) participates in the State’s
23 tiered system for measuring the qual-
24 ity of child care providers described in
25 subsection(f)(4)(B)—

1 (aa) not later than the last
2 day of the third fiscal year for
3 which the State receives funds
4 under this section; and

5 (bb) for the remainder of
6 the period for which the provider
7 receives funds under this section;
8 and

9 (III) satisfies the State and local
10 requirements applicable to eligible
11 child care providers under the Child
12 Care and Development Block Grant
13 Act of 1990 (42 U.S.C. 9857 et seq.),
14 including those requirements de-
15 scribed in section 658E(c)(2)(I) of
16 such Act (42 U.S.C. 9858c(c)(2)(I)).

17 (ii) SPECIAL RULE.—A child care pro-
18 vider who has been eligible to provide child
19 care services in a State for children receiv-
20 ing assistance under the Child Care and
21 Development Block Grant Act of 1990 (42
22 U.S.C. 9857 et seq.) on the date the State
23 submits an application for funds under this
24 section and remains in good standing with
25 the State, shall be deemed to be an eligible

1 child care provider under this section for 3
2 years after the State receives funding
3 under this section.

4 (F) FMAP.—The term “FMAP” has the
5 meaning given the term “Federal medical as-
6 sistance percentage” in the first sentence of
7 section 1905(b) of the Social Security Act (42
8 U.S.C. 1396d(b)).

9 (G) FAMILY CHILD CARE PROVIDER.—
10 Family child care provider means one or more
11 individuals who provide child care services less
12 than 24 hours per day per child, in a private
13 residence other than the residences of the chil-
14 dren, unless care for 24 hours is provided due
15 to the nature of the parent(s)’ work.

16 (H) INCLUSIVE CARE.—The term “inclu-
17 sive”, with respect to care (including child
18 care), means care provided by an eligible child
19 care provider—

20 (i) for whom the percentage of chil-
21 dren served by the provider who are chil-
22 dren with disabilities or infants or toddlers
23 with disabilities reflects the prevalence of
24 children with disabilities and infants and
25 toddlers with disabilities (whichever the

1 provider serves) among children within the
2 State involved; and

3 (ii) that provides care and full partici-
4 pation for children with disabilities and in-
5 fants and toddlers with disabilities (which-
6 ever the provider serves) alongside children
7 who are—

8 (I) not children with disabilities;
9 and

10 (II) not infants and toddlers with
11 disabilities.

12 (I) INFANT OR TODDLER.—The term “in-
13 fant or toddler” means an individual who is less
14 than 3 years of age.

15 (J) INFANT OR TODDLER WITH A DIS-
16 ABILITY.—The term “infant or toddler with a
17 disability” has the meaning given the term in
18 section 632 of the Individuals with Disabilities
19 Education Act (20 U.S.C. 1432).

20 (K) LEAD AGENCY.—The term “lead agen-
21 cy” means the agency designated or established
22 under subsection (e).

23 (L) STATE.—The term “State” means any
24 of the 50 States and the District of Columbia.

1 (M) TERRITORY.—The term “territory”
2 means the Commonwealth of Puerto Rico, the
3 Virgin Islands of the United States, Guam,
4 American Samoa, and the Commonwealth of
5 the Northern Mariana Islands.

6 (N) TRIBAL ORGANIZATION.—The term
7 “Tribal organization” has the meaning given
8 the term in section 4 of the Indian Self-Deter-
9 mination and Education Assistance Act (25
10 U.S.C. 450b).

11 (O) URBAN INDIAN ORGANIZATION.—The
12 term “Urban Indian organization” has the
13 meaning given the term in section 4 of the In-
14 dian Health Care Improvement Act (25 U.S.C.
15 1603).

16 (c) APPROPRIATIONS.—

17 (1) IN GENERAL.—In addition to amounts oth-
18 erwise available, there is appropriated to the Depart-
19 ment of Health and Human Services, out of any
20 money in the Treasury not otherwise appropriated,
21 for carrying out this section—

22 (A) \$20,000,000,000 for fiscal year 2022,
23 to remain available until September 30, 2025,

24 (B) \$30,000,000,000 for fiscal year 2023,
25 to remain available until September 30, 2026

1 (C) \$40,000,000,000 for fiscal year 2024,
2 to remain available until September 30, 2027;

3 (D) such sums as may be necessary for
4 each of fiscal years 2025 through 2027, to re-
5 main available for one fiscal year.

6 (2) ADMINISTRATION.—

7 (A) FISCAL YEARS 2022 THROUGH 2024.—

8 In addition to amounts otherwise available,
9 there is appropriated to the Department of
10 Health and Human Services, out of any money
11 in the Treasury not otherwise appropriated,
12 \$130,000,000 for each of fiscal years 2022,
13 2023, and 2024, to carry out subsection (k).
14 Amounts appropriated by the preceding sen-
15 tence shall be available for one fiscal year.

16 (B) FISCAL YEARS 2025 THROUGH 2027.—

17 From the amounts appropriated under sub-
18 section (a), the Secretary shall reserve, to carry
19 out subsection (k), up to 1 percent of such
20 amounts for each of fiscal years 2025, 2026,
21 and 2027, which shall be in addition to
22 amounts otherwise available for this purpose.
23 Amounts appropriated by the preceding sen-
24 tence shall be available for one fiscal year.

1 (d) ESTABLISHMENT OF BIRTH THROUGH FIVE
2 CHILD CARE AND EARLY LEARNING ENTITLEMENT PRO-
3 GRAM.—

4 (1) IN GENERAL.—The Secretary is authorized
5 to administer a child care and early learning entitle-
6 ment program under which families, in States, terri-
7 tories, and Indian Tribes with an approved applica-
8 tion under subsection (f) or (g), shall be provided an
9 opportunity to obtain high-quality child care services
10 for eligible children, subject to the requirements of
11 this section.

12 (2) ASSISTANCE FOR EVERY ELIGIBLE
13 CHILD.—Beginning on October 1, 2024, every family
14 who applies for assistance under this section with re-
15 spect to a child in a State with an approved applica-
16 tion under subsection (g), or in a territory or Indian
17 tribe with an approved application under subsection
18 (f), and who is determined, by a lead agency (or
19 other entity designated by a lead agency) following
20 standards and procedures established by the Sec-
21 retary by rule, to be an eligible child, shall be offered
22 child care assistance in accordance with and subject
23 to the requirements and limitations of this section.

24 (e) LEAD AGENCY.—The Governor of a State or the
25 head of a territory or Indian tribe, desiring to receive as-

1 sistance under this section shall designate an agency
2 (which may be an appropriate collaborative agency), or es-
3 tablish a joint interagency office—

4 (1) to serve as the lead agency for the State,
5 territory, or Indian tribe under this section; and

6 (2) to administer, directly or through other gov-
7 ernmental or nongovernmental agencies of the State,
8 territory or Indian tribe the financial assistance re-
9 ceived under this section by the State, territory, or
10 Indian tribe, including by certifying the eligibility of
11 children.

12 (f) APPLICATIONS AND STATE PLANS.—

13 (1) APPLICATION.—To be eligible to receive as-
14 sistance under this section, a State shall prepare
15 and submit to the Secretary for approval an applica-
16 tion at such time, in such manner, and containing
17 a State plan that—

18 (A) for a transitional State plan, meets the
19 requirements under subsection (c) and contains
20 such information as the Secretary may require,
21 to demonstrate the State will meet the require-
22 ments of this section; and

23 (B) for a full State plan, meets the re-
24 quirements under subsection (d) and contains
25 that information.

1 (2) PERIOD COVERED BY PLAN.—A State plan
2 contained in the application shall be designed to be
3 implemented—

4 (A) for a transitional State plan, during a
5 1-year period; and

6 (B) for a full State plan, during a 3-year
7 period.

8 (3) REQUIREMENTS FOR TRANSITIONAL STATE
9 PLANS.—For a period of 1 year following the date
10 of enactment of this Act, the Secretary shall award
11 funds under this section to States with an approved
12 application that contains a transitional State plan,
13 submitted under paragraph (1)(A) that includes, at
14 a minimum—

15 (A) an assurance that the State will sub-
16 mit a State plan under paragraph (4); and

17 (B) a description of how the funds received
18 by the State under this section will be spent to
19 expand access to child care assistance and in-
20 crease the supply and quality of child care pro-
21 viders within the State, in alignment with the
22 requirements of this section.

23 (4) REQUIREMENTS FOR FULL STATE PLANS.—
24 The Secretary may award funds under this section
25 to States with an approved application that contains

1 a subsequent State plan, submitted under subsection
2 (a)(2), that includes, at a minimum, the following:

3 (A) PAYMENT RATES AND COST ESTI-
4 MATION.—

5 (i) PAYMENT RATES.—The State plan
6 shall certify that payment rates for the
7 provision of child care services for which
8 assistance is provided in accordance with
9 this section for the period covered by the
10 plan, within 3 years after the State re-
11 ceives funds under this section—

12 (I) will be sufficient to meet the
13 cost of child care, and set in accord-
14 ance with a cost estimation model or
15 cost study described in clause (ii) that
16 is approved by the Secretary; and

17 (II) will correspond to differences
18 in quality (including improved quality)
19 based on the State’s tiered system for
20 measuring the quality of eligible child
21 care providers described in subpara-
22 graph (B).

23 (ii) COST ESTIMATION.—Such State
24 plan shall—

1 (I) demonstrate that the State
2 has, after consulting with relevant en-
3 tities and stakeholders, developed and
4 uses a statistically valid and reliable
5 cost estimation model or cost study
6 for the payment rates of child care
7 services in the State that reflect rates
8 for providers at each of the tiers of
9 the State’s tiered system for meas-
10 uring the quality of child care pro-
11 viders described in subparagraph (B),
12 and variations in the cost of child care
13 services by geographic area, type of
14 provider, and age of child, and the ad-
15 ditional costs associated with pro-
16 viding inclusive child care services;
17 and

18 (II) certify that the State’s pay-
19 ment rates for child care services for
20 which assistance is provided in accord-
21 ance with this section—

22 (aa) are set in accordance
23 with the most recent estimates
24 from the most recent cost esti-
25 mation model or cost study under

1 subclause (I), so that providers
2 at each tier of the tiered system
3 for measuring provider quality
4 described in subparagraph (B)
5 receive a payment that is suffi-
6 cient to meet the requirements of
7 such tier;

8 (bb) are set so as to provide
9 payments to providers not at the
10 top tier of the tiered system that
11 are sufficient to enable the pro-
12 viders to increase quality to meet
13 the requirements for the next
14 tier;

15 (cc) ensure adequate wages
16 for staff of child care providers
17 providing such child care services
18 that—

19 (AA) at a minimum,
20 provide a living wage for all
21 staff of such child care pro-
22 viders; and

23 (BB) are equivalent to
24 wages for elementary edu-
25 cators with similar creden-

1 (I) uses standards for a highest
2 tier that at a minimum are equivalent
3 to Head Start program performance
4 standards described in section
5 641A(a)(1)(B) of the Head Start Act
6 (42 U.S.C. 9836a(a)(1)(B)) or other
7 equivalent evidence-based standards
8 approved by the Secretary; and

9 (II) includes quality indicators
10 and thresholds that are appropriate
11 for child development in different
12 types of child care provider settings,
13 including child care centers and the
14 settings of family child care providers,
15 and are appropriate for providers
16 serving different age groups (includ-
17 ing mixed age groups) of children;

18 (ii) include a different set of stand-
19 ards that includes indicators, when appro-
20 priate, for care during nontraditional hours
21 of operation; and

22 (iii) provide for sufficient resources
23 and supports for child care providers at
24 tiers lower than the highest tier to facili-

1 tate progression toward higher quality
2 standards.

3 (C) ACHIEVING HIGH QUALITY FOR ALL
4 CHILDREN.—Such State plan shall certify the
5 State has implemented, or will implement with-
6 in 3 years of receiving funds under this section,
7 policies and financing practices that will ensure
8 all families of eligible children can choose for
9 the children to attend child care at the highest
10 quality tier within 6 years after the date of en-
11 actment of this Act.

12 (D) COMPENSATION.—Such plan shall pro-
13 vide a certification that the State has or will
14 have within 3 years after receiving funds under
15 this section, a wage ladder for staff of eligible
16 child care providers receiving assistance under
17 this section, including a certification that wages
18 for such staff, at a minimum, will meet the re-
19 quirements of subparagraph (A)(ii)(II)(cc).

20 (E) SLIDING FEE SCALE FOR COPAY-
21 MENTS.—

22 (i) IN GENERAL.—Except as provided
23 in clauses (ii)(I) and (iii), the State plan
24 shall provide an assurance that the State
25 will for the period covered by the plan use

1 a sliding fee scale described in clause (ii)
2 to determine a copayment for a family re-
3 ceiving assistance under this section (or,
4 for a family receiving part-time care, a re-
5 duced copayment that is the proportionate
6 amount of the full copayment).

7 (ii) SLIDING FEE SCALE.—A full co-
8 payment described in clause (i) shall use a
9 sliding fee scale that provides that, for a
10 family with a family income—

11 (I) of not more than 75 percent
12 of State median income for a family
13 of the same size, the family shall not
14 pay a copayment, toward the cost of
15 the child care involved for all eligible
16 children in the family;

17 (II) of more than 75 percent but
18 not more than 100 percent of State
19 median income for a family of the
20 same size, the copayment shall be
21 more than 0 but not more than 2 per-
22 cent of that family income, toward
23 such cost for all such children;

24 (III) of more than 100 percent
25 but not more than 125 percent of

1 State median income for a family of
2 the same size, the copayment shall be
3 more than 2 but not more than 4 per-
4 cent of that family income, toward
5 such cost for all such children;

6 (IV) of more than 125 percent
7 but not more than 150 percent of
8 State median income for a family of
9 the same size, the copayment shall be
10 more than 4 but not more than 7 per-
11 cent of that family income, toward
12 such cost for all such children; and

13 (V) of more than 150 percent of
14 the State median income for a family
15 of the same size, the copayment shall
16 be 7 percent of that family income, to-
17 ward such cost for all such children.

18 (iii) SPECIAL RULES.—The State shall
19 not require a copayment under this sub-
20 paragraph for any eligible child of a family
21 with a child that is eligible for a Head
22 Start program under the Head Start Act
23 (42 U.S.C. 9831 et seq.), or a child who
24 has been identified as a member of a popu-
25 lation listed in subsection

1 (b)(2)(D)(v)((II). A State or another entity
2 may pay a copayment (full or reduced)
3 under this subparagraph on behalf of a
4 family, but may not receive Federal reim-
5 bursement under this section for such pay-
6 ment.

7 (F) PROHIBITION ON CHARGING MORE
8 THAN COPAYMENT.—The State plan shall cer-
9 tify that the State shall not permit a child care
10 provider receiving financial assistance under
11 this section to charge, for child care for an eli-
12 gible child, more than the total of—

13 (i) the financial assistance provided
14 for the child under this section; and

15 (ii) any applicable copayment pursu-
16 ant to subparagraph (E).

17 (G) ELIGIBILITY.—The State plan shall
18 assure that each child who receives assistance
19 under this section will be considered to meet all
20 eligibility requirements for such assistance, and
21 will receive such assistance, for not less than 24
22 months, and the child's eligibility determination
23 and redetermination, including any determina-
24 tion based on the State's definition of eligible
25 activities, shall be implemented in such a man-

1 ner that supports child well-being and reduces
2 barriers to enrollment, including continuity of
3 services.

4 (H) POLICIES TO SUPPORT ACCESS TO
5 CHILD CARE FOR UNDERSERVED POPU-
6 LATIONS.—The State plan shall assure that the
7 State will prioritize increasing access to, and
8 the quality and the supply of, child care in the
9 State for underserved populations, including at
10 a minimum, low-income children, children in
11 underserved areas, infants and toddlers, chil-
12 dren with disabilities and infants and toddlers
13 with disabilities, children who are dual language
14 learners, and children who receive care during
15 nontraditional hours.

16 (I) POLICIES.—The State plan shall in-
17 clude a certification that the State will apply,
18 under this section, the policies and procedures
19 described in subparagraphs (A), (B), (I), (J),
20 (K)(i), (R), and (U) of section 658E(c)(2) of
21 the Child Care and Development Block Grant
22 Act of 1990 (42 U.S.C. 9858c(c)(2)), and the
23 policies and procedures described in section
24 658H of such Act, to child care services pro-
25 vided under this section.

1 (J) LICENSING.—The State plan shall in-
2 clude an assurance that the State has or will
3 develop within 3 years after receiving funds
4 under this section, licensing standards for child
5 care providers and a pathway to such licensure
6 that is available to and appropriate for child
7 care providers in a variety of settings, to ensure
8 providers eligible under the Child Care and De-
9 velopment Block Grant Act of 1990 (42 U.S.C.
10 9857 et seq.), have a pathway to become eligi-
11 ble providers under this section.

12 (K) REPORTS.—The State plan shall in-
13 clude an agreement to provide to the Secretary
14 such periodic reports, providing a detailed ac-
15 counting of the uses of such funds received
16 under this section, as the Secretary may require
17 for the administration of this section.

18 (g) PAYMENTS.—

19 (1) TRANSITION PAYMENTS FOR FISCAL YEARS
20 2022 THROUGH 2024.—

21 (A) RESERVATIONS AND ALLOTMENTS.—

22 (i) IN GENERAL.—For each of fiscal
23 years 2022 through 2024, the Secretary
24 shall, from the amount appropriated under

1 subsection (c)(1)(A) for each such fiscal
2 year—

3 (I) reserve not less than 4 per-
4 cent for Indian Tribes, Tribal organi-
5 zations, and Urban Indian organiza-
6 tions for child care assistance;

7 (II) reserve not less than 0.5 of
8 1 percent for Guam, American
9 Samoa, the Commonwealth of the
10 Northern Mariana Islands, and the
11 United States Virgin Islands for child
12 care assistance; and

13 (III) from the amount so appro-
14 priated and not reserved under sub-
15 clauses (I) and (II), make allotments
16 to each State in the same manner as
17 the Secretary makes such allotments
18 using the formula under section
19 6580(b) of the Child Care and Devel-
20 opment Block Grant Act of 1990 (42
21 U.S.C. 9858n(b)).

22 (IV) \$9,600,000,000 for each of
23 the fiscal years 2022 through 2027 to
24 carry out the program of grants to lo-
25 calities in subsection (i).

1 (ii) DEFINITION.—For purposes of
2 this paragraph, the term “State” means
3 the 50 States, the District of Columbia,
4 and the Commonwealth of Puerto Rico.

5 (B) PAYMENTS.—

6 (i) INDIAN TRIBES, TRIBAL ORGANIZA-
7 TIONS, AND URBAN INDIAN ORGANIZA-
8 TIONS.—

9 (I) IN GENERAL.—For each of
10 fiscal years 2022 through 2024, from
11 the amount reserved for Indian
12 Tribes, Tribal organizations, and
13 Urban Indian organizations under
14 subparagraph (A)(i)(I), the Secretary
15 shall make payments to Indian Tribes,
16 Tribal organizations, and Urban In-
17 dian organizations, and the Tribes,
18 Tribal organizations, and Indian orga-
19 nizations shall be entitled to such pay-
20 ments, for carrying out programs or
21 activities consistent with the objectives
22 of this section.

23 (II) APPLICATIONS.—An Indian
24 Tribe, Tribal organization, or Urban
25 Indian organization seeking a pay-

1 ment under clause (ii)(II) shall submit
2 an application to the Secretary at
3 such time, in such manner, and con-
4 taining such information as the Sec-
5 retary may specify, including the
6 agreement described in subsection
7 (f)(4)(K).

8 (ii) TERRITORIES.—

9 (I) IN GENERAL.—For each of
10 fiscal years 2022 through 2024, from
11 the amount reserved for territories
12 under subsection (A)(i)(II), the Sec-
13 retary shall make payments to the ter-
14 ritories specified in that paragraph,
15 and the territories shall be entitled to
16 such payments, for carrying out pro-
17 grams or activities consistent with the
18 objectives of this section.

19 (II) APPLICATIONS.—A territory
20 specified in clause (i)(II) seeking a
21 payment under this clause shall sub-
22 mit an application to the Secretary at
23 such time, in such manner, and con-
24 taining such information as the Sec-
25 retary may specify, including the

1 agreement described in subsection
2 (f)(4)(K).

3 (iii) STATES.—For each of fiscal years
4 2022 through 2024, each State that has
5 an application approved under subsection
6 (f) shall be entitled to a payment under
7 this clause in the amount equal to its allot-
8 ment under subparagraph (A) for such fis-
9 cal year.

10 (C) AUTHORITIES.—Notwithstanding any
11 other provision of this paragraph, for each of
12 fiscal years 2022 through 2024, the Secretary
13 shall have the authority to reallocate funds that
14 were allotted under subparagraph (A) from any
15 State without an approved application under
16 subsection (f) by the date required by the Sec-
17 retary, to States with approved applications
18 under that subsection, to Tribes with an ap-
19 proved application under subparagraph (A)(ii),
20 and to territories with an approved application
21 under .

22 (2) PAYMENTS FOR FISCAL YEARS 2025
23 THROUGH 2027.—

24 (A) IN GENERAL.—For each of fiscal years
25 2025 through 2027:

1 (i) CHILD CARE ASSISTANCE FOR ELI-
2 GIBLE CHILDREN.—

3 (I) IN GENERAL.—The Secretary
4 shall pay to each State with an ap-
5 proved application under subsection
6 (f), and that State shall be entitled to,
7 an amount for each quarter equal to
8 90 percent of expenditures in the
9 quarter for child care assistance for
10 eligible children described under sub-
11 section (h)(2)(B). The Secretary shall
12 pay to each State with an approved
13 application under subsection (f), and
14 that State shall be entitled to, an
15 amount for each quarter equal to 90
16 percent of expenditures in the quarter
17 for the components of the child care
18 entitlement program described under
19 subsection (h)(2)(B).

20 (II) EXCEPTION.—Funds re-
21 served from the amount under sub-
22 section (h)(2)(C) shall be subject to
23 clause (ii).

24 (ii) ACTIVITIES TO IMPROVE THE
25 QUALITY AND SUPPLY OF CHILD CARE

1 SERVICES.—The Secretary shall pay to
2 each State with such an approved applica-
3 tion, and that State shall be entitled to, an
4 amount for each quarter equal to the
5 FMAP of expenditures in the quarter to
6 carry out the quality and supply building
7 activities under subsection (h)(2)(C) sub-
8 ject to the limit specified in clause (i) of
9 such subsection.

10 (iii) ADMINISTRATION.—The Sec-
11 retary shall pay to each State with such an
12 approved application, and that State shall
13 be entitled to, an amount for each quarter
14 equal to 50 percent of expenditures in the
15 quarter for the costs of administration in-
16 curred by the State—

17 (I) which shall include reasonable
18 costs incurred by the State in car-
19 rying out the child care program es-
20 tablished in this section; and

21 (II) which may include, at the
22 option of the State, costs associated
23 with carrying out requirements, poli-
24 cies, and procedures described in sec-
25 tion 658H of the Child Care and De-

1 velopment Block Grant Act (42
2 U.S.C. 9858f).

3 (B) ADVANCE PAYMENT; RETROSPECTIVE
4 ADJUSTMENT.—For each of fiscal years 2025
5 through 2027, the Secretary may make pay-
6 ments under this subsection for each quarter on
7 the basis of advance estimates of expenditures
8 submitted by the State and such other inves-
9 tigation as the Secretary may find necessary,
10 and shall reduce or increase the payments as
11 necessary to adjust for any overpayment or un-
12 derpayment for previous quarters.

13 (C) FLEXIBILITY IN SUBMITTAL OF
14 CLAIMS.—Nothing in this subsection shall be
15 construed as preventing a State from claiming
16 as expenditures in a quarter expenditures that
17 were incurred in a previous quarter and not
18 claimed in such previous quarter.

19 (D) TERRITORIES AND TRIBES.—For each
20 of fiscal years 2025 through 2027, the Sec-
21 retary shall make payments to territories, and
22 Indian tribes, tribal organizations, and Urban
23 Indian organizations, with applications sub-
24 mitted as described in subsection (a), and ap-
25 proved by the Secretary. The territories, Indian

1 tribes, tribal organizations, and Urban Indian
2 organizations shall be entitled to such payments
3 to carry out the activities described in sub-
4 section (h)(2).

5 (h) USE OF FUNDS.—

6 (1) USE OF FUNDS FOR TRANSITION YEARS.—

7 For each of fiscal years 2022 through 2024, a State
8 that receives a payment under subsection (g)(1)
9 shall reserve and use—

10 (A) 50 percent of such payment for activi-
11 ties to—

12 (i) expand access to child care assist-
13 ance for eligible children (with priority for
14 providing access for children in families
15 with incomes less than 85 percent of the
16 State median income); and

17 (ii) increase child care provider pay-
18 ment rates to support the cost of providing
19 high-quality child care services, including
20 rates sufficient to support increased wages
21 for staff of eligible child care providers;

22 (B) 25 percent of such payment for activi-
23 ties described in subsection (b)(3); and

1 (C) 25 percent for activities under sub-
2 paragraph (A) or activities under subparagraph
3 (B), as determined by the State.

4 (2) USE OF FUNDS FOR FISCAL YEARS 2025
5 THROUGH 2027.—

6 (A) IN GENERAL.—Starting on October 1,
7 2024, a State shall use amounts provided to the
8 State under subsection (g)(2) for child care
9 services (provided on a sliding fee scale basis),
10 activities to improve the quality and supply of
11 child care services, and State administration.

12 (B) CHILD CARE ASSISTANCE FOR ELIGI-
13 BLE CHILDREN.—

14 (i) IN GENERAL.—The State shall en-
15 sure that parents of eligible children can
16 access child care services provided by an
17 eligible child care provider through a grant
18 or contract under clause (ii) or a certifi-
19 cate under clause (iii).

20 (ii) GRANTS AND CONTRACTS.—The
21 State shall award grants or contracts to el-
22 igible child care providers, consistent with
23 the requirements under this section, for
24 the provision of child care services for eli-
25 gible children that, at minimum, support

1 providers' operating expenses to meet and
2 sustain health, safety, quality, and wage
3 standards required under this section.

4 (iii) CERTIFICATES.—The State shall
5 issue a child care certificate directly to a
6 child care provider on behalf of a parent
7 who may use such certificate only as pay-
8 ment for child care services or as a deposit
9 for child care services if such a deposit is
10 required of other children being cared for
11 by the provider, consistent with the re-
12 quirements under this section.

13 (C) ACTIVITIES TO IMPROVE THE QUALITY
14 AND SUPPLY OF CHILD CARE SERVICES.—

15 (i) QUALITY CHILD CARE ACTIVI-
16 TIES.—

17 (I) AMOUNT.—For each of fiscal
18 years 2025 through 2027, from the
19 total of the annual payments made to
20 the State for a particular fiscal year,
21 the State shall reserve and use a qual-
22 ity child care amount equal to not less
23 than 5 percent and not more than 10
24 percent of the amount made available
25 to the State through such payments

1 for that particular fiscal year (and
2 shall reserve and use a proportional
3 amount from each quarterly payment
4 made to the State for that particular
5 fiscal year).

6 (II) USE OF QUALITY CHILD
7 CARE AMOUNT.—Each State shall use
8 the quality child care amount de-
9 scribed in subclause (I) to implement
10 activities described in subparagraphs
11 (B) and (C) that increase the quality
12 and supply of eligible child care pro-
13 viders, and the number of available
14 slots in the State for child care serv-
15 ices funded under this section,
16 prioritizing assistance for child care
17 providers who are in underserved com-
18 munities and who are providing, or
19 are seeking to provide, child care serv-
20 ices for underserved populations iden-
21 tified in subsection (f)(4)(H).

22 (III) ADMINISTRATION.—Assist-
23 ance provided under this subpara-
24 graph may be administered—

1 (aa) directly by the lead
2 agency; or

3 (bb) through other State
4 government agencies, local or re-
5 gional child care resource and re-
6 ferral organizations, community
7 development financial institu-
8 tions, other intermediaries with
9 experience supporting child care
10 providers, or other appropriate
11 entities that enter into a contract
12 with the State to provide such
13 assistance.

14 (ii) ACTIVITIES.—Activities funded
15 under the quality child care amount de-
16 scribed in clause (i) shall include each of
17 the following:

18 (I) STARTUP GRANTS AND SUP-
19 PLY EXPANSION GRANTS.—

20 (aa) IN GENERAL.—From a
21 portion of the quality child care
22 amount, a State shall make start-
23 up and supply expansion grants
24 to support child care providers
25 who are providing, or seeking to

1 provide, child care services to
2 children receiving assistance
3 under this section, with priority
4 for providers providing or seeking
5 to provide child care in under-
6 served communities and for un-
7 derserved populations identified
8 in subsection (f)(4)(H), to—
9 (AA) support startup
10 and expansion costs; and
11 (BB) assist such pro-
12 viders in meeting health and
13 safety requirements and
14 achieving licensure.
15 (bb) REQUIREMENT.—As a
16 condition of receiving a startup
17 or supply expansion grant under
18 this subclause, a child care pro-
19 vider shall commit to meeting the
20 requirements of an eligible pro-
21 vider under this section, and pro-
22 viding child care services to chil-
23 dren receiving assistance under
24 this section on an ongoing basis.

1 (II) QUALITY GRANTS.—From a
2 portion of the quality child care
3 amount, a State shall provide quality
4 grants to eligible child care providers
5 providing child care services to chil-
6 dren receiving assistance under this
7 section to improve the quality of such
8 providers, including—

9 (aa) supporting such pro-
10 viders in meeting or making
11 progress toward the requirements
12 for the highest tier of the State’s
13 tiered system for measuring the
14 quality of child care providers
15 under subsection (f)(4)(B); and

16 (bb) supporting such pro-
17 viders in sustaining child care
18 quality.

19 (III) FACILITIES GRANTS.—

20 (aa) IN GENERAL.—From a
21 portion of the quality child care
22 amount, a State shall provide
23 support, including through
24 awarding facilities grants, for re-
25 modeling, renovation, or repair of

1 a building or facility to the ex-
2 tent permitted under section
3 658F(b) of the Child Care and
4 Development Block Grant Act of
5 1990 (42 U.S.C. 9858).

6 (bb) ADDITIONAL USES.—
7 For fiscal years 2022 through
8 2024, and in subsequent years
9 with approval from the Secretary,
10 a State may provide such facili-
11 ties grants for construction, per-
12 manent improvement, or major
13 renovation of a building or facil-
14 ity primarily used for providing
15 child care services, in accordance
16 with the following:

17 (AA) Federal interest
18 provisions will not apply to
19 the renovation or rebuilding
20 of privately-owned family
21 child care homes under this
22 subclause.

23 (BB) Eligible child care
24 providers may not use funds
25 for buildings or facilities

1 that are used primarily for
2 sectarian instruction or reli-
3 gious worship.

4 (CC) The Secretary
5 shall develop parameters on
6 the use of funds under this
7 subclause for family child
8 care homes.

9 (DD) The Secretary
10 shall not retain Federal in-
11 terest after a period of 10
12 years in any facility built,
13 renovated, or repaired with
14 funds awarded under this
15 subclause.

16 (IV) ADDITIONAL ACTIVITIES TO
17 IMPROVE THE QUALITY OF CHILD
18 CARE SERVICES.—A State shall use a
19 portion of the quality child care
20 amount to improve the quality of child
21 care services, which shall include—

22 (aa) supporting the training
23 and professional development of
24 the early childhood workforce, in-
25 cluding supporting degree attain-

1 ment and credentialing for early
2 childhood educators;
3 (bb) developing, imple-
4 menting, or enhancing the
5 State's tiered system for meas-
6 uring the quality of child care
7 providers under subsection
8 (f)(4)(B);
9 (cc) improving the supply
10 and quality of developmentally
11 appropriate child care programs
12 and services for underserved pop-
13 ulations described in subsection
14 (f)(4)(H);
15 (dd) improving access to
16 child care services for children
17 experiencing homelessness and
18 children in foster care; and
19 (ee) other activities to im-
20 prove the supply and quality of
21 child care services, including ac-
22 tivities described in paragraphs
23 (1) through (10) of section
24 658G(b) of the Child Care and

1 Development Block Grant Act of
2 1990 42 U.S.C. 9858e).

3 (V) TECHNICAL ASSISTANCE.—

4 From a portion of the quality child
5 care amount, the State shall provide
6 technical assistance to increase the
7 supply and quality of eligible child
8 care providers who are providing, or
9 seeking to provide, child care services
10 to children receiving assistance under
11 this section, including providing sup-
12 port to enable providers to achieve li-
13 censure.

14 (i) GRANTS TO LOCALITIES.—

15 (1) DEFINITION OF ELIGIBLE LOCALITY.—In
16 this subsection the term “eligible locality” means a
17 city, county, or other unit of general local govern-
18 ment, or a Head Start grantee.

19 (2)(A) IN GENERAL.—The Secretary shall use
20 funds reserved in subsection (g)(1)(A)(i)(IV)) to
21 award local Birth through Five Child Care and
22 Early Learning Grants to eligible localities located
23 in States that have made it apparent that they will
24 not apply for payments under subsection (f). The
25 Secretary shall award the grants to eligible localities

1 in a State from the allotment made for that State
2 under subparagraph (B). The Secretary shall specify
3 the requirements for an eligible locality to provide
4 access to child care to children in families with in-
5 come that does not exceed 200 percent of the Fed-
6 eral poverty level, which shall, to the greatest extent
7 practicable, be consistent with the requirements ap-
8 plicable to States under this section.

9 (B) APPLICATION.—To receive a grant
10 from the corresponding State allotment under
11 this subsection, an eligible locality shall submit
12 an application to the Secretary at such time, in
13 such manner, and containing such information
14 as the Secretary may require. The requirements
15 for the application shall, to the greatest extent
16 practicable, be consistent with the State plan
17 requirements applicable to States under this
18 subsection (f).

19 (C) PRIORITY FOR LOCALITIES SERVING
20 UNDERSERVED POPULATIONS.—In awarding a
21 grant under this paragraph, the Secretary, shall
22 give priority to eligible localities seeking to
23 serve underserved populations.

24 (j) PROGRAM REQUIREMENTS.—

1 (1) NONDISCRIMINATION.—The following provi-
2 sions of law shall apply to any program or activity
3 that receives funds provided under this section:

4 (A) Title IX of the Education Amendments
5 of 1972 (20 U.S.C. 1681 et seq.).

6 (B) Title VI of the Civil Rights Act of
7 1964 (42 U.S.C. 2000d et seq.).

8 (C) Section 504 of the Rehabilitation Act
9 of 1973 (29 U.S.C. 794).

10 (D) The Americans with Disabilities Act of
11 1990 (42 U.S.C. 12101 et seq.).

12 (E) Section 654 of the Head Start Act (42
13 U.S.C. 9849).

14 (2) MAINTENANCE OF EFFORT.—To be eligible
15 to receive a grant under this section, a State shall
16 that receives payments under this section for a fiscal
17 year, in using the funds made available through the
18 payments, shall maintain child care assistance for
19 families at levels not less than the levels provided by
20 the State in fiscal year 2021. The Secretary shall
21 determine the State expenditures allowable under
22 this requirement.

23 (k) MONITORING AND ENFORCEMENT.—

24 (1) REVIEW OF COMPLIANCE WITH REQUIRE-
25 MENTS AND STATE PLAN.—The Secretary shall re-

1 view and monitor State compliance with this section
2 and the plan described in subsection (f)(4) of the
3 State.

4 (2) ISSUANCE OF RULE.—The Secretary shall
5 establish by rule procedures for—

6 (A) receiving, processing, and determining
7 the validity of complaints or findings concerning
8 any failure of a State to comply with the State
9 plan or any other requirement of this section;

10 (B) notifying a State when the Secretary
11 has determined there has been a failure by the
12 State to comply with a requirement of this sec-
13 tion; and

14 (C) imposing sanctions under this sub-
15 section for such a failure.

16 (l) ADMINISTRATION.—Using funds reserved under
17 subsection (b)(2), the Secretary shall provide technical as-
18 sistance to States, territories and Indian Tribes and carry
19 out research, evaluations, and administration related to
20 this section.

21 (m) TRANSITION PROVISIONS.—

22 (1) TREATMENT OF CHILD CARE AND DEVEL-
23 OPMENT BLOCK GRANT FUNDS.—For each of fiscal
24 years 2025, 2026, and 2027, a State receiving as-
25 sistance under this section shall not use more than

1 10 percent of any funds received under the Child
2 Care and Development Block Grant Act of 1990 to
3 provide child care assistance to children under the
4 age of 6, who are eligible under that Act.

5 (2) SPECIAL RULES REGARDING ELIGIBILITY.—
6 Any child who is less than 6 years of age, is not yet
7 in kindergarten, and is receiving assistance under
8 the Child Care and Development Block Grant Act of
9 1990 (42 U.S.C. 9857 et seq.) on the date funding
10 is first allocated to the lead agency under this sec-
11 tion—

12 (A) shall be deemed immediately eligible to
13 receive assistance under this section; and

14 (B) may continue to use the child care pro-
15 vider of the family’s choice.

16 (3) TRANSITION PROCEDURES.—The Secretary
17 is authorized to institute procedures for imple-
18 menting this section, including issuing guidance for
19 States receiving funds under subsection (g).

20 **SEC. 23002. UNIVERSAL PRESCHOOL.**

21 (a) DEFINITIONS.—In this section:

22 (1) CHILD EXPERIENCING HOMELESSNESS.—
23 The term “child experiencing homelessness” means
24 an individual who is a homeless child or youth under

1 section 725 of the McKinney-Vento Homeless Assist-
2 ance Act (42 U.S.C. 11434a).

3 (2) CHILD WITH A DISABILITY.—The term
4 “child with a disability” has the meaning given the
5 term in section 602 of the Individuals with Disabil-
6 ities Education Act (20 U.S.C. 1401).

7 (3) COMPREHENSIVE SERVICES.—The term
8 “comprehensive services” means services that are
9 provided to low-income children and their families,
10 and that are health, educational, nutritional, social,
11 and other services that are determined, based on
12 family needs assessments, to be necessary, within
13 the means of section 636 of the Head Start Act (42
14 U.S.C. 9831).

15 (4) DUAL LANGUAGE LEARNER.—The term
16 “dual language learner” means an individual who is
17 limited English proficient, as defined in section 637
18 of the Head Start Act (42 U.S.C. 9832).

19 (5) ELIGIBLE CHILD.—The term “eligible
20 child” means a child who is age 3 or 4, on the date
21 established by the applicable local educational agen-
22 cy for kindergarten entry.

23 (6) ELIGIBLE PROVIDER.—The term “eligible
24 provider” means—

1 (A) a local educational agency, acting
2 alone or in a consortium or in collaboration
3 with an educational service agency (as defined
4 in section 8101 of the Elementary and Sec-
5 ondary Education Act of 1965 (20 U.S.C.
6 7801)), that is licensed by the State or meets
7 comparable health and safety standards;

8 (B) a Head Start agency or delegate agen-
9 cy funded under the Head Start Act (42 U.S.C.
10 9831 et seq.);

11 (C) a licensed center-based child care pro-
12 vider, licensed family child care provider, or
13 community- or neighborhood-based network of
14 licensed family child care providers; or

15 (D) a consortium of entities described in
16 any of subparagraphs (A), (B), and (C).

17 (7) INDIAN TRIBE.—The term “Indian Tribe”
18 has the meaning given the term in section 4 of the
19 Indian Self-Determination and Education Assistance
20 Act (25 U.S.C. 450b).

21 (8) LOCAL EDUCATIONAL AGENCY.—The term
22 “local educational agency” has the meaning given
23 the term in section 8101 of the Elementary and Sec-
24 ondary Education Act of 1965.

1 (9) POVERTY GUIDELINES.—The term “poverty
2 guidelines” means the poverty guidelines updated
3 periodically in the Federal Register by the Depart-
4 ment of Health and Human Services under the au-
5 thority of section 673 of the Community Services
6 Block Grant Act (42 U.S.C. 9902).

7 (10) SECRETARY.—The term “Secretary”
8 means the Secretary of Health and Human Services.

9 (11) STATE.—The term “State” means each of
10 the several States and the District of Columbia.

11 (12) TERRITORY.—The term “territory” means
12 each of the Commonwealth of Puerto Rico, the
13 United States Virgin Islands, Guam, American
14 Samoa, and the Commonwealth of the Northern
15 Mariana Islands.

16 (13) TRIBAL ORGANIZATION.—The term “Trib-
17 al organization” has the meaning given the term
18 “tribal organization” in section 658P of the Child
19 Care and Development Block Grant Act of 1990 (42
20 U.S.C. 9858n).

21 (14) URBAN INDIAN ORGANIZATION.—The term
22 “Urban Indian organization” has the meaning given
23 the term in section 4 of the Indian Health Care Im-
24 provement Act (25 U.S.C. 1602).

25 (b) UNIVERSAL PRESCHOOL.—

1 (1) APPROPRIATION.—In addition to amounts
2 otherwise available, there is appropriated to the Sec-
3 retary for each of fiscal years 2022 through 2028,
4 out of any money in the Treasury not otherwise ap-
5 propriated, such sums as may be necessary to carry
6 out this section and provide the Federal share of the
7 cost of universal, high-quality, free, inclusive, and
8 mixed delivery preschool services, on a voluntary
9 basis, to children throughout the States under this
10 section, including providing the Federal share of the
11 cost of State activities described in subsection (c)(4).

12 (2) SECRETARIAL RESERVATIONS.—The Sec-
13 retary, in collaboration with the Secretary of Edu-
14 cation, shall reserve, from the amount appropriated
15 under this subsection—

16 (A) not less than 4 percent for payments
17 to Indian Tribes, Tribal organizations, and
18 Urban Indian organizations for activities de-
19 scribed in this section;

20 (B) not more than $\frac{1}{2}$ of 1 percent for the
21 territories, to be distributed among the terri-
22 tories on the basis of their relative need, as de-
23 termined by the Secretary of Health and
24 Human Services in accordance with the objec-

1 tives of this section, for activities described in
2 this section;

3 (C) $\frac{1}{2}$ of 1 percent for eligible local enti-
4 ties that serve children in families who are en-
5 gaged in migrant or seasonal agricultural labor,
6 for activities described in this section;

7 (D) for Federal activities, including admin-
8 istration, monitoring, technical assistance, and
9 research—

10 (i) \$165,000,000 for fiscal year 2022
11 and \$200,000,000 for fiscal year 2023;
12 and

13 (ii) for each of fiscal years 2025
14 through 2028, not more than 2 percent;

15 (E) \$2,500,000,000 for each of fiscal years
16 2022 through 2027 to improve compensation of
17 Head Start staff consistent with subparagraphs
18 (A)(i) and (B)(viii) of section 640(a)(5) of the
19 Head Start Act (42 U.S.C. 9835(a)(5)), not-
20 withstanding section 653(a)(1) of such Act (43
21 U.S.C. 9848(a)(1)); and

22 (F) \$1,250,000,000 annually for each of
23 fiscal years 2023 through 2028 to carry out the
24 program of grants to localities described in sub-
25 section (e).

1 (c) PAYMENTS FOR STATE UNIVERSAL PRESCHOOL
2 SERVICES.—

3 (1) IN GENERAL.—A State that has submitted,
4 and had approved by the Secretary, a State plan for
5 universal preschool services is entitled to a payment
6 under this subsection.

7 (2) PAYMENTS TO STATES.—

8 (A) PRESCHOOL SERVICES.—The Sec-
9 retary shall pay to each State with an approved
10 State plan under paragraph (6), an amount for
11 each year equal to—

12 (i) 100 percent of the State’s expendi-
13 tures in the year for preschool services de-
14 scribed in subsection (d), for each of fiscal
15 years 2022, 2023, and 2024;

16 (ii) 90 percent of the State’s expendi-
17 tures in the year for such preschool serv-
18 ices, for fiscal year 2025;

19 (iii) 80 percent of the State’s expendi-
20 tures in the year for such preschool serv-
21 ices, for fiscal year 2026;

22 (iv) 70 percent of the State’s expendi-
23 tures in the year for such preschool serv-
24 ices, for fiscal year 2027; and

1 (v) 60 percent of the State's expendi-
2 tures in the year for such preschool serv-
3 ices, for fiscal year 2028.

4 (B) STATE ACTIVITIES.—The Secretary
5 shall pay to each State with an approved State
6 plan under paragraph (6) an amount for a fis-
7 cal year equal to 50 percent of the amount of
8 the State's expenditures for the activities de-
9 scribed in paragraph (4), except that in no case
10 shall a payment for a fiscal year under this sub-
11 paragraph exceed the amount equal to 10 per-
12 cent of the State's expenditures described in
13 subparagraph (A) for such fiscal year.

14 (C) NON-FEDERAL SHARE.—The remain-
15 der of the cost paid by the State for preschool
16 services, that is not provided under subpara-
17 graph (A), shall be considered the non-Federal
18 share of the cost of those services. The remain-
19 der of the cost paid by the State for State ac-
20 tivities, that is not provided under subpara-
21 graph (B), shall be considered the non-Federal
22 share of the cost of those activities.

23 (3) ADVANCE PAYMENT; RETROSPECTIVE AD-
24 JUSTMENT.—The Secretary may make a payment
25 under subparagraph (A) or (B) of paragraph (2) for

1 a year on the basis of advance estimates of expendi-
2 tures submitted by the State and such other inves-
3 tigation as the Secretary may find necessary, and
4 may reduce or increase the payment as necessary to
5 adjust for any overpayment or underpayment for a
6 previous year.

7 (4) STATE ACTIVITIES.—A State that receives a
8 payment under paragraph (2)(B) shall carry out all
9 of the following activities:

10 (A) State administration of the State's
11 preschool services program described in this
12 section.

13 (B) Supporting a continuous quality im-
14 provement system through the use of data, re-
15 searching, monitoring, training, technical assist-
16 ance, professional development, and coaching to
17 support providers participating or seeking to
18 participate in the State's preschool services pro-
19 gram and to support such providers in meeting
20 the requirements of this section.

21 (C) Providing outreach and enrollment
22 support for families of eligible children, includ-
23 ing specific outreach to families of underserved
24 populations.

25 (D) Supporting data systems building.

1 (E) Supporting staff of eligible providers
2 in pursuing credentials and degrees, including
3 baccalaureate degrees.

4 (F) Supporting activities that ensure ac-
5 cess to inclusive preschool programs for chil-
6 dren with disabilities, including, as applicable,
7 activities that redesign or restructure existing
8 preschool programs, as of the date of the activ-
9 ity, to improve inclusive services for children
10 with disabilities.

11 (G) Providing age-appropriate transpor-
12 tation services for children, which at a min-
13 imum shall include transportation services for
14 children experiencing homelessness and children
15 in foster care.

16 (H) Conducting or updating the State's
17 statewide needs assessment used for purposes
18 of paragraph (6)(B)(ii).

19 (5) LEAD AGENCY.—The Governor of a State
20 desiring to receive a payment under this subsection
21 shall designate a State lead agency (such as a State
22 agency or joint interagency office) for the adminis-
23 tration of the universal preschool services program
24 under this section.

1 (6) STATE PLAN.—In order to be eligible for
2 payments under this section, the Governor of a State
3 shall submit a State plan for universal, high-quality,
4 free, inclusive, and mixed delivery preschool services
5 to the Secretary for approval at such time, in such
6 manner, and containing such information as the Sec-
7 retary, in collaboration with the Secretary of Edu-
8 cation, may require. Such plan shall include each of
9 the following:

10 (A) A certification that the State has in
11 place developmentally appropriate, evidence-
12 based preschool standards that, at a minimum
13 are as rigorous as the standards specified in
14 subparagraph (B) of section 641A(a)(1) of the
15 Head Start Act (42 U.S.C. 9836a(a)(1)) and
16 include program standards for class sizes and
17 ratios.

18 (B) A certification that the State will
19 prioritize the establishment and expansion of
20 universal, high-quality, free, inclusive, and
21 mixed delivery preschool services in high-need
22 communities, as identified by the State, includ-
23 ing—

24 (i) a description of which high-need
25 communities the State will prioritize for

1 that establishment and expansion within
2 and across those communities;

3 (ii) a description of how the State de-
4 termined which communities are high-need
5 communities, including how the State used
6 a research-based methodology, approved by
7 the Secretary, to identify and serve such
8 communities, as determined by—

9 (I) the rate of poverty among eli-
10 gible children in the community;

11 (II) rates of access to high-qual-
12 ity preschool within the community,
13 including, as applicable, rates of dis-
14 parities for underserved or vulnerable
15 populations as identified through a
16 periodic needs assessment conducted
17 through the preschool development
18 grants program under section 9212 of
19 the Every Student Succeeds Act (42
20 U.S.C. 9831 note) as applicable, or
21 through another such statewide needs
22 assessment; and

23 (III) other indicators of commu-
24 nity need as required by the Sec-
25 retary; and

1 (iii) an assurance that the State will
2 distribute funding for such preschool serv-
3 ices under this section within such a high-
4 need community so that a majority of chil-
5 dren in the community are offered such
6 preschool services before the State estab-
7 lishes and expands free preschool services
8 in communities with lower levels of need.

9 (C) As applicable, a description of how the
10 State plans to use funding provided under this
11 section to ensure that existing (as of the date
12 of submission of the State plan) publicly funded
13 preschool programs in the State meet the re-
14 quirements of this section for a preschool pro-
15 gram.

16 (D) A certification that the State will, in
17 establishing and operating the program of pre-
18 school services supported under this section,
19 support a mixed delivery preschool system, in-
20 cluding a certification that the State will facili-
21 tate the participation in the system of Head
22 Start programs and programs offered by other
23 eligible providers, including providers of li-
24 censed family child care).

1 (E) An assurance that the State will use
2 funding provided under this section to ensure
3 children with disabilities have access to and
4 participate in inclusive preschool programs con-
5 sistent with provisions in the Individuals with
6 Disabilities Education Act, including an assur-
7 ance that the State will offer inclusive program-
8 ming that supports the least restrictive environ-
9 ment requirements in Section 619 of the Indi-
10 viduals with Disabilities Act for all eligible chil-
11 dren who are children with disabilities.

12 (F) A certification that the State will sup-
13 port the continuous quality improvement of pro-
14 grams providing preschool services under this
15 section, including support through technical as-
16 sistance, monitoring, and research.

17 (G) A certification that the State will en-
18 sure a highly qualified early childhood work-
19 force to support the requirements of this sec-
20 tion.

21 (H) A description of how the State will co-
22 ordinate the State's preschool standards de-
23 scribed in subparagraph (A) with other early
24 learning standards within the State.

25 (I) A description of how the State will—

1 (i) coordinate services and funding
2 provided under this section with services
3 and funding for other Federal, State, and
4 local child care and early childhood devel-
5 opment programs;

6 (ii) at the option of an Indian Tribe
7 or Tribal organization in the State, col-
8 laborate and coordinate services and fund-
9 ing with such Indian Tribe or Tribal orga-
10 nization;

11 (iii) partner with Head Start agencies
12 to ensure the full utilization of Head Start
13 programs within the State;

14 (iv) collaborate with entities carrying
15 out programs under section 619 or part C
16 of the Individuals with Disabilities Edu-
17 cation Act, to support inclusive preschool
18 programs; and

19 (v) improve transitions of children
20 from early childhood education to elemen-
21 tary school.

22 (J) An assurance that the State will part-
23 ner with not less than 1 institution of higher
24 education to facilitate degree attainment for
25 staff of preschool programs.

1 (K) An assurance that the State will en-
2 sure all preschool services in the State funded
3 under this section will be—

4 (i)(I) universally available to all chil-
5 dren in the State without any additional
6 eligibility requirements; and

7 (II) be high quality, free, and in-
8 clusive;

9 (ii) by not later than 1 year after re-
10 ceiving such funding, meet the State’s pre-
11 school education standards described in
12 subparagraph (A);

13 (iii) offer programming that meets the
14 duration requirements of at least 1,020 an-
15 nual hours, in the program performance
16 standards applicable to Head Start pro-
17 grams described in section 641A of the
18 Head Start Act (42 U.S.C. 9836a);

19 (iv) adopt policies and practices to
20 conduct outreach and provide expedited en-
21 rollment, including prioritization, to—

22 (I) children experiencing home-
23 lessness;

24 (II) children in foster care or
25 kinship care;

1 (III) children in families who are
2 engaged in migrant or seasonal agri-
3 cultural labor;

4 (IV) children with disabilities, in-
5 cluding children served under part C
6 of the Individuals with Disabilities
7 Education Act who are an eligible
8 child under section 101(a)(3) of this
9 Act; and

10 (V) dual language learners;

11 (v) provide salaries, and set salary
12 schedules, for staff that are equivalent to
13 salaries of elementary school staff with
14 similar credentials and experience;

15 (vi) at a minimum, provide a living
16 wage for all staff of such providers; and

17 (vii) require educational qualifications
18 for teachers (excluding individuals who
19 were employed by an eligible child care
20 provider or early education program for a
21 cumulative three of the last five years from
22 the date of enactment and have the nec-
23 essary content knowledge and teaching
24 skills for early childhood educators, as
25 demonstrated through measures deter-

1 mined by the State) in the preschool pro-
2 gram including, at a minimum, requiring
3 that lead teachers in the preschool pro-
4 gram have a baccalaureate degree in early
5 childhood education or a related field by
6 not later than 7 years after the date of en-
7 actment of this Act (The requirements
8 specified in this clause shall not apply to
9 individuals who were employed by an eligi-
10 ble child care provider or early education
11 program for a cumulative 3 of the last 5
12 years from the date of enactment and have
13 the necessary content knowledge and
14 teaching skills for early childhood edu-
15 cators, as demonstrated through measures
16 determined by the State.).

17 (L) An assurance that the State will meet
18 the requirements of clauses (ii) and (iii) of sec-
19 tion 658E(c)(2)(T) of the Child Care and De-
20 velopment Block Grant Act of 1990 (42 U.S.C.
21 9858c(c)(2)(T)), with respect to funding and
22 assessments under this section.

23 (M) A certification that subgrant amounts
24 described under subsection (d) are sufficient to
25 enable the eligible provider to meet the require-

1 ments of this title, and will provide for in-
2 creased staff payment amounts based on the
3 criteria described in (K)(v) and (vi).

4 (N) A certification that preschool seats will
5 be distributed equitably among child care (in-
6 cluding family child care), Head Start, and
7 schools within the State.

8 (7) DURATION OF THE PLAN.—Each State plan
9 shall remain in effect for a period of 3 years.
10 Amendments to the State plan shall remain in effect
11 for the duration of the plan.

12 (8) Transitional State Plan—The Secretary
13 shall make available a transitional State plan for a
14 period of one year that contains such information as
15 the Secretary may require, to demonstrate the State
16 will meet the requirements of this title and that in-
17 cludes—

18 (A) an assurance that the State will sub-
19 mit a State plan under paragraph (6); and

20 (B) a description of how the funds received
21 by the State under this title will be spent to ex-
22 pand access to universal, high-quality, free, in-
23 clusive, and mixed delivery preschool programs
24 in alignment with the requirements of this title.

1 (d) SUBGRANTS AND CONTRACTS FOR LOCAL PRE-
2 SCHOOL PROGRAMS.—

3 (1) SUBGRANTS AND CONTRACTS.—

4 (A) IN GENERAL.—A State that receives a
5 payment under subsection (c)(2)(A) for a fiscal
6 year shall use amounts provided through the
7 payment to pay the Federal share of the costs
8 of subgrants to, or contracts with, eligible pro-
9 viders to operate universal, high-quality, free,
10 inclusive, and mixed delivery preschool pro-
11 grams through the State preschool program in
12 accordance with paragraph (2). A State shall
13 reduce or increase the amounts provided under
14 such subgrants or contracts if needed to adjust
15 for any overpayment or underpayment de-
16 scribed in subsection (c)(3).

17 (B) AMOUNT.—A State shall award a
18 subgrant or contract under this subsection in a
19 sufficient amount to enable the eligible provider
20 to operate a universal, high-quality, free, and
21 inclusive preschool program that meets the re-
22 quirements of subsection (c)(6)(K) and which
23 amount shall reflect variations in the cost of
24 preschool services by geographic area, type of
25 provider, and age of child, and the additional

1 costs associated with providing inclusive pre-
2 school services for children with disabilities .

3 (C) DURATION.—The State shall award a
4 subgrant or contract under this subsection for
5 a period of not less than 3 years, unless the
6 subgrant or contract is terminated or sus-
7 pended, or the subgrant period is reduced, for
8 cause.

9 (2) ENHANCED PAYMENTS FOR COMPREHEN-
10 SIVE SERVICES.—In awarding subgrants or con-
11 tracts under this subsection and in addition to meet-
12 ing the requirements of paragraph (1)(B), the State
13 shall award subgrants or contracts with enhanced
14 payments to eligible providers that offer preschool
15 programs funded under this subsection to a high
16 percentage of low-income children to support—

17 (A) comprehensive services, including so-
18 cial, emotional and other services that support
19 child well-being;

20 (B) health and developmental screenings;
21 and

22 (C) service referral for children and fami-
23 lies served by the program involved.

24 (3) ESTABLISHING AND EXPANDING UNIVERSAL
25 PRESCHOOL PROGRAMS.—

1 (A) ESTABLISHING AND EXPANDING UNI-
2 VERSAL PRESCHOOL PROGRAMS IN HIGH-NEED
3 COMMUNITIES.—In awarding subgrants or con-
4 tracts under this subsection, the State shall
5 first prioritize establishing and expanding uni-
6 versal preschool programs within and across
7 high-need communities identified under sub-
8 section (c)(6)(B) by awarding subgrants or con-
9 tracts to eligible providers operating within, or
10 with capacity to operate within and across, such
11 high-need communities. Such subgrants or con-
12 tracts shall be used to enroll and serve children
13 in the preschool program, including—

14 (i) personnel (including classroom and
15 administrative personnel), including com-
16 pensation and benefits;

17 (ii) costs associated with imple-
18 menting the State’s preschool standards,
19 providing curriculum sports, and meeting
20 early learning and development standards;

21 (iii) professional development, teacher
22 supports, and training;

23 (iv) implementing developmentally ap-
24 propriate health and safety standards (in-
25 cluding licensure, where applicable), teach-

1 er to child ratios, and group size maxi-
2 mums;

3 (v) materials, equipment and supplies;

4 (vi) meeting health and safety stand-
5 ards, including licensure; and

6 (vii) rent or mortgage, utilities, build-
7 ing security, indoor and outdoor mainte-
8 nance, and insurance.

9 (4) ESTABLISHING AND EXPANDING UNIVERSAL
10 PRESCHOOL PROGRAMS IN ADDITIONAL COMMU-
11 NITIES.—Once a State that receives a payment
12 under subsection (c)(2)(A) meets the requirements
13 of paragraph (2) with respect to establishing and ex-
14 panding preschool programs within and across high-
15 need communities, the State shall use any remaining
16 funds from such payment to enroll and serve chil-
17 dren in preschool programs, as described in such
18 paragraph, to additional communities in accordance
19 with the statewide needs assessment used for pur-
20 poses of paragraph (6)(B)(ii). Such funds shall be
21 used for the activities described in (2)(A)(i)–(viii).

22 (e) GRANTS TO LOCALITIES.—

23 (1) DEFINITIONS.—In this subsection:

24 (A) ELIGIBLE LOCALITY.—The term “eli-
25 gible locality” means a city, county, or other

1 unit of general local government, a local edu-
2 cational agency, or a Head Start agency.

3 (B) LOW-INCOME YOUNG CHILD.—The
4 term “low-income young child” means a child
5 who is under age 6 and from a family with a
6 family income that is not more than 200 per-
7 cent of the poverty guidelines.

8 (2) IN GENERAL.—The Secretary shall use
9 funds reserved in subsection (b)(2)(F) to award local
10 universal preschool grants to eligible localities lo-
11 cated in States that have made it apparent that they
12 will not apply for payments under subsection
13 (c)(2)(A). The Secretary shall award the grants to
14 eligible localities in a State from the allotment made
15 for that State under paragraph (3). The Secretary
16 shall specify the requirements for an eligible locality
17 to conduct a preschool services program under this
18 subsection which shall, to the greatest extent prac-
19 ticable, be consistent with the requirements applica-
20 ble to States under this section, including ensuring
21 a free, universal, high-quality, inclusive mixed deliv-
22 ery preschool system.

23 (3) ALLOTMENTS.—For each State described in
24 paragraph (2), the Secretary shall allot for the State
25 an amount that bears the same relationship to the

1 funds reserved under subsection (b)(2)(F) as the
2 number of low-income young children in the State
3 bears to the total of all such children in States de-
4 scribed in paragraph (2).

5 (4) APPLICATION.—To receive a grant from the
6 corresponding State allotment under this subsection,
7 an eligible locality shall submit an application to the
8 Secretary at such time, in such manner, and con-
9 taining such information as the Secretary may re-
10 quire. The requirements for the application shall, to
11 the greatest extent practicable, be consistent with
12 the State plan requirements applicable to States
13 under this section.

14 (5) PRIORITY FOR LOCALITIES SERVING UN-
15 DERSERVED COMMUNITIES.—In awarding a grant
16 under this subsection, the Secretary, in collaboration
17 with the Secretary of Education, shall give priority
18 to eligible localities serving high-need communities,
19 determined in accordance with subsection (d)(2)(B).

20 (f) ALLOWABLE SOURCES OF NON-FEDERAL
21 SHARE.—For purposes of calculating the amount of the
22 non-Federal share, as determined under subsection (e), re-
23 lating to a payment under such subsection, a State's non-
24 Federal share—

1 (1) may be in cash or in kind, fairly evaluated,
2 including facilities or property, equipment, or serv-
3 ices;

4 (2) shall include any increase in amounts spent
5 by the State to expand half-day kindergarten pro-
6 grams in the State, as of the day before the date of
7 enactment of this Act, into full-day kindergarten
8 programs;

9 (3) shall not include contributions being used as
10 a non-Federal share or match for another Federal
11 award;

12 (4) shall be provided from State or local
13 sources, contributions from philanthropy or other
14 private organizations, or a combination of such
15 sources and contributions and

16 (5) shall count no more than 50 percent of the
17 State's current spending on prekindergarten pro-
18 grams (as of the date of enactment of this Act) to-
19 ward the State match.

20 (g) MAINTENANCE OF EFFORT.—

21 (1) IN GENERAL.—If a State reduces its com-
22 bined fiscal effort per child for the State's preschool
23 program (whether a publicly funded preschool pro-
24 gram or a program under this section) or through
25 State supplemental assistance funds for Head Start

1 programs assisted under the Head Start Act (42
2 U.S.C. 9831 et seq.), or through any State spending
3 on preschool services for any fiscal year that a State
4 receives payments under subparagraphs (A) and (B)
5 of subsection (c)(2) (referred to in this paragraph as
6 the “reduction fiscal year”) relative to the previous
7 fiscal year, the Secretary, in collaboration with the
8 Secretary of Education, shall reduce support for
9 such State under such subsection by the same
10 amount as the total reduction in State fiscal effort
11 for such reduction fiscal year.

12 (2) WAIVER.—The Secretary, in collaboration
13 with the Secretary of Education, may waive the re-
14 quirements of paragraph (1) if—

15 (A) the Secretaries determine that a waiv-
16 er would be appropriate due to a precipitous de-
17 cline in the financial resources of a State as a
18 result of unforeseen economic hardship, or a
19 natural disaster, that has necessitated across-
20 the-board reductions in State services during
21 the 5-year period preceding the date of the de-
22 termination, including for early childhood edu-
23 cation programs; or

24 (B) due to the circumstance of a State re-
25 quiring reductions in specific programs, includ-

1 ing early childhood education, the State pre-
2 sents to the Secretaries a justification and dem-
3 onstration why other programs could not be re-
4 duced and how early childhood education pro-
5 grams in the State will not be disproportion-
6 ately harmed by such State reductions.

7 (h) SUPPLEMENT NOT SUPPLANT.—Funds received
8 under this section shall be used to supplement and not
9 supplant other Federal, State, and local public funds ex-
10 pended on early childhood education programs in the
11 State.

12 (i) NONDISCRIMINATION PROVISIONS.—The fol-
13 lowing provisions of law shall apply to any program or ac-
14 tivity that receives funds provided under this section:

15 (1) Title IX of the Education Amendments of
16 1972 (20 U.S.C. 1681 et seq.).

17 (2) Title VI of the Civil Rights Act of 1964 (42
18 U.S.C. 2000d et seq.).

19 (3) Section 504 of the Rehabilitation Act of
20 1973 (29 U.S.C. 794).

21 (4) The Americans with Disabilities Act of
22 1990 (42 U.S.C. 12101 et seq.).

23 (5) Section 654 of the Head Start Act (42
24 U.S.C. 9849)

1 **Subtitle E—Child Nutrition and**
2 **Related Programs**

3 **SEC. 24001. EXPANDING COMMUNITY ELIGIBILITY.**

4 (a) MULTIPLIER AND THRESHOLD ADJUSTED.—

5 (1) MULTIPLIER.—Clause (vii) of section
6 11(a)(1)(F) of the Richard B. Russell National
7 School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is
8 amended to read as follows:

9 “(vii) MULTIPLIER.—

10 “(I) IMPLEMENTATION IN 2022—
11 2030.—For each school year beginning
12 on or after July 1, 2022, and ending
13 before July 1, 2030, the Secretary
14 shall use a multiplier of 2.5.

15 “(II) IMPLEMENTATION AFTER
16 2030.—For each school year beginning
17 on or after July 1, 2030, the Sec-
18 retary shall use a multiplier of 1.6.”.

19 (2) THRESHOLD.—Clause (viii) of section
20 11(a)(1)(F) of the Richard B. Russell National
21 School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is
22 amended to read as follows:

23 “(viii) THRESHOLD.—

24 “(I) IMPLEMENTATION IN 2022—
25 2030.—For each school year beginning

1 on or after July 1, 2022, and ending
2 before July 1, 2030, the threshold
3 shall be not more than 25 percent.

4 “(II) IMPLEMENTATION AFTER
5 2030.—For each school year beginning
6 on or after July 1, 2030, the thresh-
7 old shall be not more than 40 per-
8 cent.”.

9 (3) APPLICABILITY.—The amendments made
10 by this subsection shall apply to a local educational
11 agency with respect to a school year beginning on or
12 after July 1, 2022, for which such local educational
13 agency elects to receive special assistance payments
14 under subparagraph (F) of section 11(a)(1) of the
15 Richard B. Russell National School Lunch Act (42
16 U.S.C. 1759a(a)(1)).

17 (b) STATEWIDE COMMUNITY ELIGIBILITY.—Section
18 11(a)(1)(F) of the Richard B. Russell National School
19 Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is amended by
20 adding at the end the following:

21 “(xiv) STATEWIDE COMMUNITY ELIGI-
22 BILITY.—For each school year beginning
23 on or after July 1, 2022, and ending be-
24 fore July 1, 2030, the Secretary shall es-
25 tablish a statewide community eligibility

1 program under which, in the case of a
2 State agency that agrees to provide fund-
3 ing from sources other than Federal funds
4 to ensure that local educational agencies in
5 the State receive the free reimbursement
6 rate for 100 percent of the meals served at
7 applicable schools—

8 “(I) the multiplier described in
9 clause (vii) shall apply;

10 “(II) the threshold described in
11 clause (viii) shall be applied by sub-
12 stituting zero for 25; and

13 “(III) the percentage of enrolled
14 students who were identified students
15 shall be calculated across all applica-
16 ble schools in the State regardless of
17 local educational agency.”.

18 **SEC. 24002. DIRECT CERTIFICATION FOR CHILDREN RE-**
19 **CEIVING MEDICAID BENEFITS.**

20 (a) IN GENERAL.—Section 9 of the Richard B. Rus-
21 sell National School Lunch Act (42 U.S.C. 1758(b)) is
22 amended—

23 (1) in subsection (b)—

24 (A) by amending paragraph (5) to read as
25 follows:

1 “(5) DISCRETIONARY CERTIFICATION.—

2 “(A) FREE LUNCHES OR BREAKFASTS.—

3 Subject to paragraph (6), any local educational
4 agency may certify any child as eligible for free
5 lunches or breakfasts, without further applica-
6 tion, by directly communicating with the appro-
7 priate State or local agency to obtain docu-
8 mentation of the status of the child as—

9 “(i) a member of a family that is re-
10 ceiving assistance under the temporary as-
11 sistance for needy families program funded
12 under part A of title IV of the Social Secu-
13 rity Act (42 U.S.C. 601 et seq.) that the
14 Secretary determines complies with stand-
15 ards established by the Secretary that en-
16 sure that the standards under the State
17 program are comparable to or more re-
18 strictive than those in effect on June 1,
19 1995;

20 “(ii) a homeless child or youth (de-
21 fined as 1 of the individuals described in
22 section 725(2) of the McKinney-Vento
23 Homeless Assistance Act (42 U.S.C.
24 11434a(2));

1 “(iii) served by the runaway and
2 homeless youth grant program established
3 under the Runaway and Homeless Youth
4 Act (42 U.S.C. 5701 et seq.);

5 “(iv) a migratory child (as defined in
6 section 1309 of the Elementary and Sec-
7 ondary Education Act of 1965 (20 U.S.C.
8 6399));

9 “(v) an eligible child (as defined in
10 paragraph (15)(A)); or

11 “(vi)(I) a foster child whose care and
12 placement is the responsibility of an agen-
13 cy that administers a State plan under
14 part B or E of title IV of the Social Secu-
15 rity Act (42 U.S.C. 621 et seq.); or

16 “(II) a foster child who a court has
17 placed with a caretaker household.

18 “(B) REDUCED PRICE LUNCHESES OR
19 BREAKFASTS.—Subject to paragraph (6), any
20 local educational agency may certify any child
21 who is not eligible for free school lunch or
22 breakfast as eligible for reduced price lunches
23 or breakfasts, without further application, by
24 directly communicating with the appropriate
25 State or local agency to obtain documentation

1 of the status of the child as a child eligible for
2 reduced price meals (as defined in paragraph
3 (15)(A)).”;

4 (B) in paragraph (6)(A), by striking “or
5 (5)” both places it appears and inserting “(5),
6 or (15)”; and

7 (C) in paragraph (15)—

8 (i) in subparagraph (A)—

9 (I) by amending clause (i) to
10 read as follows:

11 “(i) ELIGIBLE CHILD.—The term ‘eli-
12 gible child’ means a child—

13 “(I)(aa) who is eligible for and
14 receiving medical assistance under the
15 Medicaid program; and

16 “(bb) who is a member of a fam-
17 ily with an income as measured by the
18 Medicaid program that does not ex-
19 ceed 133 percent of the poverty line
20 (as determined under the poverty
21 guidelines updated periodically in the
22 Federal Register by the Department
23 of Health and Human Services under
24 the authority of section 673(2) of the
25 Community Services Block Grant Act

1 (42 U.S.C. 9902(2), including any re-
2 vision required by such section)) ap-
3 plicable to a family of the size used
4 for purposes of determining eligibility
5 for the Medicaid program;

6 “(II) who is eligible for the Med-
7 icaid program because such child re-
8 ceives supplemental security income
9 benefits under title XVI of the Social
10 Security Act (42 U.S.C. 1381–1385)
11 or State supplementary benefits of the
12 type referred to in section 1616(a) of
13 such Act (or payments of the type de-
14 scribed in section 212(a) of Public
15 Law 93–66);

16 “(III) who is eligible for the
17 Medicaid program because such child
18 receives an adoption assistance pay-
19 ment made under section 473(a) of
20 the Social Security Act (42 U.S.C.
21 673(a)) or under a similar State-fund-
22 ed or State-operated program, as de-
23 termined by the Secretary;

24 “(IV) who is eligible for the Med-
25 icaid program because such child re-

1 ceives a kinship guardianship assist-
2 ance payment made under section
3 473(d) of the Social Security Act (42
4 U.S.C. 673(d)) or under a similar
5 State-funded or State-operated pro-
6 gram, as determined by the Secretary,
7 without regard to whether such child
8 was previously in foster care; or

9 “(V) who is a member of a
10 household (as that term is defined in
11 section 245.2 of title 7, Code of Fed-
12 eral Regulations (or successor regula-
13 tions)) with a child described in sub-
14 clause (I), (II), (III), or (IV).”; and

15 (II) by adding at the end the fol-
16 lowing:

17 “(iii) CHILD ELIGIBLE FOR REDUCED
18 PRICE MEALS.—The term ‘child eligible for
19 reduced price meals’ means a child—

20 “(I)(aa) who is eligible for and
21 receiving medical assistance under the
22 Medicaid program; and

23 “(bb) who is a member of a fam-
24 ily with an income as measured by the
25 Medicaid program that does exceed

1 133 percent but does not exceed 185
2 percent of the poverty line (as deter-
3 mined under the poverty guidelines
4 updated periodically in the Federal
5 Register by the Department of Health
6 and Human Services under the au-
7 thority of section 673(2) of the Com-
8 munity Services Block Grant Act (42
9 U.S.C. 9902(2), including any revision
10 required by such section)) applicable
11 to a family of the size used for pur-
12 poses of determining eligibility for the
13 Medicaid program; or

14 “(II) who is a member of a
15 household (as that term is defined in
16 section 245.2 of title 7, Code of Fed-
17 eral Regulations (or successor regula-
18 tions)) with a child described in sub-
19 clause (I).”;

20 (ii) by striking subparagraphs (B),
21 (C), (D), (E), (G), and (H);

22 (iii) in subparagraph (F)—

23 (I) in the enumerator, by striking
24 “(F)” and inserting “(D)”; and

1 (II) by striking “conducting the
2 demonstration project under this
3 paragraph” and inserting “carrying
4 out this paragraph”;

5 (iv) by inserting after subparagraph
6 (A) the following:

7 “(B) AGREEMENTS TO CARRY OUT CER-
8 TIFICATION.—To certify a child under subpara-
9 graph (A)(v) or (B) of paragraph (5), a State
10 agency shall enter into an agreement with 1 or
11 more State agencies conducting eligibility deter-
12 minations for the Medicaid program.

13 “(C) PROCEDURES.—Subject to paragraph
14 (6), an agreement under subparagraph (B)
15 shall establish procedures under which—

16 “(i) an eligible child may be certified
17 for free lunches under this Act and free
18 breakfasts under section 4 of the Child
19 Nutrition Act of 1966 (42 U.S.C. 1773),
20 without further application (as defined in
21 paragraph (4)(G)); and

22 “(ii) a child eligible for reduced price
23 meals may be certified for reduced price
24 lunches under this Act or reduced price
25 breakfasts under section 4 of the Child

1 Nutrition Act of 1966 (42 U.S.C. 1773),
2 without further application (as defined in
3 paragraph (4)(G)).”; and

4 (v) by adding at the end the following:

5 “(E) SUNSET.—The authority under this
6 paragraph shall terminate on the last day of
7 school year 2030–2031.”; and

8 (2) in subsection (d)(2)(G), by inserting “or
9 child eligible for reduced price meals” after “eligible
10 child”.

11 (b) APPLICABILITY.—The amendments made by this
12 section shall apply with respect to the period—

13 (1) beginning on July 1, 2022; and

14 (2) ending on the last day of school year 2030–
15 2031.

16 **SEC. 24003. SUMMER ELECTRONIC BENEFITS TRANSFER**
17 **FOR CHILDREN PROGRAM.**

18 The Richard B. Russell National School Lunch Act
19 is amended by inserting after section 13 (42 U.S.C. 1761)
20 the following:

21 **“SEC. 13A. SUMMER ELECTRONIC BENEFITS TRANSFER**
22 **FOR CHILDREN PROGRAM.**

23 “(a) PROGRAM ESTABLISHED.—The Secretary shall
24 establish a program under which States and covered In-
25 dian Tribal organizations participating in such program

1 shall, beginning with summer 2023 and annually for each
2 summer before the date described in subsection (g), issue
3 to eligible households summer EBT benefits—

4 “(1) in accordance with this section; and

5 “(2) for the purpose of providing nutrition as-
6 sistance through electronic benefits transfer during
7 the summer months for eligible children, to ensure
8 continued access to food when school is not in ses-
9 sion for the summer.

10 “(b) SUMMER EBT BENEFITS REQUIREMENTS.—

11 “(1) PURCHASE OPTIONS.—

12 “(A) BENEFITS ISSUED BY STATES.—

13 “(i) WIC PARTICIPATION STATES.—In
14 the case of a State that participated in a
15 demonstration program under section
16 749(g) of the Agriculture, Rural Develop-
17 ment, Food and Drug Administration, and
18 Related Agencies Appropriations Act, 2010
19 (Public Law 111–80; 123 Stat. 2132) dur-
20 ing calendar year 2018 using a WIC
21 model, summer EBT benefits issued pur-
22 suant to subsection (a) by such a State
23 may only be used by the eligible household
24 that receives such summer EBT benefits to
25 purchase—

1 “(I) supplemental foods from re-
2 tailers that have been approved for
3 participation in—

4 “(aa) the special supple-
5 mental nutrition program for
6 women, infants, and children
7 under section 17 of the Child
8 Nutrition Act of 1966 (42 U.S.C.
9 1786); or

10 “(bb) the program under
11 this section; or

12 “(II) food (as defined in section
13 3(k) of the Food and Nutrition Act of
14 2008 (7 U.S.C. 2011(k))) from retail
15 food stores that have been approved
16 for participation in the supplemental
17 nutrition assistance program estab-
18 lished under such Act, in accordance
19 with section 7(b) of such Act (7
20 U.S.C. 2016(b)).

21 “(ii) OTHER STATES.—Summer EBT
22 benefits issued pursuant to subsection (a)
23 by a State not described in clause (i) may
24 only be used by the eligible household that
25 receives such summer EBT benefits to

1 purchase food (as defined in section 3(k)
2 of the Food and Nutrition Act of 2008 (7
3 U.S.C. 2011(k))) from retail food stores
4 that have been approved for participation
5 in the supplemental nutrition assistance
6 program established under such Act, in ac-
7 cordance with section 7(b) of such Act (7
8 U.S.C. 2016(b)).

9 “(B) BENEFITS ISSUED BY COVERED IN-
10 DIAN TRIBAL ORGANIZATIONS.—Summer EBT
11 benefits issued pursuant to subsection (a) by a
12 covered Indian Tribal organization may only be
13 used by the eligible household that receives such
14 summer EBT benefits to purchase supple-
15 mental foods from retailers that have been ap-
16 proved for participation in—

17 “(i) the special supplemental nutrition
18 program for women, infants, and children
19 under section 17 of the Child Nutrition
20 Act of 1966 (42 U.S.C. 1786); or

21 “(ii) the program under this section.

22 “(2) AMOUNT.—Summer EBT benefits issued
23 pursuant to subsection (a)—

24 “(A) shall be—

1 “(i) for calendar year 2023, in an
2 amount equal to \$75 for each child in the
3 eligible household per month during the
4 summer; and

5 “(ii) for calendar year 2024 and each
6 year thereafter, in an amount equal to the
7 amount described in clause (i), adjusted to
8 the nearest lower dollar increment to re-
9 flect changes to the cost of the thrifty food
10 plan (as defined in section 3(u) of the
11 Food and Nutrition Act of 2008 (7 U.S.C.
12 2012(u)) for the 12-month period ending
13 on November 30 of the preceding calendar
14 year; and

15 “(B) may be issued—

16 “(i) in the form of an EBT card; or

17 “(ii) through electronic delivery.

18 “(c) ENROLLMENT IN PROGRAM.—

19 “(1) STATE REQUIREMENTS.—States partici-
20 pating in the program under this section shall—

21 “(A) with respect to a summer, automati-
22 cally enroll eligible children in the program
23 under this section without further application;

24 “(B) establish procedures to carry out the
25 enrollment described in subparagraph (A); and

1 “(C) require local educational agencies to
2 allow eligible households to opt out of participa-
3 tion in the program under this section and es-
4 tablish procedures for opting out of such par-
5 ticipation.

6 “(2) COVERED INDIAN TRIBAL ORGANIZATION
7 REQUIREMENTS.—Covered Indian Tribal organiza-
8 tions participating in the program under this section
9 shall, to the maximum extent practicable, meet the
10 requirements under subparagraphs (A) through (C)
11 of paragraph (1).

12 “(d) IMPLEMENTATION GRANTS.—On and after Oc-
13 tober 1, 2021, the Secretary shall carry out a program
14 to make grants to States and covered Indian Tribal orga-
15 nizations to build capacity for implementing the program
16 under this section.

17 “(e) ALTERNATE PLANS IN THE CASE OF CONTIN-
18 UOUS SCHOOL CALENDAR.—The Secretary shall establish
19 alternative plans for when summer EBT benefits may be
20 issued pursuant to subsection (a) in the case of children
21 who are under a continuous school calendar.

22 “(f) FUNDING.—

23 “(1) PROGRAM FUNDING.—In addition to
24 amounts otherwise available, there is appropriated
25 for each of fiscal years 2022 through 2029, out of

1 any money in the Treasury not otherwise appro-
2 priated, such sums, to remain available for the pe-
3 riod described in paragraph (2), as may be necessary
4 to carry out this section, including for administrative
5 expenses incurred by the Secretary, States, covered
6 Indian Tribal organizations, and local educational
7 agencies.

8 “(2) PERIOD DESCRIBED.—With respect to
9 each fiscal year under paragraph (1), amounts made
10 available for such a fiscal year under such para-
11 graph shall remain available for the 2-year period
12 following the date such amounts are made available.

13 “(3) IMPLEMENTATION GRANT FUNDING.—In
14 addition to amounts otherwise available, including
15 under paragraph (1), there is appropriated for fiscal
16 year 2022, out of any money in the Treasury not
17 otherwise appropriated, \$50,000,000, to remain
18 available until expended, to carry out subsection (d).

19 “(g) SUNSET.—The authority under this section shall
20 terminate on September 30, 2029.

21 “(h) DEFINITIONS.—In this section:

22 “(1) COVERED INDIAN TRIBAL ORGANIZA-
23 TION.—The term ‘covered Indian Tribal organiza-
24 tion’ means an Indian Tribal organization that par-
25 ticipates in the special supplemental nutrition pro-

1 gram for women, infants, and children under section
2 17 of the Child Nutrition Act of 1966 (42 U.S.C.
3 1786).

4 “(2) ELIGIBLE CHILD.—The term ‘eligible
5 child’ means, with respect to a summer, a child who
6 was, during the school year immediately preceding
7 such summer—

8 “(A) certified to receive free or reduced
9 price lunch under the school lunch program
10 under this Act;

11 “(B) certified to receive free or reduced
12 price breakfast under the school breakfast pro-
13 gram under section 4 of the Child Nutrition Act
14 of 1966 (42 U.S.C. 1773); or

15 “(C) enrolled in a school described in sub-
16 paragraph (B), (C), (D), (E), or (F) of section
17 11(a)(1).

18 “(3) ELIGIBLE HOUSEHOLD.—The term ‘eligi-
19 ble household’ means a household that includes at
20 least 1 eligible child.

21 “(4) SUPPLEMENTAL FOODS.—The term ‘sup-
22 plemental foods’—

23 “(A) means foods—

1 “(i) containing nutrients determined
2 by nutritional research to be lacking in the
3 diets of children; and

4 “(ii) that promote the health of the
5 population served by the program under
6 this section, as indicated by relevant nutri-
7 tion science, public health concerns, and
8 cultural eating patterns, as determined by
9 the Secretary; and

10 “(B) includes foods not described in sub-
11 paragraph (A) substituted by State agencies,
12 with the approval of the Secretary, that—

13 “(i) provide the nutritional equivalent
14 of foods described in such subparagraph;
15 and

16 “(ii) allow for different cultural eating
17 patterns than foods described in such sub-
18 paragraph.”.

19 **SEC. 24004. SCHOOL KITCHEN EQUIPMENT GRANTS.**

20 (a) In addition to amounts otherwise available, there
21 is appropriated to the Secretary of Agriculture for fiscal
22 year 2022, out of any money in the Treasury not otherwise
23 appropriated, \$500,000,000, to remain available until ex-
24 pended, to award grants to States (as defined in section
25 12(d) of the Richard B. Russell National School Lunch

1 Act (42 U.S.C. 1760(d))) to make competitive subgrants
2 to local educational agencies and schools to purchase
3 equipment with a value of greater than \$1,000 that, with
4 respect to the school lunch program established under the
5 Richard B. Russell National School Lunch Act (42 U.S.C.
6 1751–1769j) and the school breakfast program estab-
7 lished under section 4 of the Child Nutrition Act of 1966
8 (42 U.S.C. 1773), is necessary to serve healthier meals,
9 improve food safety, and increase scratch cooking.

10 (b) The Secretary may set aside up to 5 percent of
11 the funds made available under subsection (a) for the pur-
12 pose of training and technical assistance to support
13 scratch cooking, which may be administered by States or
14 other entities.

15 **SEC. 24005. HEALTHY FOOD INCENTIVES DEMONSTRATION.**

16 (a) In addition to amounts otherwise available, there
17 is appropriated to the Secretary of Agriculture for fiscal
18 year 2022, out of any money in the Treasury not otherwise
19 appropriated, \$634,000,000, to remain available until ex-
20 pended, to provide competitive grants to States in accord-
21 ance with this section.

22 (b) A State that receives a grant under this section
23 shall use such grant funds to make subgrants to local edu-
24 cational agencies and schools for activities that support—

1 (1) serving healthy school meals and afterschool
2 snacks that meet discretionary goals established by
3 the Secretary;

4 (2) increasing scratch cooking;

5 (3) conducting experiential nutrition education
6 activities, including school garden programs;

7 (4) procuring local, regional, and culturally ap-
8 propriate foods and foods produced by underserved
9 or limited resource farmers, as defined by the Sec-
10 retary, to serve as part of the child nutrition pro-
11 grams under the Richard B. Russell National School
12 Lunch Act (42 U.S.C. 1751–1769j) or the Child
13 Nutrition Act of 1966 (42 U.S.C. 1771–1793);

14 (5) reducing the availability of less healthy
15 foods, as defined by the Secretary, during the school
16 day; or

17 (6) carrying out additional activities to encour-
18 age the development of healthy nutrition and phys-
19 ical activity habits among children.

20 (c) A State that receives a grant under this section
21 may use such grant funds to fund a statewide nutrition
22 education coordinator to—

23 (1) support individual school food authority nu-
24 trition education efforts; and

1 (2) facilitate collaboration with other nutrition
2 education efforts in the State.

3 (d) A State that receives a grant under this section
4 may not use more than 5 percent of such grant funds to
5 carry out administrative activities.

6 (e) In this section, the term “State” has the meaning
7 given the term in section 12(d) of the Richard B. Russell
8 National School Lunch Act (42 U.S.C. 1760(d)).

9 **Subtitle F—Human Services and**
10 **Community Supports**

11 **SEC. 25001. ASSISTIVE TECHNOLOGY.**

12 In addition to amounts otherwise available, there is
13 appropriated for fiscal year 2022, out of any money in
14 the Treasury not otherwise appropriated, \$10,000,000, to
15 remain available until expended, to carry out the Assistive
16 Technology Act of 1998 (29 U.S.C. 3001 et seq.).

17 **SEC. 25002. FAMILY VIOLENCE PREVENTION AND SERVICES**
18 **FUNDING.**

19 In addition to amounts otherwise available, there is
20 appropriated for fiscal year 2022, out of any money in
21 the Treasury not otherwise appropriated, \$27,000,000, to
22 remain available until expended, for necessary administra-
23 tive expenses to carry out sections 303, 309, and 313 of
24 the Family Violence Prevention and Services Act (42

1 U.S.C. 10401–10414) and section 2204 of the American
2 Rescue Plan Act of 2021 (Public Law 117–2).

3 **SEC. 25003. PREGNANCY ASSISTANCE FUND.**

4 Section 10214 of the Patient Protection and Afford-
5 able Care Act (42 U.S.C. 18204) is amended by striking
6 the period and inserting “, and \$25,000,000 for each of
7 fiscal years 2022 through 2024, to remain available until
8 expended, to carry out this part.”.

9 **SEC. 25004. FUNDING FOR THE AGING NETWORK AND IN-**
10 **FRASTRUCTURE.**

11 (a) APPROPRIATION.—In addition to amounts other-
12 wise available, there are appropriated for fiscal year 2022,
13 out of any money in the Treasury not otherwise appro-
14 priated, to the Department of Health and Human Serv-
15 ices—

16 (1) \$75,000,000 for the Research, Demonstra-
17 tion, and Evaluation Center for the Aging Network
18 to carry out the activities of the Center under sec-
19 tion 201(g) of the Older Americans Act of 1965
20 (OAA) (42 U.S.C. 3011(g));

21 (2) \$655,000,000 to carry out part B of title
22 III of the OAA (42 U.S.C. 3030d), including for—

23 (A) supportive services of the type made
24 available for fiscal year 2021 and authorized
25 under such part;

1 (B) investing in the aging services network
2 for the purposes of improving the availability of
3 supportive services, including investing in the
4 aging services network workforce;

5 (C) the acquisition, alteration, or renova-
6 tion of facilities, including multipurpose senior
7 centers and mobile units; and

8 (D) construction or modernization of facili-
9 ties to serve as multipurpose senior centers;

10 (3) \$140,000,000 to carry out part C of title
11 III of the OAA (42 U.S.C. 3030d-21-3030g-23),
12 including to support the modernization of infrastruc-
13 ture and technology, including kitchen equipment
14 and delivery vehicles, to support the provision of
15 congregate nutrition services and home delivered nu-
16 trition services under such part;

17 (4) \$150,000,000 to carry out part E of title
18 III of the OAA (42 U.S.C. 3030s-3030s-2), includ-
19 ing section 373(e) of such part (42 U.S.C. 3030s-
20 1(e));

21 (5) \$50,000,000 to carry out title VI of the
22 OAA (42 U.S.C. 3057-3057o), including part C of
23 such title (42 U.S.C. 3057k-11);

1 (6) \$50,000,000 to carry out the long-term care
2 ombudsman program under title VII of the OAA (42
3 U.S.C. 3058–3058ff);

4 (7) \$59,000,000 for technical assistance centers
5 or national resource centers supported under the
6 OAA, including all such centers that received fund-
7 ing under title IV of the OAA (42 U.S.C. 3031–
8 3033a) for fiscal year 2021, in order to support
9 technical assistance and resource development re-
10 lated to culturally appropriate care management and
11 services for older individuals with the greatest social
12 need, including racial and ethnic minority individ-
13 uals;

14 (8) \$15,000,000 for technical assistance centers
15 or national resource centers supported under the
16 OAA that are focused on providing services for older
17 individuals who are underserved due to their sexual
18 orientation or gender identity;

19 (9) \$1,000,000 for efforts of national training
20 and technical assistance centers supported under the
21 OAA to—

22 (A) support expanding the reach of the
23 aging services network to more effectively assist
24 older individuals in remaining socially engaged
25 and active;

1 (B) provide additional support in technical
2 assistance and training to the aging services
3 network to address the social isolation of older
4 individuals;

5 (C) promote best practices and identify in-
6 novation in the field; and

7 (D) continue to support a repository for
8 innovations designed to increase the ability of
9 the aging services network to tailor social en-
10 gagement activities to meet the needs of older
11 individuals; and

12 (10) \$5,000,000 to carry out section 417 of the
13 OAA (42 U.S.C. 3032f).

14 Amounts appropriated by this subsection shall remain
15 available until expended.

16 (b) NONAPPLICABILITY OF CERTAIN REQUIRE-
17 MENTS.—The non-Federal contribution requirements
18 under sections 304(d)(1)(D) and 431(a) of the Older
19 Americans Act of 1965 (42 U.S.C. 3024(d)(1)(D),
20 3033(a)), and section 373(h)(2) of such Act (42 U.S.C.
21 3030s–1(h)(2)), shall not apply to—

22 (1) any amounts made available under this sec-
23 tion; or

1 (2) any amounts made available under section
2 2921 of the American Rescue Plan Act of 2021
3 (Public Law 117–2).

4 **SEC. 25005. OFFICE OF THE INSPECTOR GENERAL OF THE**
5 **DEPARTMENT OF HEALTH AND HUMAN SERV-**
6 **ICES.**

7 In addition to amounts otherwise available, there is
8 appropriated to the Department of Health and Human
9 Services for fiscal year 2022, out of any money in the
10 Treasury not otherwise appropriated, \$50,000,000, to re-
11 main available until expended, for the Office of Inspector
12 General of the Department of Health and Human Serv-
13 ices, for salaries and expenses necessary for oversight, in-
14 vestigations, and audits of programs, grants, and projects
15 funded under subtitles D and F of this title.

16 **SEC. 25006. TECHNICAL ASSISTANCE CENTER FOR SUP-**
17 **PORTING DIRECT CARE AND CAREGIVING.**

18 (a) IN GENERAL.—In addition to amounts otherwise
19 available, there is appropriated to the Secretary of Health
20 and Human Services, acting through the Administrator
21 for the Administration for Community Living, for fiscal
22 year 2022, out of any money in the Treasury not otherwise
23 appropriated, \$5,000,000, to remain available until Sep-
24 tember 30, 2026, to establish, directly or through grants,
25 contracts, or cooperative agreements, a national technical

1 assistance center (referred to in this section as the “Cen-
2 ter”) to—

3 (1) provide technical assistance for supporting
4 direct care workforce recruitment, education and
5 training, retention, career advancement, and for sup-
6 porting family caregivers and caregiving activities;

7 (2) develop and disseminate a set of replicable
8 models or evidence-based or evidence-informed strat-
9 egies or best practices for—

10 (A) recruitment, education and training,
11 retention, and career advancement of direct
12 care workers;

13 (B) reducing barriers to accessing direct
14 care services; and

15 (C) increasing access to alternatives to di-
16 rect care services, including assistive tech-
17 nology, that reduce reliance on such services;

18 (3) provide recommendations for education and
19 training curricula for direct care workers; and

20 (4) provide recommendations for activities to
21 further support paid and unpaid family caregivers,
22 including expanding respite care.

23 (b) **DIRECT CARE WORKER DEFINED.**—The term
24 “direct care worker” has the meaning given such term in
25 section 22301.

1 **TITLE III—COMMITTEE ON**
2 **ENERGY AND COMMERCE**
3 **Subtitle A—Air Pollution**

4 **SEC. 30101. CLEAN HEAVY-DUTY VEHICLES.**

5 (a) APPROPRIATION.—

6 (1) IN GENERAL.—In addition to amounts oth-
7 erwise available, there is appropriated to the Admin-
8 istrator of the Environmental Protection Agency for
9 fiscal year 2022, out of any money in the Treasury
10 not otherwise appropriated, \$5,000,000,000, to re-
11 main available until expended (except that no funds
12 shall be disbursed after September 30, 2031), to
13 carry out section 132 of the Clean Air Act, as added
14 by subsection (b).

15 (2) RESERVATION.—Of the funds appropriated
16 by paragraph (1), the Administrator of the Environ-
17 mental Protection Agency shall reserve 3 percent for
18 administrative costs necessary to carry out section
19 132 of the Clean Air Act, as added by subsection
20 (b).

21 (b) AMENDMENT.—Part A of title I of the Clean Air
22 Act (42 U.S.C. 7401 et seq.) is amended by adding at
23 the end the following:

1 **“SEC. 132. CLEAN HEAVY-DUTY VEHICLES.**

2 “(a) PROGRAM.—Beginning not later than 180 days
3 after the date of enactment of this section, the Adminis-
4 trator shall implement a program to make awards of
5 grants and rebates to eligible recipients, and to make
6 awards of contracts to eligible contractors for providing
7 rebates, for up to 100 percent of costs for—

8 “(1) replacing eligible vehicles with zero-emis-
9 sion vehicles;

10 “(2) infrastructure needed to charge, fuel, or
11 maintain zero-emission vehicles;

12 “(3) workforce development and training to
13 support the maintenance, charging, fueling, and op-
14 eration of zero-emission vehicles; and

15 “(4) planning and technical activities to support
16 the adoption and deployment of zero-emission vehi-
17 cles.

18 “(b) APPLICATIONS.—To seek an award under this
19 section, an eligible recipient or eligible contractor shall
20 submit to the Administrator an application in such form
21 and manner as the Administrator shall prescribe.

22 “(c) ALLOCATION.—Of any amount appropriated to
23 carry out this section, no less than 40 percent shall be
24 used for awards to eligible recipients proposing to replace
25 eligible vehicles to serve one or more communities located

1 in an air quality area designated pursuant to section 107
2 as nonattainment for any air pollutant.

3 “(d) DEFINITIONS.—For purposes of this section:

4 “(1) ELIGIBLE CONTRACTOR.—The term ‘eligi-
5 ble contractor’ means a contractor that is a for-prof-
6 it or nonprofit entity that has the capacity—

7 “(A) to sell zero-emission vehicles, or
8 charging or other equipment needed to charge,
9 fuel, or maintain zero-emission vehicles, to indi-
10 viduals or entities that own an eligible vehicle;
11 or

12 “(B) to arrange financing for such a sale.

13 “(2) ELIGIBLE RECIPIENT.—The term ‘eligible
14 recipient’ means—

15 “(A) a State or local governmental entity;

16 “(B) an Indian Tribe (as defined in section
17 302);

18 “(C) a nonprofit school transportation as-
19 sociation; or

20 “(D) an eligible contractor.

21 “(3) ELIGIBLE VEHICLE.—The term ‘eligible
22 vehicle’ means a Class 6 or Class 7 heavy-duty vehi-
23 cle as defined in section 1037.801 of title 40, Code
24 of Federal Regulations (as in effect on the date of
25 enactment of this section).

1 “(4) ZERO-EMISSION VEHICLE.—The term
2 ‘zero-emission vehicle’ means a vehicle that has a
3 drivetrain that produces, under any possible oper-
4 ational mode or condition, zero exhaust emission
5 of—

6 “(A) any air pollutant that is listed pursu-
7 ant to section 108(a) (or any precursor to such
8 an air pollutant); and

9 “(B) any greenhouse gas.”.

10 **SEC. 30102. GRANTS TO REDUCE AIR POLLUTION AT PORTS.**

11 Part A of title I of the Clean Air Act (42 U.S.C. 7401
12 et seq.), as amended, is further amended by adding at the
13 end the following:

14 **“SEC. 133. GRANTS TO REDUCE AIR POLLUTION AT PORTS.**

15 “(a) IN GENERAL.—In addition to amounts other-
16 wise available, there is appropriated to the Administrator
17 for fiscal year 2022, out of any money in the Treasury
18 not otherwise appropriated, \$3,500,000,000, to remain
19 available until expended (except that no funds shall be dis-
20 bursed after September 30, 2031), to award rebates and
21 grants to eligible recipients on a competitive basis to—

22 “(1) purchase or install zero-emissions port
23 equipment and technology for use at, or to directly
24 serve, one or more ports;

1 “(2) conduct any relevant planning or permit-
2 ting in connection with such zero-emissions port
3 equipment and technology; and

4 “(3) develop qualified climate action plans.

5 “(b) RESERVATION.—Of the funds made available by
6 this section, \$875,000,000 shall be reserved for awards
7 to eligible recipients to carry out activities with respect
8 to ports located in nonattainment areas for any air pollut-
9 ant.

10 “(c) LIMITATION.—Funds awarded under this sec-
11 tion shall not be used—

12 “(1) to purchase fully automated cargo-han-
13 dling equipment or terminal infrastructure that is
14 designed for fully automated cargo-handling equip-
15 ment; or

16 “(2) by any recipient or sub-recipient to per-
17 form construction, alteration, installation, or repair
18 work that is not located at, or does not directly
19 serve, the one or more ports involved.

20 “(d) ADMINISTRATION OF FUNDS.—Of the funds
21 made available by this section, the Administrator shall re-
22 serve 2 percent for administrative costs necessary to carry
23 out this section.

24 “(e) DEFINITIONS.—For purposes of this section:

1 “(1) ELIGIBLE RECIPIENT.—The term ‘eligible
2 recipient’ means—

3 “(A) a port authority;

4 “(B) a State, regional, local, or Tribal
5 agency that has jurisdiction over a port author-
6 ity or a port;

7 “(C) an air pollution control agency; or

8 “(D) a private entity (including any non-
9 profit organization) that—

10 “(i) applies for a grant under this sec-
11 tion in partnership with an entity de-
12 scribed in subparagraphs (A), (B), or (C);
13 and

14 “(ii) owns, operates, or uses the facili-
15 ties, cargo-handling equipment, transpor-
16 tation equipment, or related technology of
17 a port.

18 “(2) QUALIFIED CLIMATE ACTION PLAN.—The
19 term ‘qualified climate action plan’ means a detailed
20 and strategic plan that—

21 “(A) establishes goals, implementation
22 strategies, and accounting and inventory prac-
23 tices (including practices used to measure
24 progress towards stated goals) to reduce emis-
25 sions at one or more ports of—

1 “(i) greenhouse gases;

2 “(ii) any air pollutant that is listed
3 pursuant to section 108(a) (or any pre-
4 cursor to such an air pollutant); and

5 “(iii) hazardous air pollutants; and

6 “(B) includes a strategy to collaborate
7 with, communicate with, and address potential
8 effects on stakeholders that may be affected by
9 implementation of such plan, including low-in-
10 come and disadvantaged near-port communities.

11 “(3) ZERO-EMISSIONS PORT EQUIPMENT AND
12 TECHNOLOGY.—The term ‘zero-emissions port
13 equipment and technology’ means any equipment or
14 technology that—

15 “(A) produces zero emissions of any air
16 pollutant that is listed pursuant to section
17 108(a) (or any precursor to such an air pollut-
18 ant) and any greenhouse gas other than water
19 vapor; or

20 “(B) captures 100 percent of such emis-
21 sions produced by an ocean-going vessel at
22 berth.”.

1 **SEC. 30103. GREENHOUSE GAS REDUCTION FUND.**

2 Part A of title I of the Clean Air Act (42 U.S.C. 7401
3 et seq.), as amended, is further amended by adding at the
4 end the following:

5 **“SEC. 134. GREENHOUSE GAS REDUCTION FUND.**

6 “(a) APPROPRIATION.—In addition to amounts oth-
7 erwise available, there is appropriated for fiscal year 2022,
8 out of any money in the Treasury not otherwise appro-
9 priated—

10 “(1) \$7,495,000,000 to the Administrator, to
11 remain available until expended (except that no
12 funds shall be disbursed after September 30, 2026),
13 to make grants, on a competitive basis and not later
14 than 180 calendar days after the date of enactment
15 of this section, to States, units of local government,
16 the District of Columbia, territories of the United
17 States, Tribal governments, and eligible recipients
18 for the purposes of providing financial and technical
19 assistance to enable low-income and disadvantaged
20 communities to deploy zero-emission technologies, in-
21 cluding distributed zero-emission technologies on
22 residential rooftops, and to carry out other green-
23 house gas emission reduction activities, as deter-
24 mined appropriate by the Administrator in accord-
25 ance with this section;

1 “(2) \$19,995,000,000 to the Administrator, to
2 remain available until expended (except that no
3 funds shall be disbursed after September 30, 2026),
4 to make grants, on a competitive basis and not later
5 than 180 calendar days after the date of enactment
6 of this section, to eligible recipients, of which
7 \$8,000,000,000 shall be used to provide financial as-
8 sistance in low-income and disadvantaged commu-
9 nities; and

10 “(3) \$10,000,000 to the Administrator, to re-
11 main available until expended (except that no funds
12 shall be disbursed after September 30, 2031), for
13 the administrative costs necessary to carry out ac-
14 tivities under this section.

15 “(b) USE OF FUNDS.—An eligible recipient that re-
16 ceives a grant pursuant to subsection (a) shall operate in
17 accordance with the following:

18 “(1) DIRECT INVESTMENT.—An eligible recipi-
19 ent shall—

20 “(A) use a broad range of finance and in-
21 vestment tools to provide financial assistance to
22 qualified projects at the national, regional,
23 State, and local levels, including, as applicable,
24 through both concessionary and market rate fi-
25 nancing;

1 “(B) prioritize investment in qualified
2 projects that would otherwise lack access to fi-
3 nancing;

4 “(C) retain, manage, recycle, and monetize
5 all repayments and other revenue received from
6 fees, interest, repaid loans, and all other types
7 of financial assistance provided using grant
8 funds under this section to ensure continued
9 operability; and

10 “(D) meet any requirements set forth by
11 the Administrator to ensure accountability and
12 proper management of funds appropriated by
13 this section.

14 “(2) INDIRECT INVESTMENT.—An eligible re-
15 cipient shall provide financial and technical assist-
16 ance to establish new or support existing public,
17 quasi-public, or nonprofit entities that provide finan-
18 cial assistance to qualified projects at the State,
19 local, territorial, or Tribal level or in the District of
20 Columbia, including community- and low-income-fo-
21 cused lenders and capital providers.

22 “(c) DEFINITIONS.—In this section:

23 “(1) ELIGIBLE RECIPIENT.—The term ‘eligible
24 recipient’ means a nonprofit organization that—

1 “(A) is designed to provide capital, includ-
2 ing by leveraging private capital, and other
3 forms of financial assistance for the rapid de-
4 ployment of low- and zero-emission products,
5 technologies, and activities;

6 “(B) does not take deposits, other than
7 from repayments and other revenue received
8 from financial assistance provided using grant
9 funds under this section;

10 “(C) is funded by public or charitable con-
11 tributions; and

12 “(D) invests in or finances projects alone
13 or in conjunction with other investors.

14 “(2) QUALIFIED PROJECT.—The term ‘qualified
15 project’ includes any low- or zero-emission project,
16 technology, or activity that—

17 “(A) reduces or avoids greenhouse gas
18 emissions and other forms of air pollution in
19 partnership with, and by leveraging investment
20 from, the private sector; or

21 “(B) assists communities in the efforts of
22 those communities to reduce or avoid green-
23 house gas emissions and other forms of air pol-
24 lution.

1 “(3) ZERO-EMISSION TECHNOLOGY.—The term
2 ‘zero-emission technology’ means any technology
3 that produces zero emissions of—

4 “(A) any air pollutant that is listed pursu-
5 ant to section 108(a) (or any precursor to such
6 an air pollutant); and

7 “(B) any greenhouse gas.”.

8 **SEC. 30104. COLLABORATIVE COMMUNITY WILDFIRE AIR**
9 **GRANTS.**

10 (a) IN GENERAL.—In addition to amounts otherwise
11 available, there is appropriated to the Administrator of the
12 Environmental Protection Agency for fiscal year 2022, out
13 of any money in the Treasury not otherwise appropriated,
14 \$150,000,000, to remain available until expended (except
15 that no funds shall be disbursed after September 30,
16 2031), for grants authorized under section 103 of the
17 Clean Air Act (42 U.S.C. 7403) to assist eligible entities
18 in developing and implementing collaborative community
19 plans to prepare for smoke from wildfires, reduce risks
20 of smoke exposure due to wildfires, and mitigate the
21 health and environmental effects of smoke from wildfires.

22 (b) TECHNICAL ASSISTANCE.—The Administrator of
23 the Environmental Protection Agency may use amounts
24 made available under subsection (a) to provide technical
25 assistance to any eligible entity in—

1 (1) submitting an application for a grant to be
2 made pursuant to this section; or

3 (2) carrying out a project using a grant made
4 pursuant to this section.

5 (c) ADMINISTRATIVE COSTS.—Of the amounts made
6 available under subsection (a), the Administrator of the
7 Environmental Protection Agency shall reserve 7.5 per-
8 cent for administrative costs to carry out this section.

9 (d) ELIGIBLE ENTITIES.—In this section, the term
10 “eligible entity” means a State, a territory, a unit of local
11 government (including any special district, such as an air
12 quality management district), or an Indian Tribe.

13 **SEC. 30105. DIESEL EMISSIONS REDUCTIONS.**

14 (a) IN GENERAL.—In addition to amounts otherwise
15 available, there is appropriated to the Administrator of the
16 Environmental Protection Agency for fiscal year 2022, out
17 of any money in the Treasury not otherwise appropriated,
18 \$170,000,000, to remain available until expended (except
19 that no funds shall be disbursed after September 30,
20 2031), to address diesel emissions, of which—

21 (1) \$100,000,000 shall be for grants, rebates,
22 loans, and other Environmental Protection Agency
23 activities under subtitle G of title VII of the Energy
24 Policy Act of 2005 (42 U.S.C. 16131 through
25 16137) to identify and reduce diesel emissions re-

1 sulting from goods movement facilities, and vehicles
2 servicing goods movement facilities, in low-income
3 and disadvantaged communities to address the
4 health impacts of such emissions on such commu-
5 nities;

6 (2) \$50,000,000 shall be for grants, rebates,
7 loans, and other Environmental Protection Agency
8 activities under subtitle G of title VII of the Energy
9 Policy Act of 2005; and

10 (3) \$20,000,000 shall be for grants, rebates,
11 loans, and other Environmental Protection Agency
12 activities under subtitle G of title VII of the Energy
13 Policy Act of 2005 to identify and reduce diesel
14 emissions in low-income and disadvantaged commu-
15 nities to address the health impacts of such emis-
16 sions on such communities.

17 (b) ADMINISTRATIVE COSTS.—The Administrator of
18 the Environmental Protection Agency shall reserve 5 per-
19 cent of the amounts made available under subsection (a)
20 for the administrative costs necessary to carry out activi-
21 ties pursuant to such subsection.

22 **SEC. 30106. FUNDING TO ADDRESS AIR POLLUTION.**

23 (a) IN GENERAL.—In addition to amounts otherwise
24 available, there is appropriated to the Administrator of the
25 Environmental Protection Agency for fiscal year 2022, out

1 of any money in the Treasury not otherwise appropriated,
2 \$320,000,000, to remain available until expended (except
3 that no funds shall be disbursed after September 30,
4 2031), to address air pollution, of which—

5 (1) \$265,000,000 shall be for grants and other
6 activities authorized under sections 102, 103, and
7 105 of the Clean Air Act (42 U.S.C. 7402, 7403,
8 and 7405), of which—

9 (A) \$122,000,000 shall be to deploy, inte-
10 grate, support, and maintain fenceline moni-
11 toring and screening air monitoring, including
12 national air toxics trend stations and other air
13 toxics and community monitoring;

14 (B) \$75,000,000 shall be to expand the
15 national ambient air quality monitoring network
16 with new multipollutant monitoring stations
17 and to replace, repair, operate, and maintain
18 existing monitors;

19 (C) \$3,000,000 shall be to deploy, inte-
20 grate, and operate air quality sensors in low-in-
21 come and disadvantaged communities; and

22 (D) \$15,000,000 shall be for testing and
23 other agency activities to address emissions
24 from wood heaters; and

1 (E) \$50,000,000 shall be for monitoring
2 emissions of methane;

3 (2) \$50,000,000 shall be to carry out, with re-
4 spect to greenhouse gases, sections 111, 115, 169,
5 177, 202, 211, 213, 231, and 612, and other sec-
6 tions of the Clean Air Act (42 U.S.C. 7411, 7415,
7 7479, 7507, 7521, 7545, 7547, 7571, 7671k, and
8 others); and

9 (3) \$5,000,000 shall be to provide grants to
10 States to adopt and implement greenhouse gas and
11 zero-emission standards for mobile sources pursuant
12 to section 177 of the Clean Air Act (42 U.S.C.
13 7507).

14 (b) ADMINISTRATION OF FUNDS.—Of the funds
15 made available pursuant to subsection (a)(1), the Admin-
16 istrator of the Environmental Protection Agency shall re-
17 serve 5 percent for activities funded pursuant to such sub-
18 section other than grants.

19 **SEC. 30107. FUNDING TO ADDRESS AIR POLLUTION AT**
20 **SCHOOLS.**

21 In addition to amounts otherwise available, there is
22 appropriated to the Administrator of the Environmental
23 Protection Agency for fiscal year 2022, out of any money
24 in the Treasury not otherwise appropriated, \$50,000,000,
25 to remain available until expended, for grants, rebates,

1 contracts, and other activities to monitor and reduce air
2 pollution and greenhouse gas emissions at schools in low-
3 income and disadvantaged communities under subsections
4 (a) through (c) of section 103 of the Clean Air Act (42
5 U.S.C. 7403) and section 105 of that Act (42 U.S.C.
6 7405), of which the Administrator shall reserve not less
7 than 25 percent for technical assistance to such schools—

8 (1) to address environmental issues;

9 (2) to develop school environmental quality
10 plans that include standards for school building, de-
11 sign, construction, and renovation; and

12 (3) to identify and mitigate ongoing air pollu-
13 tion hazards.

14 **SEC. 30108. LOW EMISSIONS ELECTRICITY PROGRAM.**

15 Part A of title I of the Clean Air Act (42 U.S.C. 7401
16 et seq.), as amended, is further amended by adding at the
17 end the following:

18 **“SEC. 135. LOW EMISSIONS ELECTRICITY PROGRAM.**

19 “(a) APPROPRIATIONS.—In addition to amounts oth-
20 erwise available, there is appropriated to the Adminis-
21 trator for fiscal year 2022, out of any money in the Treas-
22 ury not otherwise appropriated, \$100,000,000, to remain
23 available until expended (except that no funds shall be dis-
24 bursed after September 30, 2031), to carry out this sec-
25 tion.

1 “(b) USE OF FUNDS.—Of the amounts made avail-
2 able by subsection (a), the Administrator shall use—

3 “(1) not less than \$10,000,000 for consumer-
4 related education and partnerships with respect to
5 reductions in greenhouse gas emissions that result
6 from domestic electricity generation and use;

7 “(2) not less than \$10,000,000 for education,
8 technical assistance, and partnerships within low-in-
9 come and disadvantaged communities with respect to
10 reductions in greenhouse gas emissions that result
11 from domestic electricity generation and use;

12 “(3) not less than \$10,000,000 for industry-re-
13 lated outreach and technical assistance, including
14 through partnerships, with respect to reductions in
15 greenhouse gas emissions that result from domestic
16 electricity generation and use;

17 “(4) not less than \$10,000,000 for outreach
18 and technical assistance to State and local govern-
19 ments, including through partnerships, with respect
20 to reductions in greenhouse gas emissions that result
21 from domestic electricity generation and use;

22 “(5) not less than \$1,000,000 to assess, not
23 later than the date that is 1 year after the date of
24 enactment of this section, the reductions in green-
25 house gas emissions that result from changes in do-

1 domestic electricity generation and use that are antici-
2 pated to occur on an annual basis through fiscal
3 year 2031; and

4 “(6) not less than \$20,000,000 to carry out
5 this section to ensure that the anticipated reductions
6 in greenhouse gas emissions from domestic elec-
7 tricity generation and use as assessed under para-
8 graph (5) are achieved through use of the authori-
9 ties of this Act, including through the establishment
10 of requirements under this Act.”.

11 **SEC. 30109. FUNDING FOR SECTION 211 OF THE CLEAN AIR**
12 **ACT.**

13 In addition to amounts otherwise available, there is
14 appropriated to the Administrator of the Environmental
15 Protection Agency for fiscal year 2022, out of any money
16 in the Treasury not otherwise appropriated, \$15,000,000,
17 to remain available until expended, to carry out section
18 211 of the Clean Air Act (42 U.S.C. 7545), of which—

19 (1) not less than \$5,000,000 shall be for the
20 development and establishment of tests and proto-
21 cols regarding the environmental and public health
22 effects of a fuel or fuel additive; internal and extra-
23 mural data collection and analyses to regularly up-
24 date applicable regulations, guidance, and proce-
25 dures for determining lifecycle greenhouse gas emis-

1 sions of a fuel; and the review, analysis and evalua-
2 tion of the impacts of all transportation fuels, in-
3 cluding fuel lifecycle implications, on the general
4 public and on low-income and disadvantaged commu-
5 nities; and

6 (2) not less than \$5,000,000 shall be for new
7 grants to industry and other related activities to
8 support investments in advanced biofuels.

9 **SEC. 30110. FUNDING FOR IMPLEMENTATION OF THE**
10 **AMERICAN INNOVATION AND MANUFAC-**
11 **TURING ACT.**

12 (a) IN GENERAL.—In addition to amounts otherwise
13 available, there is appropriated to the Administrator of the
14 Environmental Protection Agency for fiscal year 2022, out
15 of any money in the Treasury not otherwise appropriated,
16 \$42,000,000, to remain available until September 30,
17 2026, to carry out section 103 of division S of Public Law
18 116–260, of which—

19 (1) \$3,500,000 shall be to deploy new imple-
20 mentation and compliance tools; and

21 (2) \$15,000,000 shall be for competitive grants
22 for reclaim and innovative destruction technologies.

23 (b) ADMINISTRATION OF FUNDS.—Of the funds
24 made available pursuant to subsection (a)(2), the Admin-
25 istrator of the Environmental Protection Agency shall re-

1 serve 5 percent for administrative costs of carrying out
2 such section 103.

3 **SEC. 30111. FUNDING FOR ENFORCEMENT TECHNOLOGY**
4 **AND PUBLIC INFORMATION.**

5 In addition to amounts otherwise available, there is
6 appropriated to the Administrator of the Environmental
7 Protection Agency for fiscal year 2022, out of any money
8 in the Treasury not otherwise appropriated, \$50,000,000,
9 to remain available until expended (except that no funds
10 shall be disbursed after September 30, 2031), to address
11 air pollution, of which—

12 (1) \$37,000,000 shall be to update Integrated
13 Compliance Information System of the Environ-
14 mental Protection Agency and any associated sys-
15 tems, necessary information technology infrastruc-
16 ture, or public access software tools to ensure access
17 to compliance data and related information;

18 (2) \$7,000,000 shall be for grants to States, In-
19 dian Tribes, and air pollution control agencies (as
20 such terms are defined in section 302 of the Clean
21 Air Act (42 U.S.C. 7602)) to update their systems
22 to ensure communication with such Integrated Com-
23 pliance Information System and any associated sys-
24 tems; and

1 (3) \$6,000,000 shall be to acquire or update in-
2 spection software for use by the Environmental Pro-
3 tection Agency, States, Indian Tribes, and air pollu-
4 tion control agencies (as such terms are defined in
5 section 302 of the Clean Air Act (42 U.S.C. 7602)),
6 or to acquire necessary devices on which to run such
7 inspection software.

8 **SEC. 30112. GREENHOUSE GAS CORPORATE REPORTING.**

9 In addition to amounts otherwise available, there is
10 appropriated to the Environmental Protection Agency Of-
11 fice of Air and Radiation for fiscal year 2022, out of any
12 money in the Treasury not otherwise appropriated,
13 \$5,000,000, to remain available until expended (except
14 that no funds shall be disbursed after September 30,
15 2031), for the Environmental Protection Agency to sup-
16 port—

17 (1) enhanced standardization and transparency
18 of corporate climate action commitments and plans
19 to reduce greenhouse gas emissions;

20 (2) enhanced transparency regarding progress
21 toward meeting such commitments and imple-
22 menting such plans; and

23 (3) progress toward meeting such commitments
24 and implementing such plans.

1 **SEC. 30113. ENVIRONMENTAL PRODUCT DECLARATION AS-**
2 **SISTANCE.**

3 (a) IN GENERAL.—In addition to amounts otherwise
4 available, there is appropriated to the Administrator of the
5 Environmental Protection Agency for fiscal year 2022, out
6 of any money in the Treasury not otherwise appropriated,
7 \$250,000,000, to remain available until expended (except
8 that no funds shall be disbursed after September 30,
9 2031), to develop and carry out a program, to be known
10 as the Environmental Product Declaration Assistance
11 Program, to support the development, and enhanced
12 standardization and transparency, of environmental prod-
13 uct declarations for construction materials and products,
14 including by—

15 (1) providing grants to businesses that manu-
16 facture construction materials and products for de-
17 veloping and verifying environmental product dec-
18 larations;

19 (2) providing technical assistance to businesses
20 that manufacture construction materials and prod-
21 ucts in developing and verifying environmental prod-
22 uct declarations; and

23 (3) carrying out other activities that assist in
24 measuring and steadily reducing the quantity of em-
25 bodied carbon of construction materials and prod-
26 ucts.

1 (b) ADMINISTRATION OF FUNDS.—Of the amounts
2 made available under this section, the Administrator of
3 the Environmental Protection Agency shall reserve 7.5
4 percent for administrative costs necessary to carry out this
5 section.

6 (c) DEFINITIONS.—In this section:

7 (1) EMBODIED CARBON.—The term “embodied
8 carbon” means the quantity of greenhouse gas emis-
9 sions associated with all relevant stages of produc-
10 tion of a material or product, measured in kilograms
11 of carbon dioxide-equivalent per unit of such mate-
12 rial or product.

13 (2) ENVIRONMENTAL PRODUCT DECLARA-
14 TION.—The term “environmental product declara-
15 tion” means a document that reports the environ-
16 mental impact of a material or product that—

17 (A) includes measurement of the embodied
18 carbon of the material or product;

19 (B) conforms with international standards,
20 such as a Type III environmental product dec-
21 laration, as defined by the International Orga-
22 nization for Standardization standard 14025;
23 and

24 (C) is developed in accordance with any
25 standardized reporting criteria specified by the

1 Administrator of the Environmental Protection
2 Agency.

3 **SEC. 30114. ENVIRONMENTAL PROTECTION AGENCY METH-**
4 **ANE FEE.**

5 (a) APPROPRIATION.—In addition to amounts other-
6 wise available, there is appropriated to the Administrator
7 of the Environmental Protection Agency for fiscal year
8 2022, out of any money in the Treasury not otherwise ap-
9 propriated, \$75,000,000, to remain available until ex-
10 pended (except that no funds shall be disbursed after Sep-
11 tember 30, 2024), to carry out section 136 of the Clean
12 Air Act, as added by this section.

13 (b) AMENDMENT.—Part A of title I of the Clean Air
14 Act (42 U.S.C. 7401 et seq.), as amended, is further
15 amended by adding at the end the following:

16 **“SEC. 136. METHANE FEE FROM PETROLEUM AND NATURAL**
17 **GAS SYSTEMS.**

18 “(a) IN GENERAL.—The Administrator shall impose
19 and collect a fee from the owner or operator of each appli-
20 cable facility that is required to report methane emissions
21 pursuant to subpart W of part 98 of title 40, Code of Fed-
22 eral Regulations (or any successor regulations).

23 “(b) APPLICABLE FACILITY.—For purposes of this
24 section, the term ‘applicable facility’ means a facility with-
25 in the following industry segments, as defined in subpart

1 W of part 98 of title 40, Code of Federal Regulations (or
2 any successor regulations):

3 “(1) Offshore petroleum and natural gas pro-
4 duction.

5 “(2) Onshore petroleum and natural gas pro-
6 duction.

7 “(3) Natural gas processing,

8 “(4) Natural gas transmission and compression.

9 “(5) Underground natural gas storage.

10 “(6) Liquefied natural gas storage.

11 “(7) Liquefied natural gas import and export
12 equipment.

13 “(8) Onshore petroleum and natural gas gath-
14 ering and boosting.

15 “(9) Onshore natural gas transmission pipeline

16 “(c) FEE AMOUNT.—The amount of a fee imposed
17 and collected under subsection (a) for an applicable facility
18 shall be equal to the product obtained by multiplying—

19 “(1) subject to subsection (d), the number of
20 tons of methane reported for the applicable facility
21 pursuant to subpart W of part 98 of title 40, Code
22 of Federal Regulations (or any successor regula-
23 tions), during the previous reporting period; and

24 “(2) \$1500.

25 “(d) INTENSITY THRESHOLD.—

1 “(1) PETROLEUM AND NATURAL GAS PRODUC-
2 TION.—With respect to imposing and collecting the
3 fee under subsection (a) for an applicable facility in
4 an industry segment listed in paragraph (1) or (2)
5 of subsection (b), the Administrator shall impose
6 and collect the fee on the reported tons of methane
7 emissions that exceed 0.20 percent of the natural
8 gas sent to sale from such facility.

9 “(2) NONPRODUCTION PETROLEUM AND NAT-
10 URAL GAS SYSTEMS.—With respect to imposing and
11 collecting the fee under subsection (a) for an appli-
12 cable facility in an industry segment listed in para-
13 graph (3), (5), (6), (7), or (8) of subsection (b), the
14 Administrator shall impose and collect the fee on the
15 reported tons of methane emissions that exceed 0.05
16 percent of the natural gas sent to sale from such fa-
17 cility.

18 “(3) NATURAL GAS TRANSMISSION.—With re-
19 spect to imposing and collecting the fee under sub-
20 section (a) for an applicable facility in an industry
21 segment listed in paragraph (4) or (9) of subsection
22 (b), the Administrator shall impose and collect the
23 fee on the reported tons of methane emissions that
24 exceed 0.11 percent of the natural gas sent to sale
25 from such facility.

1 “(e) PERIOD.—The fee under subsection (a) shall be
2 imposed and collected beginning with respect to emissions
3 reported for calendar year 2023 and for each year there-
4 after.

5 “(f) IMPLEMENTATION.—In addition to other au-
6 thorities in this Act addressing air pollution from the oil
7 and natural gas sectors, the Administrator may issue
8 guidance or regulations as necessary to carry out this sec-
9 tion.

10 “(g) REPORTING.—Not later than 2 years after the
11 date of enactment of this section, and as necessary there-
12 after, the Administrator shall revise the requirements of
13 subpart W of part 98 of title 40, Code of Federal Regula-
14 tions—

15 “(1) to reduce the facility emissions threshold
16 for reporting under such subpart and for paying the
17 fee imposed under this section to 10,000 metric tons
18 of carbon dioxide equivalent of greenhouse gases
19 emitted per year; and

20 “(2) to ensure the reporting under such sub-
21 part, and calculation of fees under subsection (e) of
22 this section, are based on empirical data and accu-
23 rately reflect the total methane emissions from the
24 applicable facilities.

1 “(h) LIABILITY FOR FEE PAYMENT.—A facility
2 owner or operator’s liability for payment of the fee under
3 subsection (a) is not affected in any way by emission
4 standards, permit fees, penalties, or other requirements
5 under this Act or any other legal authorities.

6 “(i) USE OF PROCEEDS.—

7 “(1) TRANSFER OF FUNDS.—For each applica-
8 ble fiscal year, the Secretary of the Treasury shall,
9 without further appropriation, transfer to the Ad-
10 ministrator an amount equal to 75 percent of the
11 amounts received during the preceding fiscal year as
12 a result of the methane fee in subsection (a).

13 “(2) USE OF FUNDS.—The Administrator shall,
14 without further appropriation, use the amounts
15 transferred under paragraph (1) (except that no
16 funds shall be disbursed after September 30,
17 2028)—

18 “(A) to cover all direct and indirect costs
19 required to develop and administer this section,
20 including the costs of—

21 “(i) implementing the fee;

22 “(ii) continuous emissions and ambi-
23 ent methane and other greenhouse gas
24 monitoring;

1 “(iii) preparing generally applicable
2 regulations, or guidance;

3 “(iv) modeling, analyses, and dem-
4 onstrations; and

5 “(v) preparing inventories, gathering
6 empirical data, and tracking emissions;

7 “(B) for grants, rebates, contracts and
8 other activities of the Environmental Protection
9 Agency for the purposes of providing financial
10 and technical assistance to owners and opera-
11 tors of applicable facilities preparing and sub-
12 mitting greenhouse gas reports under subpart
13 W of part 98 of title 40, Code of Federal Regu-
14 lations (or successor regulations);

15 “(C) for grants, rebates, contracts, and
16 other activities of the Environmental Protection
17 Agency authorized under section 103 for meth-
18 ane emissions monitoring; and

19 “(D) for grants, rebates, contracts, and
20 other activities of the Environmental Protection
21 Agency for the purposes of providing financial
22 and technical assistance to reduce methane and
23 other greenhouse gas emissions from petroleum
24 and natural gas systems, mitigate legacy air
25 pollution from petroleum and natural gas sys-

1 tems, and provide support for communities, in-
2 cluding funding for—

3 “(i) improving climate resiliency of
4 communities and petroleum and natural
5 gas systems;

6 “(ii) improving and deploying indus-
7 trial equipment and processes that reduce
8 methane and other greenhouse gas emis-
9 sions;

10 “(iii) supporting innovation in reduc-
11 ing methane and other greenhouse gas
12 emissions from petroleum and natural gas
13 systems;

14 “(iv) mitigating health effects of
15 methane and other greenhouse gas emis-
16 sions, and legacy air pollution from petro-
17 leum and natural gas systems in low-in-
18 come and disadvantaged communities; and

19 “(v) supporting environmental res-
20 toration.”.

21 **Subtitle B—Hazardous Materials**

22 **SEC. 30201. SUPERFUND INVESTMENTS.**

23 In addition to amounts otherwise available, there is
24 appropriated for fiscal year 2022, out of any money in
25 the Treasury not otherwise appropriated,

1 \$10,000,000,000, to remain available until expended, for
2 response actions carried out by Federal agencies, con-
3 sistent with section 120 of the Comprehensive Environ-
4 mental Response, Compensation, and Liability Act of
5 1980 (42 U.S.C. 9620) at Federal facilities included on
6 the National Priority List published pursuant to section
7 105 of such Act (42 U.S.C. 9605), which shall supple-
8 ment, not supplant, individual agency appropriations for
9 such response actions.

10 **SEC. 30202. FUNDING TO ADDRESS TOXICS IN SCHOOLS.**

11 In addition to amounts otherwise available, there is
12 appropriated to the Administrator of the Environmental
13 Protection Agency for fiscal year 2022, out of any money
14 in the Treasury not otherwise appropriated, \$50,000,000,
15 to remain available until expended, for grants, contracts,
16 and other activities to reduce pollution at schools in low-
17 income and disadvantaged communities under title V of
18 the Toxic Substances Control Act (15 U.S.C. 2695 et
19 seq.).

20 **SEC. 30203. GRANTS TO REDUCE WASTE IN COMMUNITIES.**

21 (a) IN GENERAL.—In addition to amounts otherwise
22 available, there is appropriated to the Administrator of the
23 Environmental Protection Agency for fiscal year 2022, out
24 of any money in the Treasury not otherwise appropriated,
25 \$750,000,000, to remain available until expended (except

1 that no funds shall be disbursed after September 30,
2 2031), to make grants, on a competitive basis, to eligible
3 recipients to—

4 (1) minimize the amount of waste generated
5 from manufacturing processes or when consumer
6 products are disposed of, including by encouraging
7 product or manufacturing redesign or redevelopment
8 that reduces packaging and waste byproducts;

9 (2) construct, expand, or modernize infrastruc-
10 ture for organics recycling and reuse, including any
11 facility, machinery, or equipment used to collect and
12 process organic material;

13 (3) create market demand or manufacturing ca-
14 pacity for recovered, recyclable, or recycled commod-
15 ities and products;

16 (4) support projects and programs that reduce
17 food waste; or

18 (5) support the development and implementa-
19 tion of activities that reduce the amount of waste
20 disposed of in landfills, including—

21 (A) expanding the availability of curbside
22 organic waste collection;

23 (B) encouraging diversion of organic waste
24 from landfills; or

1 (C) increasing fees imposed on the disposal
2 of waste, including organic waste, at landfills.

3 (b) RESERVATION.—Of the funds made available
4 under this section, the Administrator of the Environ-
5 mental Protection Agency shall reserve \$300,000,000 for
6 grants for projects in low-income or disadvantaged com-
7 munities.

8 (c) ADMINISTRATION OF FUNDS.—Of the funds
9 made available under this section, the Administrator of
10 the Environmental Protection Agency shall reserve 2 per-
11 cent for administrative costs to carry out this section.

12 (d) DEFINITION OF ELIGIBLE RECIPIENT.—In this
13 section, the term “eligible recipient” means—

14 (1) a single unit of State, local, or Tribal gov-
15 ernment;

16 (2) a partnership of multiple units of State,
17 local, or Tribal governments;

18 (3) a partnership of one or more units of State,
19 local, or Tribal governments and one or more for-
20 profit or nonprofit organizations; or

21 (4) a nonprofit organization or a partnership of
22 nonprofit organizations.

1 **SEC. 30204. ENVIRONMENTAL AND CLIMATE JUSTICE**
2 **BLOCK GRANTS.**

3 (a) APPROPRIATION.—In addition to amounts other-
4 wise available, there is appropriated to the Administrator
5 of the Environmental Protection Agency for fiscal year
6 2022, out of any money in the Treasury not otherwise ap-
7 propriated, \$5,000,000,000, to remain available until ex-
8 pended (except that no funds shall be disbursed after Sep-
9 tember 30, 2031), to carry out this section.

10 (b) GRANTS.—

11 (1) IN GENERAL.—The Administrator of the
12 Environmental Protection Agency may use amounts
13 made available under subsection (a) to award grants
14 for periods of up to 3 years to eligible entities to
15 carry out activities described in paragraph (2) that
16 benefit disadvantaged communities, as defined by
17 the Administrator.

18 (2) ELIGIBLE ACTIVITIES.—An eligible entity
19 may use a grant awarded under this subsection
20 for—

21 (A) investments in community low-emis-
22 sion, zero-emission, and emission-reducing in-
23 frastructure, including construction of such in-
24 frastructure;

25 (B) climate resiliency, mitigation, and ad-
26 aptation projects, including projects related to

1 urban heat islands, extreme heat, wood heater
2 emissions, and wildfire events;

3 (C) community-led pollution monitoring,
4 prevention, and remediation, including any nec-
5 essary job training programs;

6 (D) reducing indoor toxics and indoor air
7 pollution;

8 (E) facilitating engagement of disadvan-
9 tagged communities in State and Federal public
10 processes, including facilitating such engage-
11 ment in advisory groups, workshops, and
12 rulemakings; or

13 (F) any other activity the Administrator of
14 the Environmental Protection Agency deter-
15 mines appropriate.

16 (3) ELIGIBLE ENTITIES.—In this subsection,
17 the term “eligible entity” means—

18 (A) a partnership between an Indian
19 Tribe, a local government, or an institution of
20 higher education and a community-based non-
21 profit organization;

22 (B) a community-based nonprofit organiza-
23 tion; or

24 (C) a partnership of community-based non-
25 profit organizations.

1 (4) PRIORITY.—In awarding grants under this
2 subsection, the Administrator of the Environmental
3 Protection Agency shall give priority to eligible enti-
4 ties described in subparagraph (B) or (C) of para-
5 graph (3).

6 (c) TECHNICAL ASSISTANCE.—The Administrator of
7 the Environmental Protection Agency shall reserve
8 \$500,000,000 of the amounts made available under sub-
9 section (a) for grants or contracts for technical assistance
10 throughout the United States related to grants awarded
11 in this section.

12 **Subtitle C—Drinking Water**

13 **SEC. 30301. LEAD SERVICE LINE REPLACEMENT.**

14 (a) IN GENERAL.—In addition to amounts otherwise
15 available, there is appropriated for fiscal year 2022, out
16 of any money in the Treasury not otherwise appropriated,
17 \$30,000,000,000, to make capitalization grants under sec-
18 tion 1452 of the Safe Drinking Water Act (42 U.S.C.
19 300j–12), to remain available until expended, for full lead
20 service line replacement projects and associated activities
21 directly connected to the identification, planning, design,
22 and full replacement of lead service lines, of which
23 \$20,000,000,000 shall be for subsidies to disadvantaged
24 communities (as defined in subsection (d)(3) of such sec-
25 tion) in the form of loans, with 100 percent forgiveness

1 of principal, or grants, notwithstanding subsection (d)(2)
2 of such section.

3 (b) PROHIBITION ON PARTIAL LINE REPLACE-
4 MENT.—No funds made available under this section may
5 be used for partial replacement of lead service lines.

6 (c) NO LEVERAGING.—Funds made available under
7 this section may not be used as a source of payment of,
8 or security for (directly or indirectly), in whole or in part,
9 any obligation the interest on which is exempt from the
10 tax imposed under chapter 1 of the Internal Revenue Code
11 of 1986.

12 **SEC. 30302. COMMUNITY WATER SYSTEM RISK AND RESIL-**
13 **IENCE.**

14 In addition to amounts otherwise available, there is
15 appropriated for fiscal year 2022, out of any money in
16 the Treasury not otherwise appropriated, \$500,000,000,
17 to remain available until expended, for grants under sec-
18 tion 1433(g) of the Safe Drinking Water Act (42 U.S.C.
19 300i–2(g)).

20 **SEC. 30303. GRANTS FOR STATE PROGRAMS.**

21 In addition to amounts otherwise available, there is
22 appropriated for fiscal year 2022, out of any money in
23 the Treasury not otherwise appropriated, \$100,000,000,
24 to remain available until expended, for grants under sec-

1 tion 1443 of the Safe Drinking Water Act (42 U.S.C.
2 300j-2).

3 **SEC. 30304. ASSISTANCE FOR COLONIAS.**

4 In addition to amounts otherwise available, there is
5 appropriated for fiscal year 2022, out of any money in
6 the Treasury not otherwise appropriated, \$100,000,000,
7 to remain available until expended, for grants under sec-
8 tion 1456 of the Safe Drinking Water Act (42 U.S.C.
9 300j-16).

10 **SEC. 30305. GRANTS TO REDUCE LEAD IN SCHOOL DRINK-**
11 **ING WATER.**

12 In addition to amounts otherwise available, there is
13 appropriated for fiscal year 2022, out of any money in
14 the Treasury not otherwise appropriated, \$700,000,000,
15 to remain available until expended, for grants under sec-
16 tions 1464 and 1465 of the Safe Drinking Water Act (42
17 U.S.C. 300j-24 and 300j-25), of which—

18 (1) \$420,000,000 shall be for grants for the in-
19 stallation and maintenance of lead filtration stations
20 at schools and child care programs;

21 (2) \$150,000,000 shall be for grants under sec-
22 tion 1464(d); and

23 (3) \$50,000,000 shall be for grants under sec-
24 tion 1465(b)(1) to pay the costs of replacement of
25 drinking water fountains in schools.

1 **SEC. 30306. GRANTS FOR INDIAN RESERVATION DRINKING**
2 **WATER INFRASTRUCTURE.**

3 In addition to amounts otherwise available, there is
4 appropriated for fiscal year 2022, out of any money in
5 the Treasury not otherwise appropriated, \$100,000,000,
6 to remain available until expended, to implement eligible
7 projects under section 2001 of America's Water Infra-
8 structure Act of 2018 (42 U.S.C. 300j-3c note), notwith-
9 standing the geographic limitations in that section.

10 **SEC. 30307. ASSISTANCE FOR AREAS AFFECTED BY NAT-**
11 **URAL DISASTERS.**

12 In addition to amounts otherwise available, there is
13 appropriated for fiscal year 2022, out of any money in
14 the Treasury not otherwise appropriated, \$100,000,000,
15 to remain available until expended, for grants under sec-
16 tion 2020 of America's Water Infrastructure Act of 2018
17 (42 U.S.C. 300j-12 note), of which, notwithstanding sub-
18 section (a)(2) of such section, \$10,000,000 shall be avail-
19 able to make grants to Guam, the Virgin Islands, Amer-
20 ican Samoa, and the Northern Mariana Islands for the
21 purposes of providing assistance to eligible systems to re-
22 store or increase compliance with national primary drink-
23 ing water regulations in an underserved area.

1 **SEC. 30308. ASSISTANCE FOR DISADVANTAGED COMMU-**
2 **NITIES.**

3 In addition to amounts otherwise available, there is
4 appropriated for fiscal year 2022, out of any money in
5 the Treasury not otherwise appropriated, \$200,000,000,
6 to remain available until expended, for grants under sec-
7 tion 1459A(b) of the Safe Drinking Water Act (42 U.S.C.
8 300j-19a(b)).

9 **SEC. 30309. GRANTS FOR CONTAMINANT MONITORING.**

10 In addition to amounts otherwise available, there is
11 appropriated for fiscal year 2022, out of any money in
12 the Treasury not otherwise appropriated, \$100,000,000,
13 to remain available until expended, to make grants to pay
14 for the costs of monitoring required under section
15 1445(a)(2) of the Safe Drinking Water Act (42 U.S.C.
16 300j-4(a)(2)).

17 **SEC. 30310. TECHNICAL ASSISTANCE TO SMALL PUBLIC**
18 **WATER SYSTEMS.**

19 In addition to amounts otherwise available, there is
20 appropriated for fiscal year 2022, out of any money in
21 the Treasury not otherwise appropriated, \$100,000,000,
22 to remain available until expended, to provide technical as-
23 sistance under section 1442(e) of the Safe Drinking Water
24 Act (42 U.S.C. 300j-1(e)).

1 **SEC. 30311. FUNDING FOR WATER ASSISTANCE PROGRAM.**

2 (a) IN GENERAL.—In addition to amounts otherwise
3 available, there is appropriated to the Secretary of Health
4 and Human Services (in this section referred to as the
5 “Secretary”) for fiscal year 2022, out of any money in
6 the Treasury not otherwise appropriated, \$500,000,000,
7 to remain available until expended, for grants to States
8 and Indian Tribes to assist low-income households, par-
9 ticularly those with the lowest incomes, that pay a high
10 proportion of household income for drinking water and
11 wastewater services, by providing funds to owners or oper-
12 ators of public water systems or treatment works to reduce
13 arrearages of and rates charged to such households for
14 such services.

15 (b) ALLOTMENT.—The Secretary shall—

16 (1) allot amounts appropriated in this section to
17 a State or Indian Tribe based on—

18 (A) the percentage of households in the
19 State, or under the jurisdiction of the Indian
20 Tribe, with annual income equal to or less than
21 150 percent of the Federal poverty line; and

22 (B) the percentage of households in the
23 State, or under the jurisdiction of the Indian
24 Tribe, that spend more than 30 percent of
25 monthly income on housing; and

1 Energy for each of fiscal years 2023 through 2031,
2 out of any money in the Treasury not otherwise ap-
3 propriated, such sums as are necessary to issue
4 grants under section 224 of the Federal Power Act
5 (as added by this section) (except that no funds
6 shall be disbursed after September 30, 2031).

7 (b) PROGRAM.—Part II of the Federal Power Act is
8 amended by adding after section 223 (16 U.S.C. 824w)
9 the following:

10 **“SEC. 224. CLEAN ELECTRICITY PERFORMANCE PROGRAM.**

11 “(a) ESTABLISHMENT OF PROGRAM.—Not later than
12 1 year after the date of enactment of this section, the Sec-
13 retary shall establish a program to—

14 “(1) issue grants for each of calendar years
15 2023 through 2030 to eligible electricity suppliers in
16 accordance with this section; and

17 “(2) collect payments for each of calendar years
18 2023 through 2030 from eligible electricity suppliers
19 in accordance with this section.

20 “(b) GRANTS TO ELIGIBLE ELECTRICITY SUP-
21 PLIERS.—

22 “(1) ELIGIBILITY FOR GRANTS.—

23 “(A) IN GENERAL.—Except as provided in
24 subparagraph (B), an eligible electricity sup-
25 plier shall be eligible for a grant under this sec-

1 tion for a performance year if the certified
2 clean electricity percentage of the eligible elec-
3 tricity supplier for that performance year is in-
4 creased by at least 4 percentage points from the
5 greater of—

6 “(i) the highest certified clean elec-
7 tricity percentage of the eligible electricity
8 supplier for any year prior to that per-
9 formance year; or

10 “(ii) the baseline clean electricity per-
11 centage of the eligible electricity supplier.

12 “(B) ADJUSTMENT.—With respect to a
13 performance year in which an eligible electricity
14 supplier submitted a payment under this section
15 for the year prior to that performance year, the
16 eligible electricity supplier shall be eligible for a
17 grant under this section if the certified clean
18 electricity percentage of the eligible electricity
19 supplier for that performance year is increased
20 by at least—

21 “(i) the number of percentage points
22 described in subparagraph (A); plus

23 “(ii) the number of percentage points
24 that equals the sum described in sub-

1 section (c)(2)(B) for the year for which the
2 payment was submitted.

3 “(2) GRANT CALCULATION.—Except as pro-
4 vided in subsection (d), the Secretary shall issue to
5 an eligible electricity supplier a grant under this sec-
6 tion for a performance year in an amount equal to
7 \$150 for each megawatt-hour of qualified clean elec-
8 tricity validly claimed by the eligible electricity sup-
9 plier under subsection (e)(1)(A)(i) for that perform-
10 ance year that exceeds the sum of—

11 “(A) the product obtained by multi-
12 plying—

13 “(i) the total load of the eligible elec-
14 tricity supplier for that performance year;
15 and

16 “(ii) 0.015; and

17 “(B) the greater of—

18 “(i) the largest quantity of megawatt-
19 hours of qualified clean electricity claimed
20 by the eligible electricity supplier under
21 subsection (e)(1)(A)(i) for any year prior
22 to that performance year; or

23 “(ii) the quantity of megawatt-hours
24 represented by the baseline clean electricity

1 percentage of the eligible electricity sup-
2 plier.

3 “(3) INITIAL GRANTS.—In calculating a grant
4 for performance year 2023, the product described in
5 paragraph (2)(A) shall be obtained by substituting
6 0.025 for 0.015.

7 “(c) PAYMENTS.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (3) and subsection (d), the Secretary shall col-
10 lect a payment for a performance year in accordance
11 with this subsection from each eligible electricity
12 supplier that does not have a certified clean elec-
13 tricity percentage for that performance year that is
14 increased by at least 4 percentage points above the
15 greater of—

16 “(A) the highest certified clean electricity
17 percentage of the eligible electricity supplier
18 from any year prior to that performance year;
19 or

20 “(B) the baseline clean electricity percent-
21 age of the eligible electricity supplier.

22 “(2) PAYMENT CALCULATION.—For each eligi-
23 ble electricity supplier, the payment described in
24 paragraph (1) shall be equal to the dollar amount
25 that is the product obtained by multiplying—

1 “(A) \$40; and

2 “(B) the quantity of megawatt-hours that
3 represents the percentage of the total electricity
4 load of the eligible electricity supplier for the
5 performance year that is represented by the
6 number that equals the sum of—

7 “(i) 4; plus

8 “(ii) the number that is equal to—

9 “(I) the greater of—

10 “(aa) the highest certified
11 clean electricity percentage of the
12 eligible electricity supplier for
13 any year prior to that perform-
14 ance year; or

15 “(bb) the baseline clean elec-
16 tricity percentage of the eligible
17 electricity supplier; minus

18 “(II) the certified clean elec-
19 tricity percentage of the eligible elec-
20 tricity supplier for that performance
21 year.

22 “(3) EXCEPTION.—The Secretary shall not col-
23 lect a payment for a performance year from an eligi-
24 ble electricity supplier that has a certified clean elec-
25 tricity percentage for that performance year that is

1 85 percent or greater, subject to the condition that
2 the certified clean electricity percentage of the eligi-
3 ble electricity supplier for that performance year is
4 not less than the certified clean electricity percent-
5 age of the eligible electricity supplier for the year
6 prior to that performance year.

7 “(4) DEADLINE.—The Secretary shall collect a
8 payment under this section from an eligible elec-
9 tricity supplier not later than 6 months after the
10 date on which the eligible electricity supplier submits
11 the applicable certification under subsection
12 (e)(1)(A)(i).

13 “(5) RESTRICTION.—An eligible electricity sup-
14 plier may not recover the cost of a payment sub-
15 mitted under this section from any person other
16 than the shareholders or owners of the eligible elec-
17 tricity supplier.

18 “(d) DEFERRAL OF GRANTS AND PAYMENTS.—

19 “(1) IN GENERAL.—Subject to paragraph (2),
20 with respect to any of calendar years 2023 through
21 2029, an eligible electricity supplier may elect to
22 defer a grant or a payment for the calendar year,
23 and shall notify the Secretary of such election at
24 such time and in such form as the Secretary re-
25 quires.

1 “(2) LIMITATION.—An eligible electricity sup-
2 plier may not make an election described in para-
3 graph (1) for a calendar year if the eligible elec-
4 tricity supplier made that election for the preceding
5 2 calendar years.

6 “(3) GRANT OR PAYMENT FOLLOWING DEFER-
7 RAL.—

8 “(A) ELIGIBILITY.—An eligible electricity
9 supplier making an election under this sub-
10 section shall be eligible for a grant, or shall
11 submit a payment, for a performance year fol-
12 lowing a deferred year based on whether its cer-
13 tified clean electricity percentage increased, on
14 average, by 4 or more percentage points in that
15 performance year and each consecutive deferred
16 year immediately preceding that performance
17 year.

18 “(B) AMOUNTS.—The amount of a grant
19 or payment pursuant to this subsection shall be
20 based on the calculations set forth in sub-
21 sections (b) and (c), respectively, adjusted to
22 account for the performance year and each de-
23 ferred year.

24 “(e) REQUIREMENTS.—

1 “(1) CONDITIONS.—In each of calendar years
2 2024 through 2031, each eligible electricity sup-
3 plier—

4 “(A) shall submit to the Secretary, by a
5 date determined by the Secretary (but not later
6 than June 1)—

7 “(i) a performance certification for
8 the preceding calendar year, using such
9 methods and subject to such audit provi-
10 sions as the Secretary determines appro-
11 priate, of—

12 “(I) the total electricity load of
13 the eligible electricity supplier in such
14 preceding calendar year;

15 “(II) the quantity of megawatt-
16 hours of qualified clean electricity that
17 the eligible electricity supplier claims
18 for such preceding calendar year for
19 purposes of this section; and

20 “(III) the percentage of the total
21 electricity load certified under sub-
22 clause (I) that is qualified clean elec-
23 tricity claimed under subclause (II);

24 “(ii) a written assurance that the eli-
25 gible electricity supplier will promptly re-

1 port to any applicable commission, board,
2 or governance body that regulates the eligi-
3 ble electricity supplier any grant received
4 or payment submitted by the eligible elec-
5 tricity supplier under this section; and

6 “(iii) a compliance certification that
7 the eligible electricity supplier has com-
8 plied, with respect to each grant received
9 or payment submitted by the eligible elec-
10 tricity supplier under this section, as appli-
11 cable, with—

12 “(I) all written assurances sub-
13 mitted under this section;

14 “(II) the requirements of para-
15 graph (3); and

16 “(III) requirements established
17 by the Secretary to ensure the finan-
18 cial integrity of grants issued and
19 payments collected under this section;
20 and

21 “(B) may not receive a grant under this
22 section for a performance year unless the eligi-
23 ble electricity supplier—

24 “(i) complies with subparagraph (A)
25 with respect to that performance year; and

1 “(ii) submits to the Secretary, for
2 that performance year, a written assurance
3 in accordance with section 803(b)(3) of the
4 Energy Independence and Security Act (42
5 U.S.C. 17282(b)(3)) (for purposes of
6 which any reference to a grant under that
7 section shall be considered to be a ref-
8 erence to a grant under this section).

9 “(2) BASELINE.—Each eligible electricity sup-
10 plier, including each new eligible electricity supplier,
11 shall provide sufficient information to the Secretary,
12 as determined by the Secretary, to establish its base-
13 line clean electricity percentage.

14 “(3) USE OF FUNDS.—An eligible electricity
15 supplier shall use a grant received under this section
16 exclusively for the benefit of the ratepayers of the el-
17 igible electricity supplier, including direct bill assist-
18 ance to ratepayers, investments in qualified clean
19 electricity and energy efficiency, and worker reten-
20 tion.

21 “(f) DEFINITIONS.—In this section:

22 “(1) BASELINE CLEAN ELECTRICITY PERCENT-
23 AGE.—

24 “(A) IN GENERAL.—Except as provided in
25 subparagraph (B), the term ‘baseline clean elec-

1 tricity percentage’ means, with respect to an el-
2 igible electricity supplier, the average percent-
3 age of the total electricity load of the eligible
4 electricity supplier for calendar years 2019 and
5 2020 that is represented by, as determined by
6 the Secretary—

7 “(i) the average clean electricity per-
8 centage of the eligible electricity supplier
9 for such calendar years; and

10 “(ii) a share of any unallocated quali-
11 fied clean electricity for such calendar
12 years.

13 “(B) NEW ELIGIBLE ELECTRICITY SUP-
14 PLIERS.—With respect to a new eligible elec-
15 tricity supplier, the term ‘baseline clean elec-
16 tricity percentage’ means the prevailing average
17 clean electricity percentage of comparable eligi-
18 ble electricity suppliers in the area in which the
19 new eligible electricity supplier provides end-use
20 electricity customers with electricity, as deter-
21 mined by the Secretary.

22 “(2) CARBON DIOXIDE EQUIVALENT EMIS-
23 SIONS.—The term ‘carbon dioxide equivalent emis-
24 sions’ means, with respect to a greenhouse gas, the
25 number of metric tons of carbon dioxide emissions

1 with the same global warming potential over a 20-
2 year period as 1 metric ton of emissions of the
3 greenhouse gas, as determined by the Secretary, tak-
4 ing into consideration relevant methods and informa-
5 tion described in assessment reports prepared by the
6 Intergovernmental Panel on Climate Change.

7 “(3) CARBON INTENSITY.—The term ‘carbon
8 intensity’ means the carbon dioxide equivalent emis-
9 sions released into the atmosphere from the genera-
10 tion of 1 megawatt-hour of electricity by an electric
11 generating unit, as determined by the Secretary.

12 “(4) CERTIFIED CLEAN ELECTRICITY PERCENT-
13 AGE.—The term ‘certified clean electricity percent-
14 age’ means, with respect to an eligible electricity
15 supplier, the percentage certified by the eligible elec-
16 tricity supplier under subsection (e)(1)(A)(i)(III),
17 which may only include qualified clean electricity
18 with respect to which the eligible electricity supplier
19 holds the exclusive rights to the qualifying at-
20 tributes.

21 “(5) CLEAN ELECTRICITY PERCENTAGE.—The
22 term ‘clean electricity percentage’ means, with re-
23 spect to an eligible electricity supplier, the percent-
24 age of the total electricity load of the eligible elec-
25 tricity supplier that is qualified clean electricity, with

1 respect to which the eligible electricity supplier holds
2 the exclusive rights to the qualifying attributes.

3 “(6) ELIGIBLE ELECTRICITY SUPPLIER.—The
4 term ‘eligible electricity supplier’ means, notwith-
5 standing section 201(b)(1), any entity within the
6 United States, including an entity described in sec-
7 tion 201(f), that—

8 “(A) provides end-use electricity customers
9 with electricity; and

10 “(B) is granted the authority or has an ob-
11 ligation pursuant to Federal, State, or local law
12 or regulation to provide electricity to end-use
13 electricity customers.

14 “(7) NEW ELIGIBLE ELECTRICITY SUPPLIER.—
15 The term ‘new eligible electricity supplier’ means an
16 eligible electricity supplier that did not provide elec-
17 tricity to end-use electricity customers in both of cal-
18 endar years 2019 and 2020.

19 “(8) PERFORMANCE YEAR.—The term ‘per-
20 formance year’ means the calendar year for which a
21 certification was submitted under subsection
22 (e)(1)(A)(i).

23 “(9) QUALIFIED CLEAN ELECTRICITY.—The
24 term ‘qualified clean electricity’ means electricity
25 generated by an electric generating unit, or tech-

1 nology type or class thereof, that has a carbon inten-
2 sity that is not more than 0.10.

3 “(10) SECRETARY.—The term ‘Secretary’
4 means the Secretary of Energy.

5 “(11) TOTAL ELECTRICITY LOAD.—The term
6 ‘total electricity load’ means, with respect to an eli-
7 gible electricity supplier, the total quantity, in mega-
8 watt-hours, of electricity provided by the eligible
9 electricity supplier to end-use electricity customers in
10 a calendar year.”.

11 **PART 2—RESIDENTIAL EFFICIENCY AND**
12 **ELECTRIFICATION REBATES**

13 **SEC. 30421. HOME ENERGY PERFORMANCE-BASED, WHOLE-**
14 **HOUSE REBATES AND TRAINING GRANTS.**

15 (a) APPROPRIATION.—In addition to amounts other-
16 wise available, there is appropriated to the Secretary of
17 Energy (referred to in this section as the “Secretary”) for
18 fiscal year 2022, out of any money in the Treasury not
19 otherwise appropriated, \$9,000,000,000, to remain avail-
20 able until September 30, 2031, to institute guidelines for
21 State energy offices to provide rebates to homeowners and
22 aggregators for whole-house energy saving retrofits as au-
23 thorized under section 362 of the Energy Policy and Con-
24 servation Act (42 U.S.C. 6322), which shall be made avail-
25 able as follows:

1 (1) HOME ON-LINE PERFORMANCE-BASED EN-
2 ERGY EFFICIENCY (HOPE) CONTRACTOR TRAINING
3 GRANTS.—

4 (A) IN GENERAL.—\$500,000,000 shall be
5 available for the Secretary to award grants to
6 States through the State Energy Program,
7 which shall partner with nonprofit organizations
8 to fund qualifying programs described in sub-
9 paragraph (B) that provide training courses
10 and opportunities to support home energy effi-
11 ciency upgrade construction services to train
12 workers, both on-line and in-person, to support
13 and provide for the home energy efficiency ret-
14 rofits under paragraph (2).

15 (B) QUALIFYING PROGRAMS.—For the
16 purposes of this paragraph, qualifying programs
17 are programs that—

18 (i) provide the equivalent of at least
19 30 hours in total course time;

20 (ii) are provided by a provider that is
21 accredited by the Interstate Renewable En-
22 ergy Council or has other accreditation de-
23 termined to be equivalent by the Secretary;

24 (iii) are, with respect to a particular
25 job, aligned with the relevant National Re-

1 newable Energy Laboratory Job Task
2 Analysis, or other credentialing program
3 foundation that helps identify the nec-
4 essary core knowledge areas, critical work
5 functions, or skills, as approved by the
6 Secretary;

7 (iv) have established learning objec-
8 tives;

9 (v) include, as the Secretary deter-
10 mines appropriate, an appropriate assess-
11 ment of such learning objectives that may
12 include a final exam, to be proctored on-
13 site or through remote proctoring, or an
14 in-person field exam; and

15 (vi) include training related to—

16 (I) contractor certification;

17 (II) energy auditing or assess-
18 ment;

19 (III) home energy systems (in-
20 cluding Energy Star-qualified HVAC
21 systems and Wi-Fi-enabled home en-
22 ergy communications technology, or
23 any future technology that achieves
24 the same goals);

1 (IV) insulation installation and
2 air leakage control;

3 (V) health and safety regarding
4 the installation of energy efficiency
5 measures or health and safety impacts
6 associated with energy efficiency ret-
7 rofits;

8 (VI) indoor air quality;

9 (VII) energy efficiency retrofits
10 in manufactured housing; and

11 (VIII) residential electrification
12 training and conversion training.

13 (C) STATE ENERGY PROGRAM PRO-
14 VIDERS.—A State energy office may use not
15 more than 10 percent of the amounts made
16 available to the State energy office under this
17 paragraph to administer a qualifying program
18 described in subparagraph (B), including for
19 the conduct of design and operations activities.

20 (D) TERMS AND CONDITIONS.—

21 (i) ELIGIBLE USE OF FUNDS.—Of the
22 amounts made available to a State under
23 this paragraph, 85 percent shall be used by
24 the State—

1 (I) to support the operations of
2 qualifying programs, including estab-
3 lishing, modifying, or maintaining the
4 online systems, staff time, and soft-
5 ware and online program manage-
6 ment, through a course that meets the
7 applicable criteria;

8 (II) to reimburse the contractor
9 company for training costs for em-
10 ployees;

11 (III) to provide any home tech-
12 nology support needed for an em-
13 ployee to receive training pursuant to
14 this section; and

15 (IV) to support wages of employ-
16 ees during training.

17 (ii) TIMING OF OBLIGATIONS.—
18 Amounts made available under this para-
19 graph shall be used, as necessary, to cover
20 or reimburse allowable costs incurred after
21 the date of enactment of this Act.

22 (iii) UNOBLIGATED AMOUNTS.—
23 Amounts made available under this para-
24 graph which are not accepted, are volun-
25 tarily returned, or otherwise recaptured for

1 any reason shall be used to fund grants
2 under paragraph (2).

3 (2) HOME OWNER MANAGING ENERGY SAVINGS
4 (HOMES) REBATES.—

5 (A) IN GENERAL.—95 percent of amounts
6 made available under this section shall be avail-
7 able to the Secretary to award grants to State
8 energy offices to establish Home Owner Man-
9 aging Energy Savings (HOMES) Rebate Pro-
10 grams through the State Energy Program
11 under part B of title III of the Energy Policy
12 and Conservation Act (42 U.S.C. 6291 et seq.),
13 in accordance with the formula for the State
14 Energy Program in effect on January 1, 2021.

15 (B) COORDINATION.—In carrying out this
16 section, the Secretary shall coordinate with
17 State energy offices to ensure that programs
18 that receive awards are formulated to achieve
19 maximum greenhouse gas emissions reductions
20 and household energy and costs savings.

21 (C) APPLICATION.—In order to receive a
22 grant under this section a State shall submit to
23 the Secretary an application that includes a
24 plan to implement a qualifying State program
25 that includes—

1 (i) a plan to ensure that each home
2 energy efficiency retrofit under the pro-
3 gram—

4 (I) is completed by a contractor
5 who meets minimum training require-
6 ments, certification requirements, and
7 other requirements established by the
8 Secretary; and

9 (II) includes installation of 1 or
10 more home energy efficiency retrofit
11 measures that are modeled to achieve,
12 or are shown to achieve, the minimum
13 reduction required in home energy
14 use, or with respect to a portfolio of
15 home energy efficiency retrofits, in ag-
16 gregated home energy use for such
17 portfolio;

18 (ii) a plan—

19 (I) to utilize, for purposes of
20 modeled performance home rebates,
21 modeling software, methods, and pro-
22 cedures for determining and docu-
23 menting the reductions in home en-
24 ergy use resulting from the implemen-
25 tation of a home energy efficiency ret-

1 rofit that is calibrated to historical en-
2 ergy usage for a home consistent with
3 BPI 2400, that are approved by the
4 Secretary, that can provide evidence
5 for necessary improvements to a State
6 program, and that can help to cali-
7 brate models for accuracy;

8 (II) to utilize, for purposes of
9 measured performance home rebates,
10 open-source advanced measurement
11 and verification software approved by
12 the Secretary for determining and
13 documenting the monthly and hourly
14 (if available) weather-normalized base-
15 line energy use of a home, the reduc-
16 tions in monthly and hourly (if avail-
17 able) weather-normalized energy use
18 of a home resulting from the imple-
19 mentation of a home energy efficiency
20 retrofit, and open-source advanced
21 measurement and verification software
22 approved by the Secretary; and

23 (III) to value savings based on
24 time, location, or greenhouse gas
25 emissions;

1 (iii) procedures for a homeowner to
2 transfer the right to claim a rebate to the
3 contractor performing the applicable home
4 energy efficiency retrofit or to an
5 aggregator, if the State program will uti-
6 lize aggregators;

7 (iv) if the State program will utilize
8 aggregators to facilitate delivery of rebates
9 to homeowners or contractors, require-
10 ments for an entity to be eligible to serve
11 as an aggregator;

12 (v) quality monitoring to ensure that
13 each installation that receives a rebate is
14 documented in a certificate, provided by
15 the contractor to the homeowner, that de-
16 tails the work, including information about
17 the characteristics of equipment and mate-
18 rials installed, as well as projected energy
19 savings or energy generation, in a way that
20 will enable the homeowner to clearly com-
21 municate the value of the high-performing
22 features funded by the rebate to buyers,
23 real estate agents, appraisers and lenders;
24 and

1 (vi) a procedure for providing the con-
2 tractor performing a home energy effi-
3 ciency retrofit or an aggregator who has
4 the right to claim such rebate with \$200
5 for each home located in an underserved
6 community that receives a home efficiency
7 retrofit for which a rebate is provided
8 under the program.

9 (D) AMOUNT OF REBATES FOR SINGLE
10 FAMILY AND MULTIFAMILY HOMES.—Of the
11 amounts provided to a State energy office
12 under this section, 85 percent shall be used to
13 provide Home Owner Managing Energy Savings
14 (HOMES) Rebates to—

15 (i) individuals and aggregators for the
16 energy efficiency upgrades of single-family
17 homes of not more than 4 units—

18 (I) \$2,000 for a retrofit that
19 achieves at least 20 percent modeled
20 energy system savings or 50 percent
21 of the project cost, whichever is lower;

22 (II) \$4,000 for a retrofit that
23 achieves at least 35 percent modeled
24 energy system savings or 50 percent

1 of the project cost, whichever is lower;
2 or

3 (III) for measured energy sav-
4 ings, a payment per kilowatt hour
5 saved, or kilowatt hour-equivalent
6 saved, equal to \$2,000 for a 20 per-
7 cent reduction of energy use for the
8 average home in the State, for homes
9 or portfolios of homes that achieve at
10 least 15 percent energy savings, or 50
11 percent of the project cost, whichever
12 is lower;

13 (ii) multifamily building owners and
14 aggregators for the energy efficiency up-
15 grades of multifamily buildings—

16 (I) \$2,000 per dwelling unit for a
17 retrofit that achieves at least 20 per-
18 cent modeled energy system savings
19 up a maximum of \$200,000 per multi-
20 family building;

21 (II) \$4,000 per dwelling unit for
22 a retrofit that achieves at least 35
23 percent modeled energy system sav-
24 ings up to a maximum of \$400,000
25 per multifamily building; or

1 (III) for measured energy sav-
2 ings, a payment rate per kilowatt
3 hours saved, or kilowatt hour-equiva-
4 lent saves, equal to \$2,000 for a 20
5 percent reduction of energy use for
6 the average multifamily building in
7 the State, for multifamily buildings or
8 portfolios of buildings that achieve at
9 least 15 percent energy savings, or 50
10 percent of the project cost, whichever
11 is lower; or

12 (iii) individuals and aggregators for
13 the energy efficiency upgrades of single
14 family homes of 4 units or less or multi-
15 family buildings that are occupied by resi-
16 dents with an annual income of less than
17 80 percent of the area median income as
18 published by the Department of Housing
19 and Urban Development—

20 (I) \$4,000 for a retrofit that
21 achieves at least 20 percent modeled
22 energy system savings or 80 percent
23 of the project cost, whichever is lower;

24 (II) \$8,000 for a retrofit that
25 achieves at least 35 percent modeled

1 energy system savings or 80 percent
2 of the project cost, whichever is lower;
3 or

4 (III) for measured energy sav-
5 ings, a payment rate per kilowatt
6 hour saved, or kilowatt hour-equa-
7 lent saved, equal to \$4,000 for a 20
8 percent reduction of energy use for
9 the average multifamily building in
10 the State, for multifamily buildings or
11 portfolios of buildings that achieve at
12 least 15 percent energy savings, or 80
13 percent of the project cost, whichever
14 is lower.

15 (E) REQUIREMENT.—Not less than 25
16 percent of the funds provided to a State energy
17 office under this section shall be used for the
18 purposes of each of clauses (i), (ii), and (iii) of
19 subparagraph (D).

20 (F) ELIGIBILITY OF CERTAIN APPLI-
21 ANCES.—In calculating total energy savings for
22 single family or multifamily homes under this
23 section, a program may include savings from
24 the purchase of high-efficiency natural gas
25 HVAC systems and water heaters certified

1 under the Energy Star program until the date
2 that is 6 years after the date of enactment of
3 this Act.

4 (G) PLANNING.—Not to exceed 20 percent
5 of any grant made with funds made available
6 under this paragraph shall be expended for
7 planning and management development and ad-
8 ministration.

9 (H) TECHNICAL ASSISTANCE.—Amounts
10 made available under this paragraph shall be
11 used for single family, multifamily, and manu-
12 factured housing rebates and the Secretary
13 shall, in consultation with States, contractors,
14 and other technical experts design support,
15 methodology, and contractor criteria as appro-
16 priate for the different building stock.

17 (I) USE OF FUNDS.—Rebate amounts
18 made available through the High-Efficiency
19 Electric Home Rebate Program established
20 under subsection (b)(1) of section 124 of the
21 Energy Policy Act of 2005 (42 U.S.C. 15821)
22 (as amended by section 30422 of this subtitle)
23 may be used in conjunction with the funds
24 made available under this section.

25 (b) DEFINITIONS.—In this section:

1 (1) AGGREGATOR.—The term “aggregator”
2 means a gas utility, electric utility, or commercial,
3 nonprofit, or government entity that may receive re-
4 bates provided under a State program under this
5 section for 1 or more portfolios consisting of 1 or
6 more energy efficiency retrofits.

7 (2) CONTRACTOR CERTIFICATION.—The term
8 “contractor certification” means—

9 (A) an industry recognized certification
10 that may be obtained by a residential contractor
11 to advance the expertise and education of the
12 contractor in energy efficiency retrofits of resi-
13 dential buildings; and

14 (B) any other certification the Secretary
15 determines appropriate for purposes of the
16 HOMES Rebate Program established under
17 subsection (a)(2).

18 (3) CONTRACTOR COMPANY.—The term “con-
19 tractor company” means a company—

20 (A) the business of which is to provide
21 services to residential building owners with re-
22 spect to HVAC systems, insulation, air sealing,
23 or other services that are approved by the Sec-
24 retary;

1 (B) that holds the licenses and insurance
2 required by the State in which the company
3 provides services; and

4 (C) that provides services for which a re-
5 bate may be provided pursuant to the HOMES
6 Rebate Program established under subsection
7 (a)(2).

8 (4) ENERGY STAR PROGRAM.—The term “En-
9 ergy Star program” means the program established
10 by section 324A of the Energy Policy and Conserva-
11 tion Act (42 U.S.C. 6294a).

12 (5) HOME.—The term “home” means a build-
13 ing with not more than 4 dwelling units or a manu-
14 factured housing unit (including a unit built before
15 June 15, 1976), that—

16 (A) is located in the United States;

17 (B) was constructed before the date of en-
18 actment of this Act; and

19 (C) is occupied at least 6 months out of
20 the year.

21 (6) HVAC SYSTEM.—The term “HVAC sys-
22 tem” means a system—

23 (A) is certified under the Energy Star pro-
24 gram;

1 (B) consisting of a heating component, a
2 ventilation component, and an air-conditioning
3 component; and

4 (C) the components of which may include
5 central air conditioning, a heat pump, a fur-
6 nace, a boiler, a rooftop unit, and a window
7 unit.

8 (7) MULTIFAMILY BUILDING.—The term “mul-
9 tifamily building” means a building with 5 or more
10 dwelling units.

11 (8) STATE ENERGY OFFICE.—The term “State
12 energy office” means the State agency responsible
13 for developing State energy conservation plans under
14 section 362 of the Energy Policy and Conservation
15 Act (42 U.S.C. 6322).

16 (9) UNDERSERVED COMMUNITY.—The term
17 “underserved community” means—

18 (A) a community located in a ZIP Code
19 that includes 1 or more census tracts that are
20 identified as—

21 (i) a low-income community; or

22 (ii) a community of racial or ethnic
23 minority concentration; or

24 (B) any other community that the Sec-
25 retary determines is disproportionately vulner-

1 able to, or bears a disproportionate burden of,
2 any combination of economic, social, and envi-
3 ronmental stressors.

4 **SEC. 30422. HIGH-EFFICIENCY ELECTRIC HOME REBATE**
5 **PROGRAM.**

6 (a) IN GENERAL.—Section 124 of the Energy Policy
7 Act of 2005 (42 U.S.C. 15821) is amended to read as
8 follows:

9 **“SEC. 124. HIGH-EFFICIENCY ELECTRIC HOME REBATE**
10 **PROGRAM.**

11 “(a) APPROPRIATIONS.—

12 “(1) IN GENERAL.—In addition to amounts
13 otherwise available, there is appropriated to the Sec-
14 retary for fiscal year 2022, out of any money in the
15 Treasury not otherwise appropriated,
16 \$3,500,000,000, to remain available until September
17 30, 2031, to carry out this section, including to pro-
18 vide rebates under this section, of which the Sec-
19 retary—

20 “(A) may use not more than \$5,000,000
21 for community and consumer education and
22 outreach related to this section; and

23 “(B) shall use not more than
24 \$300,000,000—

25 “(i) to administer this section; and

1 “(ii) to provide administrative and
2 technical support to certified contractor
3 companies, qualified providers, States, and
4 Indian Tribes.

5 “(2) ADDITIONAL FUNDING FOR TRIBAL COM-
6 MUNITIES AND LOW- OR MODERATE-INCOME HOUSE-
7 HOLDS.—In addition to amounts otherwise available,
8 there is appropriated to the Secretary for fiscal year
9 2022, out of any money in the Treasury not other-
10 wise appropriated, \$5,500,000,000, to remain avail-
11 able until September 30, 2031, for—

12 “(A) rebates under this section relating to
13 qualified electrification projects carried out in
14 Tribal communities or for low- or moderate-in-
15 come households; and

16 “(B) any necessary administrative or tech-
17 nical support for those qualified electrification
18 projects.

19 “(b) HIGH-EFFICIENCY ELECTRIC HOME REBATES
20 FOR QUALIFIED ELECTRIFICATION PROJECTS.—

21 “(1) HIGH-EFFICIENCY ELECTRIC HOME RE-
22 BATES.—The Secretary shall establish a program
23 within the Department, to be known as the ‘High-
24 Efficiency Electric Home Rebate Program’, under
25 which the Secretary shall provide to homeowners

1 and owners of multifamily buildings high-efficiency
2 electric home rebates, in accordance with this sub-
3 section, for qualified electrification projects carried
4 out at, or relating to, the homes or multifamily
5 buildings, as applicable.

6 “(2) AMOUNT OF REBATE.—

7 “(A) IN GENERAL.—Subject to subsection
8 (c)(1)(A), a high-efficiency electric home rebate
9 under paragraph (1) shall be equal to—

10 “(i) in the case of a qualified elec-
11 trification project described in subsection
12 (d)(11)(A)(i)(II) that installs a heat pump
13 used for water heating, not more than
14 \$1,250;

15 “(ii) in the case of a qualified elec-
16 trification project described in subsection
17 (d)(11)(A)(i)(II) that installs a heat pump
18 HVAC system—

19 “(I)(aa) not more than \$3,000 if
20 the heat pump HVAC system has a
21 heating capacity of not less than
22 27,500 Btu per hour; or

23 “(bb) not more than \$4,000 if
24 the heat pump HVAC system meets
25 Energy Star program cold climate cri-

1 teria and is installed in a cold climate,
2 as determined by the Secretary;

3 “**(II)**(aa) not more than \$1,500 if
4 the heat pump HVAC system has a
5 heating capacity of less than 27,500
6 Btu per hour; or

7 “**(bb)** not more than \$2,000 if
8 the heat pump HVAC system meets
9 Energy Star program cold climate cri-
10 teria and is installed in a cold climate,
11 as determined by the Secretary; and

12 “**(III)** \$250, in addition to the
13 amount described in subclause (I) or
14 (II), if a qualified electrification
15 project described in subsection
16 (d)(11)(A)(i)(V) that installs insula-
17 tion, air sealing, and ventilation in ac-
18 cordance with clause (v) is completed
19 within 6 months before or after the
20 qualified electrification project de-
21 scribed in that subclause;

22 “**(iii)** in the case of a qualified elec-
23 trification project described in subclause
24 (III) or (IV) of subsection (d)(11)(A)(i),
25 not more than \$600;

1 “(iv) in the case of a qualified elec-
2 trification project described in subsection
3 (d)(11)(A)(i)(I) that installs an electric
4 load or service center panel that enables
5 the installation and use of any upgrade,
6 appliance, system, equipment, infrastruc-
7 ture, component, or other item installed
8 pursuant to any other qualified electrifica-
9 tion project, not more than \$3,000;

10 “(v) in the case of a qualified elec-
11 trification project described in subsection
12 (d)(11)(A)(i)(V) that installs insulation
13 and air sealing, not more than \$800; and

14 “(vi) in the case of any other qualified
15 electrification project, including a qualified
16 electrification project described in any of
17 subclauses (I) through (III) of subsection
18 (d)(11)(A)(ii), for which the Secretary pro-
19 vides a high-efficiency electric home rebate,
20 not more than an amount determined by
21 the Secretary for that qualified electrifica-
22 tion project, subject to subparagraph (B).

23 “(B) LIMITATIONS ON AMOUNT OF RE-
24 BATE.—

1 “(i) MAXIMUM TOTAL AMOUNT.—Sub-
2 ject to subsection (c)(1)(B), the maximum
3 total amount that may be awarded as high-
4 efficiency electric home rebates under this
5 subsection shall be \$10,000 with respect to
6 each home for which a high-efficiency elec-
7 tric home rebate is provided.

8 “(ii) COSTS.—

9 “(I) IN GENERAL.—Subject to
10 subsection (c)(1)(C), the amount of a
11 high-efficiency electric home rebate
12 provided to a homeowner under this
13 subsection shall not exceed 50 percent
14 of the total cost of the applicable
15 qualified electrification project.

16 “(II) LABOR COSTS.—Subject to
17 subsection (c)(1)(C), not more than
18 50 percent of the labor costs associ-
19 ated with a qualified electrification
20 project may be included in the 50 per-
21 cent of total costs for which a high-ef-
22 ficiency electric home rebate is pro-
23 vided under this subsection, as de-
24 scribed in subclause (I), subject to the
25 condition that labor costs account for

1 not more than 50 percent of the
2 amount of the high-efficiency electric
3 home rebate.

4 “(3) LIMITATIONS ON QEPS.—

5 “(A) CONTRACTORS.—A high-efficiency
6 electric home rebate may be provided for a
7 qualified electrification project carried out by a
8 contractor company only if that contractor com-
9 pany is a certified contractor company.

10 “(B) HEAT PUMP HVAC SYSTEMS.—A
11 high-efficiency electric home rebate may be pro-
12 vided for a qualified electrification project that
13 installs or enables the installation of a heat
14 pump HVAC system only if the heat pump
15 HVAC system—

16 “(i) replaces—

17 “(I) a nonelectric HVAC system;

18 “(II) an electric resistance
19 HVAC system; or

20 “(III) an air conditioning unit
21 that—

22 “(aa) does not have a re-
23 versing valve; and

1 “(bb) has a lower seasonal
2 energy-efficiency ratio than the
3 heat pump HVAC system; or

4 “(ii) is part of new construction, as
5 determined by the Secretary.

6 “(C) HEAT PUMPS FOR WATER HEAT-
7 ING.—A high-efficiency electric home rebate
8 may be provided for a qualified electrification
9 project that installs or enables the installation
10 of a heat pump used for water heating only if
11 the heat pump—

12 “(i) replaces—

13 “(I) a nonelectric heat pump
14 water heater;

15 “(II) a nonelectric water heater;
16 or

17 “(III) an electric resistance water
18 heater; or

19 “(ii) is part of new construction, as
20 determined by the Secretary.

21 “(D) ELECTRIC STOVES, COOKTOPS,
22 RANGES, AND OVENS.—A high-efficiency electric
23 home rebate may be provided for a qualified
24 electrification project described in subsection

1 (d)(11)(A)(i)(III) only if the applicable electric
2 stove, cooktop, range, or oven—

3 “(i) replaces a nonelectric stove,
4 cooktop, range, or oven; or

5 “(ii) is part of new construction, as
6 determined by the Secretary.

7 “(E) ELECTRIC HEAT PUMP CLOTHES
8 DRYERS.—A high-efficiency electric home re-
9 bate may be provided for a qualified electrifica-
10 tion project described in subsection
11 (d)(11)(A)(i)(IV) only if the applicable electric
12 heat pump clothes dryer—

13 “(i) replaces a nonelectric clothes
14 dryer; or

15 “(ii) is part of new construction.

16 “(4) ADDITIONAL INCENTIVES FOR CONTRAC-
17 TORS AND QUALIFIED PROVIDERS.—

18 “(A) GENERAL INCENTIVE.—

19 “(i) IN GENERAL.—With respect to
20 each qualified electrification project de-
21 scribed in clause (ii), the Secretary shall
22 provide a payment of \$100 to the certified
23 contractor company or qualified provider
24 carrying out the qualified electrification
25 project.

1 “(ii) QUALIFIED ELECTRIFICATION
2 PROJECT DESCRIBED.—A qualified elec-
3 trification project referred to in clause (i)
4 is a qualified electrification project—

5 “(I) that is carried out at a home
6 or multifamily building;

7 “(II) for which a rebate is pro-
8 vided under this subsection; and

9 “(III) with respect to which the
10 certified contractor company or quali-
11 fied provider is not eligible for a high-
12 er payment under any of subpara-
13 graphs (B) through (D).

14 “(B) INCENTIVE FOR QEPS IN CERTAIN
15 COMMUNITIES AND HOUSEHOLDS.—

16 “(i) IN GENERAL.—With respect to
17 each qualified electrification project de-
18 scribed in clause (ii), the Secretary shall
19 provide a payment of \$200 to the certified
20 contractor company or qualified provider
21 carrying out the qualified electrification
22 project.

23 “(ii) QUALIFIED ELECTRIFICATION
24 PROJECT DESCRIBED.—A qualified elec-

1 trification project referred to in clause (i)
2 is a qualified electrification project—

3 “(I) that is carried out at a home
4 or multifamily building that—

5 “(aa) is located in an under-
6 served community or a Tribal
7 community; or

8 “(bb) is certified, or the
9 household of the homeowner of
10 which is certified, as applicable,
11 as low- or moderate-income;

12 “(II) for which a rebate is pro-
13 vided under this subsection; and

14 “(III) with respect to which the
15 certified contractor company or quali-
16 fied provider is not eligible for a high-
17 er payment under subparagraph (C)
18 or (D).

19 “(C) INCENTIVE FOR CERTAIN LABOR
20 PRACTICES.—

21 “(i) IN GENERAL.—With respect to
22 each qualified electrification project de-
23 scribed in clause (ii), the Secretary shall
24 provide a payment of \$250 to the certified
25 contractor company or qualified provider

1 carrying out the qualified electrification
2 project.

3 “(ii) QUALIFIED ELECTRIFICATION
4 PROJECT DESCRIBED.—A qualified elec-
5 trification project referred to in clause (i)
6 is a qualified electrification project—

7 “(I) that is carried out—

8 “(aa) at a home or multi-
9 family building; and

10 “(bb) by a certified con-
11 tractor company or qualified pro-
12 vider that allows for the use of
13 collective bargaining agreements;

14 “(II) for which a rebate is pro-
15 vided under this subsection; and

16 “(III) with respect to which—

17 “(aa) all laborers and me-
18 chanics employed on the qualified
19 electrification project are paid
20 wages at rates not less than
21 those prevailing on projects of a
22 character similar in the locality;
23 and

24 “(bb) the certified con-
25 tractor company or qualified pro-

1 vider is not eligible for a higher
2 payment under subparagraph
3 (D).

4 “(D) MAXIMUM INCENTIVE.—

5 “(i) IN GENERAL.—With respect to
6 each qualified electrification project de-
7 scribed in clause (ii), the Secretary shall
8 provide a payment of \$500 to the certified
9 contractor company or qualified provider
10 carrying out the qualified electrification
11 project.

12 “(ii) QUALIFIED ELECTRIFICATION
13 PROJECT DESCRIBED.—A qualified elec-
14 trification project referred to in clause (i)
15 is a qualified electrification project—

16 “(I) that is carried out—

17 “(aa) at a home or multi-
18 family building that—

19 “(AA) is located in an
20 underserved community or a
21 Tribal community; or

22 “(BB) is certified, or
23 the household of the home-
24 owner of which is certified,

1 as applicable, as low- or
2 moderate-income; and

3 “(bb) by a certified con-
4 tractor company or qualified pro-
5 vider that allows for the use of
6 collective bargaining agreements;

7 “(II) for which a rebate is pro-
8 vided under this subsection; and

9 “(III) with respect to which all
10 laborers and mechanics employed on
11 the qualified electrification project are
12 paid wages at rates not less than
13 those prevailing on projects of a char-
14 acter similar in the locality.

15 “(E) CLARIFICATION.—An amount pro-
16 vided to a certified contractor company or
17 qualified provider under any of subparagraphs
18 (A) through (D) shall be in addition to the
19 amount of any high-efficiency electric home re-
20 bate received by the certified contractor com-
21 pany or qualified provider.

22 “(5) CLAIM.—

23 “(A) IN GENERAL.—Subject to paragraph
24 (2)(B), a homeowner, a certified contractor
25 company, or a qualified provider may claim a

1 separate high-efficiency electric home rebate
2 under this subsection for each qualified elec-
3 trification project carried out at a home.

4 “(B) TRANSFER.—The Secretary shall es-
5 tablish and publish procedures pursuant to
6 which a homeowner or owner of a multifamily
7 building may transfer the right to claim a re-
8 bate under this subsection to the certified con-
9 tractor company or qualified provider carrying
10 out the applicable qualified electrification
11 project.

12 “(6) MULTIFAMILY BUILDINGS.—

13 “(A) IN GENERAL.—Subject to subpara-
14 graph (B), the owner of a multifamily building
15 may combine the amounts of high-efficiency
16 electric home rebates for each dwelling unit in
17 the multifamily building into a single rebate,
18 subject to—

19 “(i) the condition that the applicable
20 qualified electrification projects benefit
21 each dwelling unit with respect to which
22 the rebate is claimed; and

23 “(ii) any maximum per-dwelling unit
24 rate established by the Secretary.

25 “(B) COSTS.—

1 “(i) IN GENERAL.—Subject to clause
2 (ii), the amount of a rebate under subpara-
3 graph (A) shall not exceed 50 percent of
4 the total cost, including labor costs, of the
5 applicable qualified electrification projects.

6 “(ii) LOW- OR MODERATE-INCOME
7 BUILDINGS.—In the case of a multifamily
8 building that is certified by the Secretary
9 as low- or moderate-income, the amount of
10 a rebate under subparagraph (A) shall not
11 exceed 100 percent of the total cost of the
12 applicable qualified electrification projects.

13 “(C) PROCEDURES.—The Secretary shall
14 establish and publish procedures—

15 “(i) pursuant to which the owner of a
16 multifamily building may combine rebate
17 amounts in accordance with this sub-
18 section; and

19 “(ii) for the enforcement of any limi-
20 tations under this subsection.

21 “(7) PROCESS.—

22 “(A) REBATE PROCESS.—Not later than
23 July 1, 2022, the Secretary shall establish a re-
24 bate processing system that provides immediate
25 price relief for consumers who purchase and

1 have installed qualified electrification projects,
2 in accordance with this section.

3 “(B) QUALIFIED ELECTRIFICATION
4 PROJECT LIST.—

5 “(i) IN GENERAL.—Not later than
6 July 1, 2022, the Secretary shall publish a
7 list of qualified electrification projects for
8 which a high-efficiency electric home re-
9 bate may be provided under this subsection
10 that includes, at a minimum, the qualified
11 electrification projects described in sub-
12 section (d)(11)(A).

13 “(ii) REQUIREMENTS.—The list pub-
14 lished under clause (i) shall include speci-
15 fications for each qualified electrification
16 project included on the list, including—

17 “(I) appropriate certifications
18 under the Energy Star program; and

19 “(II) other applicable require-
20 ments, such as requirements relating
21 to grid-interactive capability.

22 “(iii) UPDATES.—

23 “(I) IN GENERAL.—Not less fre-
24 quently than once every 3 years and
25 subject to subclause (II), the Sec-

1 retary shall publish an updated list of
2 qualified electrification projects for
3 which a high-efficiency electric home
4 rebate may be provided under this
5 subsection.

6 “(II) LIMITATION.—An updated
7 list under subclause (I) shall not allow
8 for any reductions in efficiency levels
9 for qualified electrification projects in-
10 cluded on the updated list that are
11 below an efficiency level provided in a
12 previously published version of the
13 list.

14 “(c) SPECIAL PROVISIONS FOR LOW- AND MOD-
15 ERATE-INCOME HOUSEHOLDS AND MULTIFAMILY BUILD-
16 INGS.—

17 “(1) MAXIMUM AMOUNTS.—With respect to a
18 qualified electrification project carried out at a loca-
19 tion described in paragraph (2)—

20 “(A) a high-efficiency electric home rebate
21 shall be equal to—

22 “(i) in the case of a qualified elec-
23 trification project described in subsection
24 (b)(2)(A)(i), not more than \$1,750;

1 “(ii) in the case of a qualified elec-
2 trification project described in subsection
3 (b)(2)(A)(ii)—

4 “(I)(aa) not more than \$6,000 if
5 the applicable heat pump HVAC sys-
6 tem has a heating capacity of not less
7 than 27,500 Btu per hour; or

8 “(bb) not more than \$7,000 if
9 the applicable heat pump HVAC sys-
10 tem meets Energy Star program cold
11 climate criteria and is installed in a
12 cold climate, as determined by the
13 Secretary; and

14 “(II)(aa) not more than \$3,000 if
15 the applicable heat pump HVAC sys-
16 tem has a heating capacity of less
17 than 27,500 Btu per hour; or

18 “(bb) not more than \$3,500 if
19 the applicable heat pump HVAC sys-
20 tem meets Energy Star program cold
21 climate criteria and is installed in a
22 cold climate, as determined by the
23 Secretary;

1 “(iii) in the case of a qualified elec-
2 trification project described in subsection
3 (b)(2)(A)(iii), not more than \$840;

4 “(iv) in the case of a qualified elec-
5 trification project described in subsection
6 (b)(2)(A)(iv), not more than \$4,000;

7 “(v) in the case of a qualified elec-
8 trification project described in subsection
9 (b)(2)(A)(v) that installs insulation and air
10 sealing, not more than \$1,600; and

11 “(vi) in the case of a qualified elec-
12 trification project described in subsection
13 (b)(2)(A)(vi), not more than an amount
14 determined by the Secretary for that quali-
15 fied electrification project, subject to sub-
16 paragraph (B);

17 “(B) the maximum total amount of high-
18 efficiency electric home rebates that may be
19 awarded with respect to each home of a home-
20 owner shall be \$14,000; and

21 “(C) the amount of a high-efficiency elec-
22 tric home rebate may be used to cover not more
23 than 100 percent of the costs, including labor
24 costs, of the applicable qualified electrification
25 project.

1 “(2) LOCATION DESCRIBED.—The maximum
2 amounts described in paragraph (1) shall apply to—

3 “(A) a home—

4 “(i) with respect to which the house-
5 hold of the homeowner is certified as low-
6 or moderate-income;

7 “(ii) that is located in a Tribal com-
8 munity; or

9 “(iii) in the case of a home that is
10 rented, with respect to which the household
11 of the renter is certified as low- or mod-
12 erate-income; or

13 “(B) a multifamily building—

14 “(i) that—

15 “(I) is certified as low- or mod-
16 erate-income; or

17 “(II) is located in a Tribal com-
18 munity; and

19 “(ii) with respect to which more than
20 more than 1/2 of the dwelling units in the
21 multifamily building—

22 “(I) are occupied by households
23 the annual household incomes of
24 which do not exceed 80 percent of the
25 median annual household income for

1 the area in which the multifamily
2 building is located; and

3 “(II) have average monthly rent-
4 al prices that are equal to, or less
5 than, an amount that is equal to 30
6 percent of the average monthly house-
7 hold income for the area in which the
8 multifamily building is located.

9 “(3) REQUIREMENT.—The Secretary may pro-
10 vide a rebate in an amount described in paragraph
11 (1) to the owner of a multifamily building or home
12 (in the case of a home that is rented) that meets the
13 requirements of this section if the owner agrees in
14 writing to provide commensurate benefits of future
15 savings to renters in the multifamily building or
16 home.

17 “(d) DEFINITIONS.—In this section:

18 “(1) CERTIFIED CONTRACTOR.—The term ‘cer-
19 tified contractor’ means a contractor with a certifi-
20 cation reflecting training, education, or other tech-
21 nical expertise relating to qualified electrification
22 projects for residential buildings, as identified by the
23 Secretary.

1 “(2) CERTIFIED CONTRACTOR COMPANY.—The
2 term ‘certified contractor company’ means a com-
3 pany—

4 “(A) the business of which is to provide
5 services—

6 “(i) to residential building owners;
7 and

8 “(ii) for which a rebate may be pro-
9 vided pursuant to this section;

10 “(B) that holds the licenses and insurance
11 required by the State in which the company
12 provides services; and

13 “(C) that employs 1 or more certified con-
14 tractors that perform the services for which a
15 rebate may be provided under this section.

16 “(3) ELECTRIC LOAD OR SERVICE CENTER UP-
17 GRADE.—The term ‘electric load or service center
18 upgrade’ means an improvement to a circuit breaker
19 panel that enables the installation and use of—

20 “(A) a QEP described in any of subclauses
21 (II) through (IV) of paragraph (9)(A)(i); or

22 “(B) a QEP described in any of subclauses
23 (I) through (III) of paragraph (9)(A)(ii).

24 “(4) ENERGY STAR PROGRAM.—The term ‘En-
25 ergy Star program’ means the program established

1 by section 324A of the Energy Policy and Conserva-
2 tion Act (42 U.S.C. 6294a).

3 “(5) HEAT PUMP.—The term ‘heat pump’
4 means a heat pump used for water heating, space
5 heating, or space cooling that—

6 “(A) relies solely on electricity for its
7 source of power; and

8 “(B) is air-sourced, geothermal- or ground-
9 sourced, or water-sourced.

10 “(6) HIGH-EFFICIENCY ELECTRIC HOME RE-
11 BATE.—The term ‘high-efficiency electric home re-
12 bate’ means a rebate provided in accordance with
13 subsection (b).

14 “(7) HOME.—The term ‘home’ means each of—

15 “(A) a building with not more than 4
16 dwelling units, individual condominium units, or
17 manufactured housing units, that—

18 “(i) is located in a State; and

19 “(ii)(I) is the primary residence of—

20 “(aa) the owner of that building,
21 condominium unit, or manufactured
22 housing unit, as applicable; or

23 “(bb) a renter; or

24 “(II) is a new-construction single-fam-
25 ily residential home; and

1 “(B) a unit of a multifamily building
2 that—

3 “(i) is owned by an individual who is
4 not the owner of the multifamily building;

5 “(ii) is located in a State, the District
6 of Columbia, or a territory of the United
7 States; and

8 “(iii) is the primary residence of—

9 “(I) the owner of that unit; or

10 “(II) a renter.

11 “(8) HVAC.—The term ‘HVAC’ means heat-
12 ing, ventilation, and air conditioning.

13 “(9) LOW- OR MODERATE-INCOME.—The term
14 ‘low - or moderate -income’, with respect to a house-
15 hold, means a household—

16 “(A) with an annual income that is less
17 than 80 percent of the annual median income
18 of the area in which the household is located;
19 or

20 “(B) that is low-income (as defined in sec-
21 tion 412 of the Energy Conservation and Pro-
22 duction Act (42 U.S.C. 6862)).

23 “(10) MULTIFAMILY BUILDING.—The term
24 ‘multifamily building’ means any building—

25 “(A) with 5 or more dwelling units that—

1 “(i) are built on top of one another or
2 side-by-side; and

3 “(ii) may share common facilities; and

4 “(B) that is not a home.

5 “(11) QUALIFIED ELECTRIFICATION PROJECT;
6 QEP.—

7 “(A) IN GENERAL.—The terms ‘qualified
8 electrification project’ and ‘QEP’ mean a
9 project that, as applicable—

10 “(i) installs, or enables the installa-
11 tion and use of, in a home or multifamily
12 building—

13 “(I) an electric load or service
14 center upgrade;

15 “(II) an electric heat pump;

16 “(III) an induction or noninduc-
17 tion electric stove, cooktop, range, or
18 oven;

19 “(IV) an electric heat pump
20 clothes dryer; or

21 “(V) insulation, air sealing, and
22 ventilation, in accordance with re-
23 quirements established by the Sec-
24 retary; or

1 “(ii) installs, or enables the installa-
2 tion and use of, in a home or multifamily
3 building described in subparagraph (B)—

4 “(I) a solar photovoltaic system,
5 including any electrical equipment,
6 wiring, or other components necessary
7 for the installation and use of the
8 solar photovoltaic system, including a
9 battery storage system;

10 “(II) electric vehicle charging in-
11 frastructure or electric vehicle support
12 equipment necessary to recharge an
13 electric vehicle on-site; or

14 “(III) electrical rewiring, power
15 sharing plugs, or other installation
16 tasks directly related to and necessary
17 for the safe and effective functioning
18 of a QEP in a home or multifamily
19 building.

20 “(B) HOME OR MULTIFAMILY BUILDING
21 DESCRIBED.—A home or multifamily building
22 referred to in subparagraph (A)(ii) is a home or
23 multifamily building that is certified, or the
24 household of the homeowner of which is cer-

1 tified, as applicable, as low- or moderate-in-
2 come.

3 “(C) EXCLUSIONS.—The terms ‘qualified
4 electrification project’ and ‘QEP’ do not include
5 any project with respect to which the appliance,
6 system, equipment, infrastructure, component,
7 or other item described in clause (i) or (ii) of
8 subparagraph (A) is not certified under the En-
9 ergy Star program if, as of the date on which
10 the project is carried out, the item is of a cat-
11 egory for which a certification is provided under
12 that program.

13 “(12) QUALIFIED PROVIDER.—The term ‘quali-
14 fied provider’ means an electric utility, Tribal-owned
15 entity or Tribally Designated Housing Entity
16 (TDHE), or commercial, nonprofit, or government
17 entity, including a retailer and a certified contractor
18 company, that provides services for which a rebate
19 may be provided pursuant to this section for 1 or
20 more portfolios that consist of 1 or more qualified
21 electrification projects.

22 “(13) SOLAR PHOTOVOLTAIC SYSTEM.—The
23 term ‘solar photovoltaic system’ means a system—

1 “(A) placed on-site at a home or multi-
2 family building, or as part of the community of
3 the home or multifamily building; and

4 “(B) that generates electricity from the
5 sun specifically for the home, multifamily build-
6 ing, or community.

7 “(14) TRIBAL COMMUNITY.—The term ‘Tribal
8 community’ means a Tribal tract or Tribal block
9 group.

10 “(15) UNDERSERVED COMMUNITY.—The term
11 ‘underserved community’ means a community lo-
12 cated in a census tract that is identified by the Sec-
13 retary as—

14 “(A) a low- or moderate-income commu-
15 nity; or

16 “(B) a community of racial or ethnic mi-
17 nority concentration.”.

18 (b) CONFORMING AMENDMENTS.—

19 (1) The table of contents for the Energy Policy
20 Act of 2005 (Public Law 109–58; 119 Stat. 594) is
21 amended by striking the item relating to section 124
22 and inserting the following:

“Sec. 124. High-Efficiency Electric Home Rebate Program.”.

23 (2) Section 3201(c)(2)(A)(i) of the Energy Act
24 of 2020 (42 U.S.C. 17232(c)(2)(A)(i)) is amended
25 by striking “(a)” each place it appears.

1 **PART 3—BUILDING EFFICIENCY AND**
2 **RESILIENCE**

3 **SEC. 30431. WEATHERIZATION ASSISTANCE PROGRAM.**

4 (a) **IN GENERAL.**—In addition to amounts otherwise
5 available, there is appropriated to the Secretary of Energy
6 for fiscal year 2022, out of any money in the Treasury
7 not otherwise appropriated, \$3,500,000,000, to remain
8 available until September 30, 2031, to carry out activities
9 under part A of title IV of the Energy Conservation and
10 Production Act (42 U.S.C. 6861 through 6872).

11 (b) **FINANCIAL ASSISTANCE FOR WAP ENHANCE-**
12 **MENT AND INNOVATION.**—Notwithstanding subsections
13 (j) and (k) of section 414D of the Energy Conservation
14 and Production Act (42 U.S.C. 6864d(j) and (k)), the Sec-
15 retary shall use \$850,000,000 of the amount made avail-
16 able under subsection (a) of this section to award financial
17 assistance under such section 414D, including financial
18 assistance to implement measures to make dwelling units
19 that are occupied by low-income persons weatherization-
20 ready.

21 (c) **AVERAGE COST PER DWELLING UNIT.**—Section
22 415(c) of the Energy Conservation and Production Act
23 (42 U.S.C. 6865(c)) is amended—

24 (1) in paragraph (1), by striking “\$6,500” and
25 inserting “\$12,000”; and

1 (2) in paragraph (4), by striking “\$3,000” and
2 inserting “\$6,000”.

3 **SEC. 30432. CRITICAL FACILITY MODERNIZATION.**

4 (a) APPROPRIATION.—In addition to amounts other-
5 wise available, there is appropriated to the Secretary of
6 Energy for fiscal year 2022, out of any money in the
7 Treasury not otherwise appropriated, \$3,200,000,000, to
8 remain available until September 30, 2031, to carry out
9 a program under which the Secretary of Energy provides
10 funds to States to be used in accordance with subsection
11 (c).

12 (b) ALLOCATION OF FUNDS.—The Secretary of En-
13 ergy shall allocate funds made available under subsection
14 (a) to States in accordance with the formula used to allo-
15 cate Federal financial assistance granted pursuant to sec-
16 tion 363 of the Energy Policy and Conservation Act (42
17 U.S.C. 6323) (as of January 1, 2021), except that no
18 matching requirement shall apply.

19 (c) USE OF FUNDS.—

20 (1) IN GENERAL.—A State that receives funds
21 under this section shall use such funds to—

22 (A) provide technical assistance for car-
23 rying out a covered project;

1 (B) facilitate carrying out a covered
2 project, including by providing a grant, loan, or
3 other financial assistance to another entity;

4 (C) carry out a covered project; or

5 (D) pay for any administrative expenses
6 related to any activity described in subpara-
7 graphs (A) through (C).

8 (2) LIMIT ON TECHNICAL ASSISTANCE.—A

9 State that receives funds under this section may not
10 use more than 10 percent of such funds to provide
11 technical assistance under paragraph (1)(A) related
12 to the development, facilitation, management, over-
13 sight, or measurement of results of covered projects.

14 (d) DEFINITIONS.—In this section:

15 (1) COVERED PROJECT.—The term “covered
16 project” means a building project at an eligible facil-
17 ity that—

18 (A) increases—

19 (i) the resiliency of an eligible facility,
20 which includes—

21 (I) making improvements to pub-
22 lic health and safety;

23 (II) mitigating power outages;

24 (III) hardening against natural
25 disasters;

1 (IV) improving indoor air quality;

2 and

3 (V) making any modifications ne-
4 cessitated by the COVID-19 pan-
5 demic;

6 (ii) energy efficiency;

7 (iii) the use of renewable energy; or

8 (iv) grid integration; and

9 (B) may include a combined heat and
10 power, microgrid, or energy storage component.

11 (2) ELIGIBLE FACILITY.—The term “eligible fa-
12 cility” means any public or nonprofit building, as de-
13 termined by the Secretary, including—

14 (A) a public school, including an elemen-
15 tary school and a secondary school;

16 (B) a facility used to operate an early
17 childhood education program;

18 (C) the facilities of a local educational
19 agency;

20 (D) a medical facility;

21 (E) a local or State government building;

22 (F) a community facility;

23 (G) a public safety facility;

24 (H) a day care center;

25 (I) an institution of higher education;

1 (J) a public library; and

2 (K) a wastewater treatment facility.

3 (3) PUBLIC OR NONPROFIT BUILDING.—The
4 term “public or nonprofit building” means a public
5 or nonprofit building described in section
6 362(d)(5)(B) of the Energy Policy and Conservation
7 Act (42 U.S.C. 6322(d)(5)(B)).

8 (4) STATE.—The term “State” has the mean-
9 ing given the term in section 3 of the Energy Policy
10 and Conservation Act (42 U.S.C. 6202).

11 **SEC. 30433. ASSISTANCE FOR LATEST AND ZERO BUILDING**
12 **ENERGY CODE ADOPTION.**

13 (a) APPROPRIATION.—In addition to amounts other-
14 wise available, there is appropriated to the Secretary of
15 Energy for fiscal year 2022, out of any money in the
16 Treasury not otherwise appropriated, \$300,000,000, to re-
17 main available until September 30, 2031, to carry out ac-
18 tivities under part D of title III of the Energy Policy and
19 Conservation Act (42 U.S.C. 6321 through 6326), of
20 which—

21 (1) \$100,000,000, shall be for grants to assist
22 States, and units of local government that have au-
23 thority to adopt building codes, to—

24 (A) adopt—

1 (i) a building energy code (or codes)
2 for residential buildings that meets or ex-
3 ceeds the 2021 International Energy Con-
4 servation Code, or achieves equivalent or
5 greater energy savings;

6 (ii) a building energy code (or codes)
7 for commercial buildings that meets or ex-
8 ceeds the ANSI/ASHRAE/IES Standard
9 90.1–2019, or achieves equivalent or great-
10 er energy savings; or

11 (iii) any combination of building en-
12 ergy codes described in clause (i) or (ii);
13 and

14 (B) implement a plan for the jurisdiction
15 to achieve full compliance with any building en-
16 ergy code adopted under subparagraph (A) in
17 new and renovated residential or commercial
18 buildings, as applicable, which plan shall in-
19 clude active training and enforcement programs
20 and measurement of the rate of compliance
21 each year; and

22 (2) \$200,000,000, shall be for grants to assist
23 States, and units of local government that have au-
24 thority to adopt building codes, to—

1 (A) adopt a building energy code (or
2 codes) for residential and commercial buildings
3 that meets or exceeds the zero energy provisions
4 in the 2021 International Energy Conservation
5 Code or an equivalent stretch code; and

6 (B) implement a plan for the jurisdiction
7 to achieve full compliance with any building en-
8 ergy code adopted under subparagraph (A) in
9 new and renovated residential and commercial
10 buildings, which plan shall include active train-
11 ing and enforcement programs and measure-
12 ment of the rate of compliance each year.

13 (b) STATE MATCH.—The State cost share require-
14 ment under the item relating to “Department of Energy—
15 Energy Conservation” in title II of the Department of the
16 Interior and Related Agencies Appropriations Act, 1985
17 (42 U.S.C. 6323a; 98 Stat. 1861) shall not apply to assist-
18 ance provided under this section.

19 (c) ADMINISTRATIVE COSTS.—Of the amounts made
20 available under this section, the Secretary shall reserve 5
21 percent for administrative costs necessary to carry out this
22 section.

1 **PART 4—ZERO EMISSIONS VEHICLE**
2 **INFRASTRUCTURE BUILDOUT**

3 **SEC. 30441. DEFINITIONS.**

4 In this part:

5 (1) **ELECTRIC VEHICLE.**—The term “electric
6 vehicle” means a vehicle that derives all or part of
7 its power from electricity.

8 (2) **ELECTRIC VEHICLE SUPPLY EQUIPMENT.**—
9 The term “electric vehicle supply equipment” means
10 any conductors, including ungrounded, grounded,
11 and equipment grounding conductors, electric vehicle
12 connectors, attachment plugs, and all other fittings,
13 devices, power outlets, electrical equipment, off-grid
14 charging installations, or apparatuses installed spe-
15 cifically for the purpose of delivering energy to an
16 electric vehicle or to a battery intended to be used
17 in an electric vehicle.

18 (3) **SECRETARY.**—The term “Secretary” means
19 the Secretary of Energy.

20 **SEC. 30442. ELECTRIC VEHICLE SUPPLY EQUIPMENT RE-**
21 **BATE PROGRAM.**

22 (a) **APPROPRIATION.**—In addition to amounts other-
23 wise available, there is appropriated to the Secretary for
24 fiscal year 2022, out of any money in the Treasury not
25 otherwise appropriated, \$2,000,000,000, to remain avail-
26 able until expended (except that no funds shall be dis-

1 bursed after September 30, 2031), to establish and carry
2 out a rebate program to provide rebates to eligible entities
3 for covered expenses associated with electric vehicle supply
4 equipment located at workplaces, multi-unit housing struc-
5 tures, and publicly accessible locations.

6 (b) REBATE PROGRAM REQUIREMENTS.—

7 (1) ELIGIBLE EQUIPMENT AND LOCATIONS.—

8 (A) IN GENERAL.—Not later than 180
9 days after the date of the enactment of this
10 Act, the Secretary shall publish and maintain
11 on the Department of Energy internet website
12 a list of electric vehicle supply equipment that
13 is eligible for the rebate program. Such list may
14 include technical specifications and require-
15 ments for such electric vehicle supply equipment
16 to enhance safety, cybersecurity, performance,
17 accessibility, and alignment with relevant codes
18 and standards, as determined appropriate by
19 the Secretary.

20 (B) LOCATION REQUIREMENT.—An eligible
21 entity may receive a rebate under the rebate
22 program only if the electric vehicle supply
23 equipment included on the list published under
24 subparagraph (A) is installed—

25 (i) in the United States;

- 1 (ii) on property—
- 2 (I) owned by the eligible entity;
- 3 or
- 4 (II) on which the eligible entity
- 5 has authority to install electric vehicle
- 6 supply equipment; and
- 7 (iii) at a location that is—
- 8 (I) a multi-unit housing struc-
- 9 ture;
- 10 (II) a workplace, and available to
- 11 employees of such workplace or em-
- 12 ployees of a nearby workplace; or
- 13 (III) publicly accessible, including
- 14 a publicly accessible commercial loca-
- 15 tion.
- 16 (C) PUBLIC ACCESSIBILITY.—For electric
- 17 vehicle supply equipment not located at a multi-
- 18 unit housing structure or a workplace, an eligi-
- 19 ble entity may receive a rebate under the rebate
- 20 program only if the installed electric vehicle
- 21 supply equipment is—
- 22 (i) publicly accessible for a minimum
- 23 of 12 hours per day at least 5 days per
- 24 week; and

1 (ii) networked or otherwise capable of
2 being monitored remotely.

3 (2) APPLICATION.—In order to receive a rebate
4 under the rebate program, an eligible entity shall
5 submit to the Secretary an application. Such appli-
6 cation shall include—

7 (A) the estimated cost of covered expenses
8 to be expended on the electric vehicle supply
9 equipment that is eligible under paragraph (1);

10 (B) the estimated installation cost of the
11 electric vehicle supply equipment that is eligible
12 under paragraph (1);

13 (C) the global positioning system location,
14 including the integer number of degrees, min-
15 utes, and seconds, of where such electric vehicle
16 supply equipment is to be installed, and identi-
17 fication of whether such location is—

18 (i) a multi-unit housing structure;

19 (ii) a workplace; or

20 (iii) publicly accessible, including a
21 publicly accessible commercial location, in
22 accordance with paragraph (1)(C);

23 (D) the technical specifications of such
24 electric vehicle supply equipment, including the

1 maximum power voltage and amperage of such
2 equipment;

3 (E) an assessment of the electrical capac-
4 ity at the location where such electric vehicle
5 supply equipment is to be installed, and, as nec-
6 essary, proof of communication with the electric
7 utility that will serve the electric vehicle supply
8 equipment to be installed; and

9 (F) any other information determined by
10 the Secretary to be necessary for a complete ap-
11 plication.

12 (3) FUNDING SET-ASIDES.—Each fiscal year,
13 the Secretary may set aside an amount of funding
14 under the rebate program to ensure, to the extent
15 possible given the applications meeting the require-
16 ments of the rebate program submitted, rebates are
17 distributed—

18 (A) to individuals and small businesses, as
19 determined by the Secretary; and

20 (B) for electric vehicle supply equipment—

21 (i) located in rural communities, as
22 determined by the Secretary; and

23 (ii) located in low-income and dis-
24 advantaged communities, as determined by
25 the Secretary.

1 (4) REBATE AMOUNT.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraph (B), the amount of a rebate made
4 under the rebate program for new electric vehi-
5 cle supply equipment at a location shall be the
6 lesser of—

7 (i) 75 percent of the applicable cov-
8 ered expenses;

9 (ii) \$1,000 for covered expenses asso-
10 ciated with the purchase and installation of
11 non-networked level 2 charging equipment;

12 (iii) \$4,000 for covered expenses asso-
13 ciated with the purchase and installation of
14 networked level 2 charging equipment; or

15 (iv) \$100,000 for covered expenses as-
16 sociated with the purchase and installation
17 of networked direct current fast charging
18 equipment.

19 (B) REBATE AMOUNT FOR REPLACEMENT
20 EQUIPMENT.—The amount of a rebate made
21 under the rebate program for replacement of
22 pre-existing electric vehicle supply equipment of
23 similar specifications at a location shall be the
24 lesser of—

1 (i) 75 percent of the applicable cov-
2 ered expenses;

3 (ii) \$500 for covered expenses associ-
4 ated with the purchase and installation of
5 non-networked level 2 charging equipment;

6 (iii) \$2,000 for covered expenses asso-
7 ciated with the purchase and installation of
8 networked level 2 charging equipment; or

9 (iv) \$35,000 for covered expenses as-
10 sociated with the purchase and installation
11 of networked direct current fast charging
12 equipment.

13 (5) DISBURSEMENT OF REBATE.—

14 (A) MATERIALS REQUIRED FOR DISBURSE-
15 MENT OF REBATE.—Before a rebate may be
16 disbursed to an eligible entity, such eligible en-
17 tity shall submit to the Secretary—

18 (i) a record of payment for covered
19 expenses expended on the installation of
20 the electric vehicle supply equipment that
21 is eligible under paragraph (1);

22 (ii) a record of payment for the elec-
23 tric vehicle supply equipment that is eligi-
24 ble under paragraph (1);

1 (iii) the global positioning system lo-
2 cation, including the integer number of de-
3 grees, minutes, and seconds, of where such
4 electric vehicle supply equipment was in-
5 stalled and identification of whether such
6 location is—

7 (I) a multi-unit housing struc-
8 ture;

9 (II) a workplace; or

10 (III) publicly accessible, including
11 a publicly accessible commercial loca-
12 tion, in accordance with paragraph
13 (1)(C);

14 (iv) the technical specifications of the
15 electric vehicle supply equipment that is el-
16 igible under paragraph (1), including the
17 maximum power voltage and amperage of
18 such equipment; and

19 (v) any other information determined
20 by the Secretary to be necessary.

21 (B) AGREEMENT TO MAINTAIN.—To be eli-
22 gible for a rebate under the rebate program, an
23 eligible entity shall enter into an agreement
24 with the Secretary to maintain the electric vehi-
25 cle supply equipment that is eligible under

1 paragraph (1) in a satisfactory manner, and at
2 the location stated in the application or in the
3 materials submitted under subparagraph (A),
4 as applicable, for not fewer than 5 years after
5 the date on which the eligible entity receives the
6 rebate under the rebate program.

7 (C) EXCEPTION.—The Secretary may de-
8 cline to disburse a rebate under the rebate pro-
9 gram if materials submitted under subpara-
10 graph (A) vary significantly, as determined by
11 the Secretary, from the global positioning sys-
12 tem location and technical specifications for the
13 electric vehicle supply equipment that is eligible
14 under paragraph (1) provided in an application
15 under paragraph (2).

16 (6) MULTI-PORT CHARGERS.—An eligible entity
17 shall be awarded a rebate under the rebate program
18 for covered expenses relating to the purchase and in-
19 stallation of a multi-port charger based on the num-
20 ber of publicly accessible charging ports, with each
21 subsequent port after the first port being eligible for
22 75 percent of the full rebate amount.

23 (7) HYDROGEN FUEL CELL REFUELING EQUIP-
24 MENT.—Hydrogen fuel cell refueling equipment shall
25 be eligible for a rebate under the rebate program as

1 though it were networked direct current fast charg-
2 ing equipment, and all applicable requirements re-
3 lated to such equipment shall apply.

4 (8) NETWORKED DIRECT CURRENT FAST
5 CHARGING.—Of amounts appropriated to carry out
6 the rebate program, not more than 40 percent may
7 be used for rebates of networked direct current fast
8 charging equipment or hydrogen fuel cell refueling
9 equipment.

10 (c) DEFINITIONS.—In this section:

11 (1) COVERED EXPENSES.—The term “covered
12 expenses” means an expense that is associated with
13 the purchase and installation of electric vehicle sup-
14 ply equipment, including—

15 (A) the cost of electric vehicle supply
16 equipment;

17 (B) labor costs associated with the installa-
18 tion of such electric vehicle supply equipment;

19 (C) material costs associated with the in-
20 stallation of such electric vehicle supply equip-
21 ment, including expenses borne by rebate recipi-
22 ents for electrical equipment and necessary up-
23 grades or modifications to the electrical grid
24 and associated infrastructure required for the

1 installation of such electric vehicle supply equip-
2 ment;

3 (D) permit costs associated with the instal-
4 lation of such electric vehicle supply equipment;
5 and

6 (E) the cost of an on-site energy storage
7 system that supports electrical load balancing
8 or otherwise improves the performance of such
9 electric vehicle supply equipment.

10 (2) ELIGIBLE ENTITY.—The term “eligible enti-
11 ty” means an individual, a State, local, Tribal, or
12 Territorial government, a private entity, a not-for-
13 profit entity, a nonprofit entity, or a metropolitan
14 planning organization.

15 (3) LEVEL 2 CHARGING EQUIPMENT.—The
16 term “level 2 charging equipment” means electric
17 vehicle supply equipment that provides an alter-
18 nating current power source at a minimum of 208
19 volts.

20 (4) MULTI-PORT CHARGER.—The term “multi-
21 port charger” means electric vehicle charging unit
22 capable of charging more than one electric vehicle si-
23 multaneously.

24 (5) NETWORKED DIRECT CURRENT FAST
25 CHARGING EQUIPMENT.—The term “networked di-

1 rect current fast charging equipment” means electric
2 vehicle supply equipment that is capable of providing
3 a direct current power source at a minimum of 50
4 kilowatts and is enabled to connect to a network to
5 facilitate data collection and access.

6 (6) REBATE PROGRAM.—The term “rebate pro-
7 gram” means the rebate program established under
8 subsection (a).

9 **SEC. 30443. ELECTRIC VEHICLE CHARGING EQUITY PRO-**
10 **GRAM.**

11 (a) APPROPRIATION.—In addition to amounts other-
12 wise available, there is appropriated to the Secretary for
13 fiscal year 2022, out of any money in the Treasury not
14 otherwise appropriated, \$1,000,000,000, to remain avail-
15 able until September 30, 2031 (except that no funds shall
16 be disbursed after September 30, 2031), to carry out this
17 section.

18 (b) PROGRAM.—The Secretary shall use amounts
19 made available under subsection (a) to establish and carry
20 out a program, to be known as the EV Charging Equity
21 Program, to—

22 (1) provide technical assistance to eligible enti-
23 ties described in subsection (f);

24 (2) award grants on a competitive basis to eligi-
25 ble entities described in subsection (f) for projects

1 that increase deployment and accessibility of electric
2 vehicle supply equipment in underserved or dis-
3 advantaged communities, including projects that
4 are—

5 (A) publicly accessible;

6 (B) located within or are easily accessible
7 to residents of—

8 (i) public or affordable housing;

9 (ii) multi-unit dwellings; or

10 (iii) single-family homes; and

11 (C) located within or easily accessible to
12 places of work, provided that such electric vehi-
13 cle supply equipment is accessible no fewer than
14 5 days per week; and

15 (3) provide education and outreach regarding
16 the EV Charging Equity Program and the benefits
17 and opportunities for electric vehicle charging to in-
18 dividuals and relevant entities that live within or
19 serve underserved or disadvantaged communities, in-
20 cluding by providing—

21 (A) an electric vehicle charging resource
22 guide that is maintained electronically on a
23 website, is public, and is directed towards indi-
24 viduals and relevant entities that live within or

1 serve underserved or disadvantaged commu-
2 nities;

3 (B) targeted outreach towards, and coordi-
4 nated public outreach with, relevant local,
5 State, and Tribal entities, nonprofit organiza-
6 tions, and institutions of higher education, that
7 are located within or serve underserved or dis-
8 advantaged communities; and

9 (C) any other form of education or out-
10 reach as the Secretary determines appropriate.

11 (c) COST SHARE.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), the amount of a grant awarded under
14 this section for a project shall not exceed 80 percent
15 of project costs.

16 (2) SINGLE-FAMILY HOMES.—The amount of a
17 grant awarded under this section for a project that
18 involves, as a primary focus, single-family homes
19 shall not exceed 60 percent of project costs.

20 (d) PRIORITY.—In awarding grants and providing
21 technical assistance under this section, the Secretary shall
22 give priority to projects that—

23 (1) provide the greatest benefit to the greatest
24 number of people within an underserved or dis-
25 advantaged community;

1 (2) incorporate renewable energy resources;

2 (3) maximize local job creation, particularly
3 among low-income, women, and minority workers; or

4 (4) utilize or involve locally owned small and
5 disadvantaged businesses, including women and mi-
6 nority-owned businesses.

7 (e) LIMITATION.—Not more than 15 percent of the
8 amount awarded for grants under this section in a fiscal
9 year shall be awarded for projects that involve, as a pri-
10 mary focus, single-family homes.

11 (f) ELIGIBLE ENTITIES.—

12 (1) IN GENERAL.—To be eligible for a grant or
13 technical assistance under the EV Charging Equity
14 Program, an entity shall be—

15 (A) an individual or household that is the
16 owner of where a project will be carried out;

17 (B) a State, local, Tribal, or Territorial
18 government, or an agency or department there-
19 of;

20 (C) an electric utility, including—

21 (i) a municipally owned electric utility;

22 (ii) a publicly owned electric utility;

23 (iii) an investor-owned utility; and

24 (iv) a rural electric cooperative;

25 (D) a nonprofit organization or institution;

1 (E) a public housing authority;

2 (F) an institution of higher education, as
3 determined by the Secretary;

4 (G) an entity that utilizes or involves lo-
5 cally owned small and disadvantaged busi-
6 nesses, including women and minority-owned
7 businesses; or

8 (H) a partnership between any number of
9 eligible entities described in subparagraphs (A)
10 through (G).

11 (2) UPDATES.—The Secretary may add to or
12 otherwise revise the list of eligible entities as the
13 Secretary determines necessary.

14 (g) DEFINITIONS.—In this section:

15 (1) PUBLICLY ACCESSIBLE.—The term “pub-
16 licly accessible” means, with respect to electric vehi-
17 cle supply equipment, electric vehicle supply equip-
18 ment that is available, at zero or reasonable cost, to
19 members of the public for the purpose of charging
20 a privately owned or leased electric vehicle, or elec-
21 tric vehicle that is available for use by members of
22 the general public as part of a ride service or vehicle
23 sharing service or program, including within or
24 around—

25 (A) public sidewalks and streets;

- 1 (B) public parks;
- 2 (C) public buildings, including—
 - 3 (i) libraries;
 - 4 (ii) schools; and
 - 5 (iii) government offices;
- 6 (D) public parking;
- 7 (E) shopping centers; and
- 8 (F) commuter transit hubs.

9 (2) UNDERSERVED OR DISADVANTAGED COM-
10 MUNITY.—The term “underserved or disadvantaged
11 community” means a community or geographic area
12 that is identified as—

- 13 (A) a low-income community;
- 14 (B) a Tribal community;
- 15 (C) having a disproportionately low num-
16 ber of electric vehicle charging stations per cap-
17 ita, compared to similar areas; or
- 18 (D) any other community that the Sec-
19 retary determines is disproportionately vulner-
20 able to, or bears a disproportionate burden of,
21 any combination of economic, social, environ-
22 mental, and climate stressors.

1 **SEC. 30444. STATE ENERGY PLANS.**

2 (a) APPROPRIATION.—Section 365(f) of the Energy
3 Policy and Conservation Act (42 U.S.C. 6325(f)) is
4 amended to read as follows:

5 “(f) APPROPRIATION.—In addition to amounts other-
6 wise available, there is appropriated to the Secretary for
7 fiscal year 2022, out of any money in the Treasury not
8 otherwise appropriated, \$500,000,000, to remain available
9 until September 30, 2031 (except that no funds shall be
10 disbursed after September 30, 2031), to carry out section
11 367.”.

12 (b) STATE ENERGY TRANSPORTATION PLANS.—

13 (1) IN GENERAL.—The Energy Policy and Con-
14 servation Act is amended by adding after section
15 366 (42 U.S.C. 6326) the following:

16 **“SEC. 367. STATE ENERGY TRANSPORTATION PLANS.**

17 “(a) IN GENERAL.—The Secretary may provide fi-
18 nancial assistance and technical assistance to a State to
19 develop a State energy transportation plan, for inclusion
20 in a State energy conservation plan under section 362(d),
21 to promote the electrification of the transportation system,
22 reduced consumption of fossil fuels, and reduced energy
23 demand.

24 “(b) DEVELOPMENT.—A State developing a State en-
25 ergy transportation plan under this section shall carry out
26 this activity through the State energy office that is respon-

1 sible for developing the State energy conservation plan
2 under section 362.

3 “(c) CONTENTS.—A State developing a State energy
4 transportation plan under this section shall include in such
5 plan a plan to—

6 “(1) deploy a network of electric vehicle supply
7 equipment to ensure access to electricity for electric
8 vehicles, including commercial vehicles, to an extent
9 that such electric vehicles can travel throughout the
10 State without running out of a charge; and

11 “(2) promote modernization of the electric grid,
12 including through the use of renewable energy
13 sources to power the electric grid, to accommodate
14 demand for power to operate electric vehicle supply
15 equipment and to utilize energy storage capacity
16 provided by electric vehicles, including commercial
17 vehicles.

18 “(d) TECHNICAL ASSISTANCE.—Upon request of the
19 Governor of a State, the Secretary shall provide informa-
20 tion and technical assistance in the development, imple-
21 mentation, or revision of a State energy transportation
22 plan.

23 “(e) ELECTRIC VEHICLE SUPPLY EQUIPMENT DE-
24 FINED.—For purposes of this section, the term ‘electric
25 vehicle supply equipment’ means any conductors, includ-

1 ing ungrounded, grounded, and equipment grounding con-
2 ductors, electric vehicle connectors, attachment plugs, and
3 all other fittings, devices, power outlets, electrical equip-
4 ment, off-grid charging installations, or apparatuses in-
5 stalled specifically for the purpose of delivering energy to
6 an electric vehicle or to a battery intended to be used in
7 an electric vehicle.”.

8 (2) CONFORMING AMENDMENT.—The table of
9 contents for part D of title III of the Energy Policy
10 and Conservation Act is amended by adding at the
11 end the following:

“Sec. 367. State energy transportation plans.”.

12 (c) STATE ENERGY CONSERVATION PLANS.—Section
13 362(d) of the Energy Policy and Conservation Act (42
14 U.S.C. 6322(d)) is amended—

15 (1) in paragraph (16), by striking “; and” and
16 inserting a semicolon;

17 (2) by redesignating paragraph (17) as para-
18 graph (18); and

19 (3) by inserting after paragraph (16) the fol-
20 lowing:

21 “(17) a State energy transportation plan devel-
22 oped in accordance with section 367; and”.

23 **SEC. 30445. TRANSPORTATION ELECTRIFICATION.**

24 (a) APPROPRIATION.—In addition to amounts other-
25 wise available, there is appropriated to the Secretary for

1 fiscal year 2022, out of any money in the Treasury not
2 otherwise appropriated, to remain available until Sep-
3 tember 30, 2031 (except that no funds shall be disbursed
4 after September 30, 2031)—

5 (1) \$4,000,000,000 for grants under section
6 131(b) of the Energy Independence and Security Act
7 of 2007 (42 U.S.C. 17011(b)); and

8 (2) \$6,000,000,000 for grants under subsection
9 (b) of this section.

10 (b) USE OF FUNDS.—The Secretary may use
11 amounts made available under subsection (a)(2) of this
12 section to—

13 (1) provide grants under subsection (c) of sec-
14 tion 131 of the Energy Independence and Security
15 Act of 2007 (42 U.S.C. 17011) for the conduct of
16 qualified electric transportation projects (as defined
17 in such section 131); and

18 (2) provide grants in accordance with section
19 131(c) of such Act for the conduct of any of the fol-
20 lowing projects:

21 (A) Installation of electric vehicle supply
22 equipment for recharging plug-in electric drive
23 vehicles, including such equipment that is acces-
24 sible in rural and urban areas and in under-
25 served or disadvantaged communities and such

1 equipment for medium- and heavy-duty vehicles,
2 including at depots and in-route locations.

3 (B) Multi-use charging hubs used for mul-
4 tiple forms of transportation.

5 (C) Medium- and heavy-duty vehicle smart
6 charging management and refueling.

7 (D) Battery recycling and secondary use,
8 including for medium- and heavy-duty vehicles.

9 (E) Shiplside or shoreside electrification for
10 ground support equipment at ports.

11 (F) Electric airport ground support vehi-
12 cles.

13 (G) Sharing of best practices, and tech-
14 nical assistance provided by the Department of
15 Energy to public utilities commissions and utili-
16 ties, for medium- and heavy-duty vehicle elec-
17 trification.

18 (c) PRIORITY.—In making grants under section
19 131(b) of the Energy Independence and Security Act of
20 2007 (42 U.S.C. 17011(b)) using amounts made available
21 under subsection (a)(1) of this section, in addition to the
22 priority considerations described in paragraph (3) of such
23 section 131(b), the Secretary shall give priority consider-
24 ation to applications that are likely to make a significant
25 contribution to the advancement of the production of the