

1 ice for fiscal year 2022, out of any money in the Treasury
2 not otherwise appropriated, \$10,000,000, to remain avail-
3 able until September 30, 2026, except that no amounts
4 may be expended after September 30, 2026, to carry out
5 the provisions of the Fish and Wildlife Act of 1956 (16
6 U.S.C. 742a) and the Fish and Wildlife Coordination Act
7 (16 U.S.C. 661) through direct expenditure,, contracts,
8 grants, and cooperative agreements, for mapping wildlife
9 corridors and providing assistance to States and Indian
10 Tribes as defined in section 4 of the Indian Self-Deter-
11 mination and Education Assistance Act (25 U.S.C. 5304)
12 for the conservation and restoration of wildlife corridors.

13 **SEC. 70610. FUNDING FOR THE UNITED STATES FISH AND**
14 **WILDLIFE SERVICE FOR GRASSLAND RES-**
15 **TORATION.**

16 In addition to amounts otherwise available, there is
17 appropriated to the United States Fish and Wildlife Serv-
18 ice for fiscal year 2022, out of any money in the Treasury
19 not otherwise appropriated, \$100,000,000, to remain
20 available until September 30, 2026, except that no
21 amounts may be expended after September 30, 2026, to
22 carry out the provisions of the Fish and Wildlife Act of
23 1956 (16 U.S.C. 742a) and the Fish and Wildlife Coordi-
24 nation Act (16 U.S.C. 661) through direct expenditure,

1 contracts, grants, and cooperative agreements, for the pro-
2 tection and restoration of grassland habitats.

3 **Subtitle G—Insular Affairs**

4 **SEC. 70701. INSULAR AFFAIRS HOSPITAL AND OTHER CRIT-**
5 **ICAL HEALTH INFRASTRUCTURE FUNDING.**

6 In addition to amounts otherwise available, there is
7 appropriated to the Department of the Interior Office of
8 Insular Affairs for fiscal year 2022, out of any money in
9 the Treasury not otherwise appropriated, \$993,000,000,
10 to remain available until September 30, 2031, except that
11 no amounts may be expended after September 30, 2031,
12 for hospitals and other critical health infrastructure in the
13 territories. Amounts made available under this section
14 shall be divided among the territories in accordance with
15 needs identified by assessments completed by the Depart-
16 ment of the Interior, Office of Insular Affairs, of health
17 care facilities in each territory, but not less than 35 per-
18 cent shall be provided to Guam, not less than 35 percent
19 shall be provided to the United States Virgin Islands, not
20 less than 20 percent shall be provided to the Common-
21 wealth of the Northern Mariana Islands, and not less than
22 10 percent shall be provided to American Samoa.

1 **SEC. 70702. OFFICE OF INSULAR AFFAIRS CLIMATE**
2 **CHANGE TECHNICAL ASSISTANCE.**

3 (a) IN GENERAL.—In addition to amounts otherwise
4 available, there is appropriated to the Department of the
5 Interior Office of Insular Affairs for fiscal year 2022, out
6 of any money in the Treasury not otherwise appropriated,
7 \$25,000,000, to remain available until September 30,
8 2026, to provide technical assistance for climate-change
9 planning, mitigation, adaptation, and resilience to United
10 States-affiliated Insular Areas under the Office of Insular
11 Affairs.

12 (b) ADMINISTRATIVE EXPENSES.—Of the funds pro-
13 vided by this section, not more than 2 percent shall be
14 used for administrative costs to carry out this section.

15 **SEC. 70703. SETTLEMENT OF CLAIMS AGAINST THE UNITED**
16 **STATES FOR CERTAIN RESIDENTS OF THE IS-**
17 **LAND OF VIEQUES, PUERTO RICO.**

18 (a) IN GENERAL.—In addition to amounts otherwise
19 available, there is appropriated to the Department of the
20 Interior Office of Insular Affairs, for fiscal year 2022, out
21 of any money in the Treasury not otherwise appropriated,
22 \$300,000,000, to remain available until September 30,
23 2031, except that no amounts may be made available after
24 September 30, 2031, to compensate through the appoint-
25 ment of a Special Master, the municipality of Vieques, and
26 an individual claimant who is or was a resident, the child

1 of a resident, or an immediate heir (as determined by the
2 laws of Puerto Rico) of a deceased claimant who was a
3 resident on the island of Vieques, Puerto Rico, in the pe-
4 riod or after the United States Government used the is-
5 land of Vieques, Puerto Rico, for military readiness.

6 (b) ADMINISTRATIVE EXPENSES.—Of the funds pro-
7 vided by this section, not more than 2 percent shall be
8 used for administrative costs to carry out this section.

9 **SEC. 70704. DEFINITIONS.**

10 For the purposes of this subtitle:

11 (1) FREELY ASSOCIATED STATES.—The term
12 “Freely Associated States” means the Republic of
13 the Marshall Islands, the Federated States of Micro-
14 nesia, and the Republic of Palau.

15 (2) UNITED STATES-AFFILIATED INSULAR
16 AREAS.—The term “United States-affiliated Insular
17 Areas” means the territories and Freely Associated
18 States.

19 (3) TERRITORIES.—The term “territories”
20 means American Samoa, the Commonwealth of the
21 Northern Mariana Islands, Guam, Puerto Rico, and
22 the Virgin Islands of the United States.

23 (4) TERRITORY.—The term “territory” means
24 American Samoa, the Commonwealth of the North-

1 ern Mariana Islands, Guam, Puerto Rico, or the Vir-
2 gin Islands of the United States.

3 **Subtitle H—Energy and Mineral**
4 **Resources**

5 **SEC. 70801. OFFSHORE WIND FOR THE TERRITORIES.**

6 (a) APPLICATION OF OUTER CONTINENTAL SHELF
7 LANDS ACT WITH RESPECT TO TERRITORIES OF THE
8 UNITED STATES.—

9 (1) IN GENERAL.—Section 2 of the Outer Con-
10 tinental Shelf Lands Act (43 U.S.C. 1331) is
11 amended—

12 (A) in subsection (a)—

13 (i) by striking “The term” and insert-
14 ing the following:

15 “(1) The term”

16 (ii) by inserting after “control” the
17 following: “or lying within the exclusive
18 economic zone of the United States and
19 the outer Continental Shelf adjacent to any
20 territory of the United States”; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(2) The term ‘outer Continental Shelf’ does
24 not include any area conveyed by Congress to a ter-
25 ritorial government for administration.”;

1 (B) in subsection (p), by striking “and”
2 after the semicolon at the end;

3 (C) in subsection (q), by striking the pe-
4 riod at the end and inserting “; and”; and

5 (D) by adding at the end the following:

6 “(r) The term ‘State’ means any of the several States
7 and also includes Puerto Rico, Guam, American Samoa,
8 the Virgin Islands of the United States, and the Common-
9 wealth of the Northern Mariana Islands.”.

10 (2) EXCLUSIONS.—Section 18 of the Outer
11 Continental Shelf Lands Act (43 U.S.C. 1344) is
12 amended by adding at the end the following:

13 “(i) This section shall not apply to the scheduling of
14 any lease sale in an area of the outer Continental Shelf
15 that is adjacent to Puerto Rico, Guam, American Samoa,
16 the Virgin Islands of the United States, or the Common-
17 wealth of the Northern Mariana Islands.”.

18 (b) WIND LEASE SALES FOR AREAS OF THE OUTER
19 CONTINENTAL SHELF.—The Outer Continental Shelf
20 Lands Act (43 U.S.C. 1331 et seq.) is amended by adding
21 at the end the following:

1 **“SEC. 33. WIND LEASE SALES FOR AREAS OF THE OUTER**
2 **CONTINENTAL SHELF OFFSHORE OF TERRI-**
3 **TORIES OF THE UNITED STATES.**

4 “(a) WIND LEASE SALES OFF COASTS OF TERRI-
5 TORIES OF THE UNITED STATES.—

6 “(1) CALL FOR INFORMATION AND NOMINA-
7 TIONS.—The Secretary shall issue a call for informa-
8 tion and nominations for proposed wind lease sales
9 for areas determined to be feasible.

10 “(2) CONDITIONAL WIND LEASE SALES.—For
11 areas lying within the exclusive economic zone of the
12 United States adjacent to Puerto Rico, Guam,
13 American Samoa, the Virgin Islands of the United
14 States, and the Commonwealth of the Northern
15 Mariana Islands, the Secretary shall conduct not less
16 than one wind lease sale in each such area, so long
17 as:

18 “(A) The Secretary has concluded that a
19 wind lease sale on the area is feasible.

20 “(B) The Secretary has determined that
21 there is sufficient interest in leasing the area.

22 “(C) The Secretary has consulted with
23 other relevant Federal agencies regarding such
24 sale.

25 “(D) The Secretary has consulted with the
26 Governor of the territory regarding the suit-

1 ability of the area for wind energy develop-
2 ment.”.

3 **SEC. 70802. LEASING ON THE OUTER CONTINENTAL SHELF.**

4 (a) LEASING AUTHORIZED.—The Secretary of the
5 Interior is authorized to grant leases, easements, and
6 rights-of-way pursuant to section 8(p)(1)(C) of the Outer
7 Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C))
8 in the areas withdrawn by the Presidential Memorandum
9 entitled “Memorandum on the Withdrawal of Certain
10 Areas of the United States Outer Continental Shelf from
11 Leasing Disposition” (issued September 8, 2020) and the
12 Presidential Memorandum entitled “Presidential Deter-
13 mination on the Withdrawal of Certain Areas of the
14 United States Outer Continental Shelf from Leasing Dis-
15 position” (issued September 25, 2020).

16 (b) WITHDRAWALS.—Any Presidential withdrawal of
17 an area of the Outer Continental Shelf from leasing under
18 section 12(a) of the Outer Continental Shelf Lands Act
19 (43 U.S.C. 1341(a)) issued after the date of enactment
20 of this Act shall apply only to leasing authorized under
21 subsections (a) and (i) of section 8 of the Outer Conti-
22 nental Shelf Lands Act (43 U.S.C. 1337(a) and 1337(i)),
23 unless otherwise specified.

1 **SEC. 70803. UNITED STATES GEOLOGICAL SURVEY.**

2 (a) 3D ELEVATION PROGRAM.—In addition to
3 amounts otherwise available, there is appropriated to the
4 United States Geological Survey for fiscal year 2022, out
5 of any money in the Treasury not otherwise appropriated,
6 \$50,000,000, to remain available until September 30,
7 2031, except that no amounts may be expended after Sep-
8 tember 30, 2031, to carry out the 3D elevation program
9 (43 U.S.C. 3104).

10 (b) CLIMATE ADAPTATION SCIENCE CENTERS.—In
11 addition to amounts otherwise available, there is appro-
12 priated to the United States Geological Survey for fiscal
13 year 2022, out of any money in the Treasury not otherwise
14 appropriated, \$100,000,000, to remain available until
15 September 30, 2031, except that no amounts may be ex-
16 pended after September 30, 2031, for the Regional and
17 National Climate Adaptation Science Centers to provide
18 localized information to help communities respond to cli-
19 mate change.

20 **SEC. 70804. FOSSIL FUEL RESOURCES.**

21 (a) REPEAL OF THE ARCTIC NATIONAL WILDLIFE
22 REFUGE OIL AND GAS PROGRAM.—Section 20001 of Pub-
23 lic Law 115–97 is repealed and any leases issued pursuant
24 to section 20001 of Public Law 115–97 are hereby can-
25 celled and all payments related to the leases shall be re-

1 turned to the lessee(s) within 30 days of enactment of this
2 Act.

3 (b) PROTECTION OF THE EASTERN GULF, ATLANTIC,
4 AND PACIFIC COASTS.—Section 8 of the Outer Conti-
5 nental Shelf Lands Act (43 U.S.C. 1337) is amended by
6 adding at the end the following:

7 “(q) PROHIBITION OF OIL AND GAS LEASING IN
8 CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—
9 The Secretary of the Interior may not issue a lease or
10 any other authorization for the exploration, development,
11 or production of oil or natural gas in the areas of the
12 Outer Continental Shelf designated by section 104(a) of
13 the Gulf of Mexico Energy Security Act of 2006 or in any
14 area within the Atlantic Region planning areas or the Pa-
15 cific Region planning areas (as such planning areas are
16 described in the document entitled ‘2017 – 2022 Outer
17 Continental Shelf Oil and Gas Leasing Proposed Final
18 Program’ dated November 2016, or a subsequent oil and
19 gas leasing program developed under section 18 of the
20 Outer Continental Shelf Lands Act (43 U.S.C. 1344).”.

21 (c) ONSHORE FOSSIL FUEL ROYALTY RATES.—The
22 Mineral Leasing Act (30 U.S.C. 207) is amended—

23 (1) in section 7(a), by striking “12½” and in-
24 serting “20”;

25 (2) in section 17, by—

1 (A) striking “12.5” each place such term
2 appears and inserting “20”; and

3 (B) striking “12 ½” each place such term
4 appears and inserting “20”; and

5 (3) in section 31(e), by striking “16 ⅔” both
6 places such term appears and inserting “25”.

7 (d) OFFSHORE OIL AND GAS ROYALTY RATE.—Sec-
8 tion 8 of the Outer Continental Shelf Lands Act (43
9 U.S.C. 1337) is amended by striking—

10 (1) “12 ½” each place such term appears and
11 inserting “20”; and

12 (2) “12 and ½” each place such term appears
13 and inserting “20”.

14 (e) OIL AND GAS MINIMUM BID.—Section 17 of the
15 Mineral Leasing Act (30 U.S.C. 226) is amended—

16 (1) in subsection (b)(1)(B)—

17 (A) by striking “\$2 per acre” and insert-
18 ing “\$10 per acre, except as otherwise provided
19 by this paragraph”; and

20 (B) by striking “Federal Onshore Oil and
21 Gas Leasing Reform Act of 1987” and insert-
22 ing “subtitle H of the Act to provide for rec-
23 onciliation pursuant to title II of S. Con. Res.
24 14 of the 117th Congress”;

1 (2) in subsection (b)(2)(C), by striking “\$2 per
2 acre” and inserting “\$10 per acre”; and

3 (3) by adding at the end the following:

4 “(q) INFLATION ADJUSTMENT.—The Secretary
5 shall—

6 “(1) by regulation, at least once every 4 years,
7 adjust each of the dollar amounts that apply under
8 subsections (b)(1)(B), (b)(2)(C), and (d) to reflect
9 the change in inflation; and

10 “(2) publish each such regulation in the Fed-
11 eral Register.”.

12 (f) DEFERRED COAL BONUS PAYMENTS.—Section
13 2(a) of the Mineral Leasing Act (30 U.S.C. 201(a)) is
14 amended—

15 (1) in paragraph (1), by striking the second
16 and third sentences; and

17 (2) by striking paragraphs (4) and (5).

18 (g) FOSSIL FUEL RENTAL RATES.—

19 (1) Section 7(a) of the Mineral Leasing Act (30
20 U.S.C. 207) is amended in the third sentence by in-
21 serting “at a rental rate of not less than \$100 per
22 acre (as reviewed and, if appropriate, adjusted by
23 the Secretary every 4 years)” before the period.

24 (2) Section 17(d) of the Mineral Leasing Act
25 (30 U.S.C. 226(d)) is amended in the first sentence

1 by striking “\$1.50 per acre per year for the first
2 through fifth years of the lease and not less than \$2
3 per acre per year for each year thereafter” and in-
4 serting “\$3 per acre per year during the 2-year pe-
5 riod beginning on the date the lease begins for new
6 leases, and after the end of such two-year period not
7 less than \$5 per acre per year”.

8 (3) Section 31(e) of the Mineral Leasing Act
9 (30 U.S.C. 188(e)) is amended by striking “\$10”
10 and inserting “\$20”.

11 (h) FOSSIL FUEL LEASE TERM LENGTH.—

12 (1) Section 7 of the Mineral Leasing Act (30
13 U.S.C. 207) is amended—

14 (A) in subsection (a)—

15 (i) in the first sentence, by striking
16 “twenty” and inserting “10”;

17 (ii) in the second sentence, by striking
18 “ten” and inserting “5”; and

19 (iii) in the sixth sentence—

20 (I) by striking “twenty” and in-
21 serting “10”; and

22 (II) by striking “ten” and insert-
23 ing “5”; and

24 (B) in subsection (b)(5), by striking “20”
25 and inserting “10”.

1 (2) Section 17(e) of the Mineral Leasing Act
2 (30 U.S.C. 226(e)) is amended by striking “10
3 years:” and inserting “5 years.”.

4 (i) EXPRESSION OF INTEREST FEE.—Section 17 of
5 the Mineral Leasing Act (30 U.S.C. 226), as amended by
6 this subtitle is amended by adding at the end the fol-
7 lowing:

8 “(r) FEE FOR EXPRESSION OF INTEREST.—

9 “(1) IN GENERAL.—The Secretary shall charge
10 any person who submits, in accordance with proce-
11 dures established by the Secretary to carry out this
12 subsection, an expression of interest in leasing land
13 available for disposition under this section for explo-
14 ration for, and development of, oil or gas a fee in
15 an amount determined by the Secretary under para-
16 graph (2).

17 “(2) AMOUNT.—The fee authorized under para-
18 graph (1) shall be established by the Secretary in an
19 amount that is determined by the Secretary to be
20 appropriate to cover the aggregate cost of processing
21 an expression of interest under this subsection, but
22 not less than \$15 per acre of the area covered by the
23 applicable expression of interest.

1 “(3) ADJUSTMENT OF FEE.—The Secretary
2 shall, by regulation at least every 4 years, establish
3 a higher expression of interest fee—

4 “(A) to reflect the change in inflation; and

5 “(B) as the Secretary determines to be
6 necessary to enhance financial returns to the
7 United States.”.

8 (j) ELIMINATION OF NONCOMPETITIVE LEASING.—
9 The Mineral Leasing Act is amended—

10 (1) in section 17(b) (30 U.S.C. 226(b)), by
11 striking paragraph (3);

12 (2) by amending section 17(c) (30 U.S.C.
13 226(c)) to read as follows:

14 “(c) Lands made available for leasing under sub-
15 section (b)(1) but for which no bid is accepted may be
16 made available by the Secretary for a new round of sealed
17 bidding under such subsection.”;

18 (3) in section 17(e) (30 U.S.C. 226(e))—

19 (A) by striking “Competitive and non-
20 competitive leases” and inserting “Leases, in-
21 cluding leases for tar sand areas,”; and

22 (B) by striking “*Provided, however*” and
23 all that follows through “ten years.”;

24 (4) in section 31(d)(1) (30 U.S.C. 188(d)(1))
25 by striking “or (c)”;

1 (5) in section 31(e) (30 U.S.C. 188(e))—

2 (A) in paragraph (2) by striking “, or the
3 inclusion” and all that follows and inserting a
4 semicolon; and

5 (B) in paragraph (3) by striking “(A)”
6 and by striking subparagraph (B);

7 (6) by striking section 31(f) (30 U.S.C. 188(f));

8 and

9 (7) in section 31(g) (30 U.S.C. 188(g))—

10 (A) in paragraph (1) by striking “as a
11 competitive” and all that follows through the
12 period and inserting “in the same manner as
13 the original lease issued pursuant to section
14 17.”;

15 (B) by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

18 (C) in paragraph (2), as redesignated, by
19 striking “, applicable to leases issued under
20 subsection 17(e) of this Act (30 U.S.C. 226(e))
21 except,” and inserting “, except”.

22 (k) OIL AND GAS BONDING REQUIREMENTS.—Sec-
23 tion 17(g) of the Mineral Leasing Act (30 U.S.C. 226(g))
24 is amended—

1 (1) by inserting “Each such bond, surety, or
2 other financial arrangement shall be considered in-
3 adequate if such bond, surety, or other financial ar-
4 rangement is for less than \$150,000 in the case of
5 an arrangement for an individual surface-disturbing
6 activity of each entity on an individual oil or gas
7 lease in a State, or \$500,000 in the case of an ar-
8 rangement for all surface-disturbing activities of
9 each entity on all oil and gas leases in a State.”
10 after “on the lease.”;

11 (2) by redesignating existing subsection (g) as
12 paragraph (1); and

13 (3) by adding at the end the following new
14 paragraph:

15 “(2)(A) Not later than 180 days after the date
16 of enactment of subtitle H of the Act to provide for
17 reconciliation pursuant to title II of S. Con. Res. 14
18 of the 117th Congress the Secretary concerned shall
19 initiate a rulemaking to require that an adequate
20 bond, surety, or other financial arrangement be pro-
21 vided by the lessee prior to the commencement of
22 surface-disturbing activities on any lease issued
23 under this Act to ensure the complete and timely re-
24 mediation and reclamation of any land, water, or
25 other resources (including resources with recreation,

1 range, timber, mineral, watershed, fish or wildlife,
2 natural scenic, scientific, or historical value) ad-
3 versely affected by lease activities and operations
4 after the abandonment or cessation of oil and gas
5 operations on the lease.

6 “(B) The Secretary concerned shall find that a
7 bond, surety or other financial arrangement required
8 by regulation under subparagraph (A) is inadequate
9 if it is for less than—

10 “(i) the complete and timely reclamation of
11 the lease tract;

12 “(ii) the restoration of any lands or sur-
13 face waters adversely affected by lease oper-
14 ations after the abandonment or cessation of oil
15 and gas operations on the lease; and

16 “(iii) in the case of an idled well, the total
17 plugging and reclamation costs for each idled
18 well controlled by the same operator.

19 “(C) The Secretary concerned shall review the
20 adequacy of each such bond, surety, or other finan-
21 cial arrangement at least once every 5 years and
22 anytime a lease issued under this Act is trans-
23 ferred.”.

24 (I) PER-ACRE LEASE FEES.—

1 (1) OIL AND GAS LEASE FEES.—The Secretary
2 of Interior shall charge onshore and offshore oil and
3 gas leaseholders the following annual, non-refund-
4 able fees:

5 (A) CONSERVATION OF RESOURCES FEE.—
6 There is established a Conservation of Re-
7 sources Fee of \$4 per acre per year on new pro-
8 ducing Federal onshore and offshore oil and gas
9 leases.

10 (B) SPECULATIVE LEASING FEE.—There is
11 established a Speculative Leasing Fee of \$6 per
12 acre per year on new nonproducing Federal on-
13 shore and offshore oil and gas leases.

14 (2) DEPOSIT.—All funds collected pursuant to
15 paragraph (1) shall be deposited into the United
16 States Treasury General Fund.

17 (3) ADJUSTMENT FOR INFLATION.—The Sec-
18 retary of the Interior shall, by regulation at least
19 once every four years, adjust each fee created by
20 paragraph (1) to reflect any increase in inflation.

21 (m) ONSHORE OIL AND GAS INSPECTION FEES.—

22 (1) IN GENERAL.—Section 108 of the Federal
23 Oil and Gas Royalty Management Act of 1982 (30
24 U.S.C. 1718) is amended by adding at the end the
25 following:

1 “(d) INSPECTION FEES.—

2 “(1) IN GENERAL.—The designated operator
3 under each oil and gas lease on Federal or Indian
4 lands, or each unit and communitization agreement
5 that includes one or more such Federal or Indian
6 leases, that is subject to inspection under subsection
7 (b) and that is in force at the start of the fiscal year
8 2021, shall pay a nonrefundable annual inspection
9 fee in an amount that, except as provided in para-
10 graph (2), is established by the Secretary by regula-
11 tion and is sufficient to recover the full costs in-
12 curred by the United States for inspection and en-
13 forcement with respect to such leases.

14 “(2) AMOUNT.—Until the effective date of reg-
15 ulations under paragraph (1), the amount of the fee
16 shall be—

17 “(A) \$800 for each lease or unit or
18 communitization agreement with no active or
19 inactive wells, but with surface use, disturbance
20 or reclamation;

21 “(B) \$1,400 for each lease or unit or
22 communitization agreement with 1 to 10 wells,
23 with any combination of active or inactive wells;

24 “(C) \$5,600 for each lease or unit or
25 communitization agreement with 11 to 50 wells,

1 with any combination of active or inactive wells;
2 and

3 “(D) \$11,300 for each lease or unit or
4 communitization agreement with more than 50
5 wells, with any combination of active or inactive
6 wells.

7 “(3) DUE DATE.—Payment of the fee under
8 this section shall be due, annually, not later than 30
9 days after the Secretary provides notice of the as-
10 sessment of the fee.

11 “(4) PENALTY.—If the designated operator
12 fails to pay the full amount of the fee as prescribed
13 in this section, the Secretary may, in addition to uti-
14 lizing any other applicable enforcement authority,
15 assess civil penalties against the operator under sec-
16 tion 109 in the same manner as if this section were
17 a mineral leasing law.

18 “(5) EXEMPTION FOR TRIBAL OPERATORS.—An
19 operator that is a Tribe or is controlled by a Tribe
20 is not subject to paragraph (1) with respect to a
21 lease, unit, or communitization agreement that is lo-
22 cated entirely on the lands of such Tribe.”.

23 (2) ASSESSMENT FOR FISCAL YEAR 2022.—The
24 Secretary of the Interior shall assess the fee under
25 the amendment made by paragraph (1) for fiscal

1 year 2022, and provide notice of such assessment to
2 each designated operator who is liable for such fee,
3 by not later than 60 days after the date of enact-
4 ment of this Act.

5 (n) OFFSHORE OIL AND GAS INSPECTION FEES.—
6 Section 22 of the Outer Continental Shelf Lands Act (43
7 U.S.C. 1348) is amended by adding at the end the fol-
8 lowing:

9 “(g) INSPECTION FEES.—

10 “(1) IN GENERAL.—

11 “(A) ESTABLISHMENT.—The Secretary
12 shall collect from the operators of facilities sub-
13 ject to inspection under subsection (c) non-
14 refundable fees for such inspections—

15 “(i) at an aggregate level to offset the
16 annual expenses of such inspections;

17 “(ii) using a schedule that reflect the
18 differences in complexity among the classes
19 of facilities to be inspected; and

20 “(iii) in accordance with subpara-
21 graph (C).

22 “(B) ADJUSTMENT FOR INFLATION.—For
23 each fiscal year beginning after fiscal year
24 2022, the Secretary shall adjust the amount of

1 the fees collected under this paragraph for in-
2 flation.

3 “(C) FEES FOR FISCAL YEAR 2022.—

4 “(i) ANNUAL FEES.—For fiscal year
5 2022, the Secretary shall collect annual
6 fees from the operator of facilities that are
7 above the waterline, excluding drilling rigs,
8 and are in place at the start of the fiscal
9 year in the following amounts:

10 “(I) \$11,725 for facilities with no
11 wells, but with processing equipment
12 or gathering lines.

13 “(II) \$18,984 for facilities with 1
14 to 10 wells, with any combination of
15 active or inactive wells.

16 “(III) \$35,176 for facilities with
17 more than 10 wells, with any com-
18 bination of active or inactive wells.

19 “(ii) FEES FOR DRILLING RIGS.—For
20 fiscal year 2022, the Secretary shall collect
21 fees for each inspection from the operators
22 of drilling rigs in the following amounts:

23 “(I) \$34,059 per inspection for
24 rigs operating in water depths of 500
25 feet or more.

1 “(II) \$18,649 per inspection for
2 rigs operating in water depths of less
3 than 500 feet.

4 “(iii) FEES FOR NON-RIG UNITS.—For
5 fiscal year 2022, the Secretary shall collect
6 fees for each inspection from the operators
7 of well operations conducted via non-rig
8 units as outlined in subparts D, E, F, and
9 Q of part 250 of title 30, Code of Federal
10 Regulations (or any successor regulation),
11 in the following amounts:

12 “(I) \$13,260 per inspection for
13 non-rig units operating in water
14 depths of 2,500 feet or more.

15 “(II) \$11,530 per inspection for
16 non-rig units operating in water
17 depths between 500 and 2,499 feet.

18 “(III) \$4,470 per inspection for
19 non-rig units operating in water
20 depths of less than 500 feet.

21 “(2) DISPOSITION.—Amounts collected as fees
22 under paragraph (1) shall be deposited into the gen-
23 eral fund of the Treasury.

24 “(3) BILLING.—

1 “(A) ANNUAL FEES.—The Secretary shall
2 bill designated operators under paragraph
3 (1)(C)(i) annually, with payment required not
4 later than 30 days after such billing.

5 “(B) FEES FOR DRILLING RIGS.—The Sec-
6 retary shall bill designated operators under
7 paragraph (1)(C)(ii) not later than 30 days
8 after the end of the month in which the inspec-
9 tion occurred, with payment required not later
10 than 30 days after such billing.

11 “(4) PUBLICATION.—The Secretary shall annu-
12 ally make available to the public the following infor-
13 mation about each fee deposited into the Fund:

14 “(A) The facility that was inspected.

15 “(B) The name of the operator of such fa-
16 cility.

17 “(C) The amount of the payment.”.

18 (o) SEVERANCE FEES.—The Secretary of Interior
19 shall collect annual, non-refundable fees on fossil fuels
20 produced from new leases on Federal lands and the Outer
21 Continental Shelf and deposit the funds into the United
22 States Treasury General Fund. Such fees shall be—

23 (1) not less than \$0.50 per barrel of oil equiva-
24 lent on oil and natural gas produced from Federal
25 lands and the Outer Continental Shelf; and

1 (2) not less than \$2 per metric ton of coal pro-
2 duced from Federal lands.

3 (p) IDLED WELL FEES.—

4 (1) IN GENERAL.—The Secretary shall, not
5 later than 180 days after the date of enactment of
6 this section, issue regulations to require each oper-
7 ator of an idled well on Federal land and the Outer
8 Continental Shelf to pay an annual, nonrefundable
9 fee for each such idled well in accordance with this
10 subsection.

11 (2) AMOUNTS.—Except as provided in para-
12 graph (5), the amount of the fee shall be as follows:

13 (A) \$500 for each well that has been con-
14 sidered an idled well for at least 1 year, but not
15 more than 5 years.

16 (B) \$1,500 for each well that has been
17 considered an idled well for at least 5 years, but
18 not more than 10 years.

19 (C) \$3,500 for each well that has been
20 considered an idled well for at least 10 years,
21 but not more than 15 years.

22 (D) \$7,500 for each well that has been
23 considered an idled well for at least 15 years.

24 (3) DUE DATE.—An owner of an idled well that
25 is required to pay a fee under this subsection shall

1 submit to the Secretary such fee by not later than
2 October 1 of each year.

3 (4) CIVIL PENALTY.—If the operator of a idled
4 well fails to pay the full amount of a fee under this
5 subsection, the Secretary may assess a civil penalty
6 against the operator under section 109 of the Fed-
7 eral Oil and Gas Royalty Management Act of 1982
8 (30 U.S.C. 1719) as if such failure to pay were a
9 violation under such section.

10 (5) ADJUSTMENT FOR INFLATION.—The Sec-
11 retary shall, by regulation not less than once every
12 4 years, adjust each fee under this subsection to ac-
13 count for inflation.

14 (6) DEPOSIT.—All funds collected pursuant to
15 paragraph (1) shall be deposited into the United
16 States Treasury General Fund.

17 (7) IDLED WELL DEFINITION.—For the pur-
18 poses of this section, the term “idled well” means a
19 well that has been non-operational for at least two
20 consecutive years and for which there is no antici-
21 pated beneficial future use.

22 (q) ANNUAL PIPELINE OWNERS FEE.—Not later
23 than 180 days after the date of enactment of this Act,
24 the Bureau of Safety and Environmental Enforcement
25 shall issue regulations to assess an annual fee on owners

1 of offshore oil and gas pipelines. Such fee shall not qualify
2 as a transportation allowance or as a deductible cost in
3 calculating royalties due to the United States and shall
4 be no less than—

5 (1) \$10,000 per mile for such pipelines in water
6 with a depth of 500 feet or greater; and

7 (2) \$1,000 per mile for pipelines in water depth
8 of under 500 feet.

9 (r) ROYALTIES ON ALL EXTRACTED METHANE.—

10 (1) ASSESSMENT ON ALL PRODUCTION.—

11 (A) IN GENERAL.—Except as provided in
12 subparagraph (B), royalties paid for gas pro-
13 duced from Federal lands and on the Outer
14 Continental Shelf shall be assessed on all gas
15 produced, including—

16 (i) gas used or consumed within the
17 area of the lease tract for the benefit of
18 the lease; and

19 (ii) all gas that is consumed or lost by
20 venting, flaring, or fugitive releases
21 through any equipment during upstream
22 operations.

23 (B) EXCEPTION.—Subparagraph (A) shall
24 not apply with respect to—

1 (i) gas vented or flared for not longer
2 than 48 hours in an acute emergency situ-
3 ation that poses a danger to human health;
4 and

5 (ii) gas used or consumed within the
6 area of the lease tract for the benefit of
7 the lease when the operator is a Tribe or
8 is controlled by a Tribe that is located en-
9 tirely on the lands of such Tribe.

10 (2) CONFORMING AMENDMENTS.—

11 (A) MINERAL LEASING ACT.—The Mineral
12 Leasing Act is amended—

13 (i) in section 14 (30 U.S.C. 223), by
14 adding at the end the following: “Royalties
15 shall be assessed with respect to oil and
16 gas, other than gas vented or flared for not
17 longer than 48 hours in an acute emer-
18 gency situation that poses a danger to
19 human health and gas used or gas con-
20 sumed within the area of the lease tract
21 for the benefit of the lease when the oper-
22 ator is a Tribe or is controlled by a Tribe
23 that is located entirely on the lands of such
24 Tribe, without regard to whether oil or gas
25 is removed or sold from the leased land.”;

1 (ii) in section 22 (30 U.S.C. 251), by
2 striking “sold or removed”; and

3 (iii) in section 31 (30 U.S.C. 188), by
4 striking “removed or sold” each place it
5 appears.

6 (B) OUTER CONTINENTAL SHELF LANDS
7 ACT.—The Outer Continental Shelf Lands Act
8 is amended—

9 (i) in section 6(a)(8) (43 U.S.C.
10 1335(a)(8)), by striking “saved, removed,
11 or sold” each place it appears; and

12 (ii) in section 8(a) (43 U.S.C.
13 1337(a))—

14 (I) in paragraph (1), by striking
15 “saved, removed, or sold” each place
16 it appears; and

17 (II) by adding at the end the fol-
18 lowing:

19 “(9) Royalties under this Act shall be assessed
20 with respect to oil and gas, other than gas vented
21 or flared for not longer than 48 hours in an acute
22 emergency situation that poses a danger to human
23 health and gas used or gas consumed within the
24 area of the lease tract for the benefit of the lease
25 when the operator is a Tribe or is controlled by a

1 Tribe that is located entirely on the lands of such
2 Tribe, without regard to whether oil or gas is re-
3 moved or sold from the leased land.”.

4 (s) ELIMINATION OF ROYALTY RELIEF.—

5 (1) IN GENERAL.—

6 (A) OUTER CONTINENTAL SHELF LANDS
7 ACT RELATING TO THE SUSPENSION OF ROYAL-
8 TIES.—Section 8(a)(1)(H) of the Outer Conti-
9 nental Shelf Lands Act (43 U.S.C.
10 1337(a)(1)(H)) is amended by striking “, and
11 with suspension of royalties for a period, vol-
12 ume, or value of production determined by the
13 Secretary, which suspensions may vary based
14 on the price of production from the lease”.

15 (B) OUTER CONTINENTAL SHELF LANDS
16 ACT RELATING TO THE SUSPENSION OF ROYAL-
17 TIES.—Section 8(a)(1)(H) of the Outer Conti-
18 nental Shelf Lands Act (43 U.S.C.
19 1337(a)(1)(H)) is amended by striking “, and
20 with suspension of royalties for a period, vol-
21 ume, or value of production determined by the
22 Secretary, which suspensions may vary based
23 on the price of production from the lease”.

24 (C) OUTER CONTINENTAL SHELF LANDS
25 ACT.—Section 8(a)(3) of the Outer Continental

1 Shelf Lands Act (43 U.S.C. 1337(a)(3)) is
2 amended—

3 (i) by striking subparagraphs (A) and
4 (B); and

5 (ii) by redesignating subparagraph
6 (C) as subparagraph (A).

7 (D) ENERGY POLICY ACT OF 2005.—

8 (i) INCENTIVES FOR NATURAL GAS
9 PRODUCTION FROM DEEP WELLS IN THE
10 SHALLOW WATERS OF THE GULF OF MEX-
11 ICO.—Section 344 of the Energy Policy
12 Act of 2005 (42 U.S.C. 15904) is repealed.

13 (ii) DEEP WATER PRODUCTION.—Sec-
14 tion 345 of the Energy Policy Act of 2005
15 (42 U.S.C. 15905) is repealed.

16 (2) FUTURE PROVISIONS.—Royalty relief shall
17 not be permitted under a lease issued under section
18 8 of the Outer Continental Shelf Lands Act (43
19 U.S.C. 1337).

20 (3) PROVISIONS RELATING TO NAVAL PETRO-
21 LEUM RESERVE IN ALASKA.—Section 107 of the
22 Naval Petroleum Reserves Production Act of 1976
23 (42 U.S.C. 6506a) is amended—

24 (A) in subsection (i), by striking para-
25 graphs (2) through (6); and

1 (B) by striking subsection (k).

2 (4) ROYALTY RELIEF UNDER THE MINERAL
3 LEASING ACT.—

4 (A) REPEAL.—Section 39 of the Mineral
5 Leasing Act (30 U.S.C. 209) is repealed.

6 (B) CONFORMING AMENDMENTS.—

7 (i) Section 8721(b) of title 10, United
8 States Code, is amended by striking “202–
9 209” and inserting “202–208”.

10 (ii) Section 8735(a) of title 10, United
11 States Code, is amended by striking “202–
12 209” and inserting “202–208”.

13 (iii) Section 31(h) of the Mineral
14 Leasing Act (30 U.S.C. 188(h)) is amend-
15 ed by striking “and the provisions of sec-
16 tion 39 of this Act”.

17 **SEC. 70805. CIVIL AND CRIMINAL PENALTIES.**

18 (a) MINERAL LEASING ACT.—Section 41 of the Min-
19 eral Leasing Act (30 U.S.C. 195) is amended—

20 (1) in subsection (b), by striking “\$500,000”
21 and inserting “\$1,000,000”; and

22 (2) in subsection (c), by striking “\$100,000”
23 and inserting “\$250,000”.

1 (b) FEDERAL OIL AND GAS ROYALTY MANAGEMENT
2 ACT OF 1982.—The Federal Oil and Gas Royalty Man-
3 agement Act of 1982 is amended—

4 (1) in section 109 (30 U.S.C. 1719)—

5 (A) in subsection (a)(2), by striking
6 “\$500” and inserting “\$1,500”;

7 (B) in subsection (b), by striking
8 “\$5,000” and inserting “\$15,000”;

9 (C) in subsection (c)(3), by striking
10 “\$10,000” and inserting “\$30,000”;

11 (D) in subsection (d)(3), by striking
12 “\$25,000” and inserting “\$75,000”;

13 (E) by redesignating existing subsections
14 (e) through (l) as (f) through (m), respectively;
15 and

16 (F) by adding at the end:

17 “(n) INFLATION ADJUSTMENT OF MAXIMUM PEN-
18 ALTIES.—

19 “(1) The maximum civil penalty amounts listed
20 in subsections (a) through (d) shall automatically
21 adjust for inflation on the 1st day of each calendar
22 year in accordance with the provisions of this sub-
23 section.

24 “(2) The inflation adjustment under this sub-
25 section shall be based on the Consumer Price Index

1 published by the Department of Labor for all Urban
2 Consumers (CPI-U) and shall be calculated by the
3 percentage change, if any, by which the CPI-U for
4 the month of October preceding the adjustment date
5 exceeds the CPI-U for the month of October one
6 year before.

7 “(3) The Secretary will provide sufficient notice
8 of adjusted penalties by publishing the adjusted
9 maximum civil penalty amounts on a public website
10 of the Department.

11 “(4) The Secretary will provide notice, in writ-
12 ing, to the Committee on Natural Resources of the
13 Department’s intent to adjust such penalties 180
14 days before publishing the adjusted maximum civil
15 penalty amounts on a public website of the Depart-
16 ment under paragraph (3).”; and

17 (2) in section 110, by striking “\$50,000” and
18 inserting “\$150,000”.

19 (c) OUTER CONTINENTAL SHELF LANDS ACT.—

20 (1) CIVIL PENALTY, GENERALLY.—Section
21 24(b) of the Outer Continental Shelf Lands Act (43
22 U.S.C. 1350(b)) is amended to read as follows:

23 “(b) CIVIL PENALTIES.—

24 “(1) IN GENERAL.—Except as provided in para-
25 graph (2), any person who fails to comply with any

1 provision of this Act, or any term of a lease, license,
2 or permit issued pursuant to this Act, or any regula-
3 tion or order issued under this Act, shall be liable
4 for a civil administrative penalty of not more than
5 \$75,000 for each day of the continuance of such fail-
6 ure. The Secretary may assess, collect, and com-
7 promise any such penalty.

8 “(2) OPPORTUNITY FOR A HEARING.—No pen-
9 alty shall be assessed until the person charged with
10 a violation has been given an opportunity for a hear-
11 ing.

12 “(3) ADJUSTMENT FOR INFLATION.—The Sec-
13 retary shall, by regulation at least every 3 years, ad-
14 just the penalty specified in this paragraph to reflect
15 any increases in inflation.

16 “(4) THREAT OF HARM.—If a failure described
17 in paragraph (1) constitutes or constituted a threat
18 of harm or damage to life, property, any mineral de-
19 posit, or the marine, coastal, or human environment,
20 a civil penalty of not more than \$150,000 shall be
21 assessed for each day of the continuance of the fail-
22 ure.”.

23 (2) KNOWING AND WILLFUL VIOLATIONS.—Sec-
24 tion 24(c) of the Outer Continental Shelf Lands Act

1 (43 U.S.C. 1350(c)) is amended by striking
2 “\$100,000” and inserting “\$1,000,000”.

3 (3) OFFICERS AND AGENTS OF CORPORA-
4 TIONS.—Section 24(d) of the Outer Continental
5 Shelf Lands Act (43 U.S.C. 1350(d)) is amended by
6 striking “knowingly and willfully authorized, or-
7 dered, or carried out” and inserting “authorized, or-
8 dered, carried out, or through reckless disregard of
9 the law caused”.

10 **SEC. 70806. TECHNICAL AMENDMENTS TO FOGRMA.**

11 (a) AMENDMENTS TO DEFINITIONS.—Section 3 of
12 the Federal Oil and Gas Royalty Management Act of 1982
13 (30 U.S.C. 1702) is amended—

14 (1) in paragraph (20)(A), by striking “: *Pro-*
15 *vided, That*” and all that follows through “subject of
16 the judicial proceeding”;

17 (2) in paragraph (20)(B), by striking “(with
18 written notice to the lessee who designated the des-
19 ignee)”;

20 (3) in paragraph (23)(A), by striking “(with
21 written notice to the lessee who designated the des-
22 ignee)”;

23 (4) by amending paragraph (24) to read as fol-
24 lows:

1 “(24) ‘designee’ means a person who pays, off-
2 sets, or credits monies, makes adjustments, requests
3 and receives refunds, or submits reports with respect
4 to payments a lessee must make pursuant to section
5 102(a);”;

6 (5) in paragraph (25), in subparagraph (B)—

7 (A) by striking “(subject to the provisions
8 of section 102(a) of this Act)”; and

9 (B) in clause (ii), by striking subclause
10 (IV) and all that follows through the end of the
11 subparagraph and inserting the following:

12 “(IV) any assignment, that arises
13 from or relates to any lease, ease-
14 ment, right-of-way, permit, or other
15 agreement regardless of form adminis-
16 tered by the Secretary for, or any
17 mineral leasing law related to, the ex-
18 ploration, production, and develop-
19 ment of oil and gas or other energy
20 resource on Federal lands or the
21 Outer Continental Shelf;” and

22 (6) in paragraph (29), by inserting “or permit”
23 after “lease”.

24 (b) COMPLIANCE REVIEWS.—Section 101 of the Fed-
25 eral Oil and Gas Royalty Management Act of 1982 (30

1 U.S.C. 1711) is amended by adding at the end the fol-
2 lowing new subsection:

3 “(d) The Secretary may, as an adjunct to audits of
4 accounts for leases, conduct compliance reviews of ac-
5 counts. Such reviews shall not constitute nor substitute
6 for audits of lease accounts. The Secretary shall imme-
7 diately refer any disparity uncovered in such a compliance
8 review to a program auditor. The Secretary shall, before
9 completion of a compliance review, provide notice of the
10 review to designees whose obligations are the subject of
11 the review.”.

12 (c) LIABILITY FOR ROYALTY PAYMENTS.—Section
13 102(a) of the Federal Oil and Gas Royalty Management
14 Act of 1982 (30 U.S.C. 1712(a)) is amended to read as
15 follows:

16 “(a) LIABILITY FOR ROYALTY PAYMENTS.—

17 “(1) TIME AND MANNER OF PAYMENT.—In
18 order to increase receipts and achieve effective col-
19 lections of royalty and other payments, a lessee who
20 is required to make any royalty or other payment
21 under a lease, easement, right-of-way, permit, or
22 other agreement, regardless of form, or under the
23 mineral leasing laws, shall make such payment in
24 the time and manner as may be specified by the Sec-
25 retary or the applicable delegated State.

1 “(2) DESIGNEE.—Any person who pays, offsets,
2 or credits monies, makes adjustments, requests and
3 receives refunds, or submits reports with respect to
4 payments the lessee must make is the lessee’s des-
5 ignee under this Act.

6 “(3) LIABILITY.—A designee shall be liable for
7 any payment obligation of any lessee on whose be-
8 half the designee pays royalty under the lease. The
9 person owning operating rights in a lease and a per-
10 son owning legal record title in a lease shall be liable
11 for that person’s pro rata share of payment obliga-
12 tions under the lease.”.

13 (d) RECORDKEEPING.—Section 103(b) of the Federal
14 Oil and Gas Royalty Management Act of 1982 (30 U.S.C.
15 1713(b)) is amended by striking “6” and inserting “7”.

16 (e) ADJUSTMENTS AND REFUNDS.—Section 111A of
17 the Federal Oil and Gas Royalty Management Act of 1982
18 (30 U.S.C. 1721a) is amended—

19 (1) in subsection (a)—

20 (A) by amending paragraph (3) to read as
21 follows:

22 “(3)(A) An adjustment or a request for a re-
23 fund for an obligation may be made after the adjust-
24 ment period only upon written notice to and ap-
25 proval by the Secretary or the applicable delegated

1 State, as appropriate, during an audit of the period
2 which includes the production month for which the
3 adjustment is being made.

4 “(B) Except as provided in subparagraph (C),
5 no adjustment may be made with respect to an obli-
6 gation after the completion of an audit or compli-
7 ance review of such obligation unless such adjust-
8 ment is approved by the Secretary or the applicable
9 delegated State, as appropriate.

10 “(C) If an overpayment is identified during an
11 audit, the Secretary shall allow a credit in the
12 amount of the overpayment.”; and

13 (B) in paragraph (4)—

14 (i) by striking “six-year” and insert-
15 ing “four-year”; and

16 (ii) by striking “period shall” and in-
17 serting “period may”; and

18 (2) in subsection (b)(1)—

19 (A) in subparagraph (C), by striking
20 “and”;

21 (B) in subparagraph (D), by striking the
22 period and inserting “; and”; and

23 (C) by adding at the end the following:

24 “(E) is made within the adjustment period
25 for that obligation.”.

1 (f) OBLIGATION PERIOD.—

2 (1) Section 115(b)(1) of the Federal Oil and
3 Gas Royalty Management Act of 1982 (30 U.S.C.
4 1724(b)(1)) is amended to read as follows:

5 “(1) The Secretary or a delegated State shall
6 commence a judicial proceeding or demand which
7 arises from, or relates to an obligation, within seven
8 years from the date on which the obligation becomes
9 due and if not so commenced shall be barred. A les-
10 see shall commence a judicial proceeding or demand
11 which arises from, or relates to an obligation, within
12 four years from the date on which an obligation be-
13 comes due and if not so commenced shall be barred.
14 If the Secretary, a delegated State, a lessee, or des-
15 ignee is barred from commencement of a judicial
16 proceeding or demand for an obligation, it—

17 “(A) shall not take any other or further
18 action regarding that obligation, including (but
19 not limited to) the issuance of any order, re-
20 quest, demand or other communication seeking
21 any document, accounting, determination, cal-
22 culation, recalculation, payment, principal, in-
23 terest, assessment, or penalty or the initiation,
24 pursuit or completion of an audit with respect
25 to that obligation; and

1 “(B) shall not pursue any other equitable
2 or legal remedy, including equitable
3 recoupment, whether under statute or common
4 law, with respect to an action on, defense
5 against, or an enforcement of said obligation.”.

6 (2) Section 115(c) of the Federal Oil and Gas
7 Royalty Management Act of 1982 (30 U.S.C.
8 1724(c)) is amended by adding at the end the fol-
9 lowing new paragraph:

10 “(3) ADJUSTMENTS.—In the case of an adjust-
11 ment under section 111A(a) in which a recoupment
12 by the lessee results in an underpayment of an obli-
13 gation, the obligation becomes due on the date the
14 lessee or its designee makes the adjustment.”.

15 (g) APPEALS.—Section 115(h) of the Federal Oil and
16 Gas Royalty Management Act of 1982 (30 U.S.C.
17 1724(h)) is amended—

18 (1) in paragraph (1), in the heading, by strik-
19 ing “33-MONTH” and inserting “48-MONTH”;

20 (2) by striking “33 months” each place it ap-
21 pears and inserting “48 months”; and

22 (3) by striking “33-month” each place it ap-
23 pears and inserting “48-month”.

24 (h) PENALTY FOR LATE OR INCORRECT REPORTING
25 OF DATA.—

1 (1) IN GENERAL.—The Secretary of the Inte-
2 rior shall issue regulations by not later than 1 year
3 after the date of enactment of this Act that establish
4 a civil penalty for late or incorrect reporting of data
5 under the Federal Oil and Gas Royalty Management
6 Act of 1982.

7 (2) AMOUNT.—The amount of the civil penalty
8 shall be—

9 (A) an amount that the Secretary deter-
10 mines is sufficient to ensure filing of data in ac-
11 cordance with that Act; and

12 (B) not less than \$10 for each failure to
13 file correct data in accordance with that Act.

14 (3) CONTENT OF REGULATIONS.—Except as
15 provided in paragraph (2), the regulations issued
16 under this section shall be substantially similar to
17 section 216.40 of title 30, Code of Federal Regula-
18 tions, as most recently in effect before the date of
19 enactment of this Act.

20 (i) SHARED PENALTIES.—Section 206 of the Federal
21 Oil and Gas Royalty Management Act of 1982 (30 U.S.C.
22 1736) is amended by striking “Any payments under this
23 section shall be reduced by an amount equal to any pay-
24 ments provided or due to such State or Indian Tribe under
25 the cooperative agreement or delegation, as applicable,

1 during the fiscal year in which the civil penalty is received,
2 up to the total amount provided or due for that fiscal
3 year.”.

4 (j) ADJUSTMENTS AND REFUNDS.—Section 111A of
5 the Federal Oil and Gas Royalty Management Act of 1982
6 (30 U.S.C. 1721a) is amended—

7 (1) in subsection (a)—

8 (A) by amending paragraph (3) to read as
9 follows:

10 “(3)(A) An adjustment or a request for a re-
11 fund for an obligation may be made after the adjust-
12 ment period only upon written notice to and ap-
13 proval by the Secretary or the applicable delegated
14 State, as appropriate, during an audit of the period
15 which includes the production month for which the
16 adjustment is being made.

17 “(B) Except as provided in subparagraph (C),
18 no adjustment may be made with respect to an obli-
19 gation after the completion of an audit or compli-
20 ance review of such obligation unless such adjust-
21 ment is approved by the Secretary or the applicable
22 delegated State, as appropriate.

23 “(C) If an overpayment is identified during an
24 audit, the Secretary shall allow a credit in the
25 amount of the overpayment.”; and

1 (B) in paragraph (4)—

2 (i) by striking “six-year” and insert-
3 ing “four-year”; and

4 (ii) by striking “period shall” and in-
5 serting “period may”; and

6 (2) in subsection (b)(1)—

7 (A) in subparagraph (C), by striking
8 “and”;

9 (B) in subparagraph (D), by striking the
10 period and inserting “; and”; and

11 (C) by adding at the end the following:

12 “(E) is made within the adjustment period
13 for that obligation.”.

14 (k) TOLLING AGREEMENTS AND SUBPOENAS.—

15 (1) TOLLING AGREEMENTS.—Section 115(d)(1)
16 of the Federal Oil and Gas Royalty Management Act
17 of 1982 (30 U.S.C. 1724(d)(1)) is amended—

18 (A) by striking “(with notice to the lessee
19 who designated the designee)”; and

20 (B) by adding at the end “A tolling agree-
21 ment executed by a designee shall bind both the
22 owner of legal record title in a lease and the
23 owner of operating rights in a lease, and any
24 designee. The owner of the legal record title
25 and the owner of operating rights in a lease

1 shall be bound by the tolling agreement to the
2 extent of their pro rata share of payment obli-
3 gations under the lease.”.

4 (2) SUBPOENAS.—Section 115(d)(2)(A) of the
5 Federal Oil and Gas Royalty Management Act of
6 1982 (30 U.S.C. 1724(d)(2)(A)) is amended by
7 striking “(with notice to the lessee who designated
8 the designee, which notice shall not constitute a sub-
9 poena to the lessee)”.

10 (1) REQUIRED RECORDKEEPING FOR NATURAL GAS
11 PLANTS.—

12 (1) Not later than 1 year after the date of en-
13 actment of this Act, the Secretary of the Interior
14 shall publish final regulations with respect to re-
15 quired recordkeeping, under the authority provided
16 in section 103 of the Federal Oil and Gas Royalty
17 Management Act of 1982 (30 U.S.C. 1713), as
18 amended by this Act.

19 (2) Section 103(a) of the Federal Oil and Gas
20 Royalty Management Act of 1982 (30 U.S.C.
21 1713(a)) is amended to read:

22 “(a) A lessee, operator, or other person directly in-
23 volved in developing, producing, treating, transporting,
24 processing, purchasing, or selling oil or gas subject to this
25 chapter through the point of first arm’s-length sale, the

1 point of royalty determination, or the point that proc-
2 essing is complete, whichever is later, shall establish and
3 maintain any records, make any reports, and provide any
4 information that the Secretary may, by rule, reasonably
5 require for the purposes of implementing this chapter or
6 determining compliance with rules or orders under this
7 chapter. Upon the request of any officer or employee duly
8 designated by the Secretary or any State or Indian Tribe
9 conducting an audit or investigation pursuant to this
10 chapter, the appropriate records, reports, or information
11 which may be required by this section shall be made avail-
12 able for inspection and duplication by such officer or em-
13 ployee, State, or Indian Tribe.”.

14 (m) ENTITLEMENTS.—

15 (1) DIRECTED RULEMAKING.—Not later than
16 180 days after the date of enactment of this Act, the
17 Secretary of the Interior shall publish final regula-
18 tions prescribing when a Federal lessee or designee
19 must report and pay royalties on oil and gas produc-
20 tion for each month based on—

21 (A) the volume of oil and gas produced
22 from a lease or allocated to the lease in accord-
23 ance with the terms of a unit or
24 communitization agreement; or

1 (B) the actual volume of oil and gas sold
2 by or on behalf of the lessee.

3 (2) 100 PERCENT ENTITLEMENT REPORTING
4 AND PAYING.—The Secretary shall give consider-
5 ation to requiring all reporting and paying based on
6 the volume of oil and gas produced from a lease or
7 allocated to the lease in accordance with the terms
8 of a unit or communitization agreement without re-
9 gard to the actual volume of oil and gas sold by or
10 on behalf of a lessee.

11 (3) VOLUME ALLOCATION OF OIL AND GAS PRO-
12 DUCTION.—Section 111(i) of the Federal Oil and
13 Gas Royalty Management Act of 1982 (30 U.S.C.
14 1721(i)) is amended to read:

15 “(i) VOLUME ALLOCATION OF OIL AND GAS PRO-
16 DUCTION.—Except as otherwise provided by this sub-
17 section—

18 “(A) a lessee or its designee of a lease in any
19 unit or communitization agreement shall report and
20 pay royalties on oil and gas production for each pro-
21 duction month based on the volume of oil and gas
22 produced from such agreement and allocated to the
23 lease in accordance with the terms of the agreement;
24 and

1 “(B) a lessee or its designee of a lease that is
2 not contained in a unit or communitization agree-
3 ment shall report and pay royalties on oil and gas
4 production for each production month based on the
5 volume of oil and gas produced from the lease unless
6 the Secretary promulgates a final rule to allow or re-
7 quire that the lessee report and pay royalties on oil
8 and gas production for each production month based
9 on the actual volume of production sold by or on be-
10 half of that lessee.”.

11 **SEC. 70807. HARDROCK MINING.**

12 (a) ABANDONED MINE LAND CLEANUP.—In addition
13 to amounts otherwise available, there is appropriated to
14 the Bureau of Land Management for fiscal year 2022, out
15 of any money in the Treasury not otherwise appropriated
16 \$2,500,000,000, to remain available until September 30,
17 2031, except that no amounts may be expended after Sep-
18 tember 30, 2031, for all activities necessary to inventory,
19 assess, decommission, reclaim, respond to hazardous sub-
20 stance releases on, and remediate abandoned locatable
21 minerals mine land.

22 (b) ROYALTY.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2) and subject to paragraph (3), production
25 of all locatable minerals from any mining claim lo-

1 cated under the general mining laws and maintained
2 in compliance with this Act, or mineral concentrates
3 or products derived from locatable minerals from
4 any such mining claim, as the case may be, shall be
5 subject to a royalty of 8 percent of the gross income
6 from mining. The claim holder or any operator to
7 whom the claim holder has assigned the obligation
8 to make royalty payments under the claim and any
9 person who controls such claim holder or operator
10 shall be liable for payment of such royalties.

11 (2) ROYALTY FOR FEDERAL LANDS SUBJECT
12 TO APPROVED PLAN OF OPERATIONS.—The royalty
13 under paragraph (2) shall be 4 percent in the case
14 of any Federal land that is subject to an approved
15 plan of operations on the date of the enactment of
16 this Act.

17 (3) FEDERAL LAND ADDED TO EXISTING PLANS
18 OF OPERATIONS.—Any Federal land added through
19 a plan modification to a mining plan of operations
20 that is submitted after the date of enactment of this
21 Act shall be subject to the royalty that applies to
22 Federal land under paragraph (1).

23 (4) LIMITATION ON APPLICATION.—

24 (A) IN GENERAL.—Any royalty under this
25 subsection shall not apply to small miners. In

1 this subparagraph, the term “small miner”
2 means a person (including all related parties
3 thereto) that certifies to the Secretary in writ-
4 ing that the person had annual gross income in
5 the preceding calendar year from mineral pro-
6 duction in an amount less than \$100,000.

7 (B) RELATED PARTIES DEFINED.—For the
8 purposes of this paragraph, the term “related
9 parties” means, with respect to a person—

10 (i) the spouse and all dependents (as
11 defined in section 152 of the Internal Rev-
12 enue Code of 1986 (26 U.S.C. 152)) of the
13 person; or

14 (ii) another person who is affiliated
15 with the person, including—

16 (I) another person who controls,
17 is controlled by, or is under common
18 control with the person; and

19 (II) a subsidiary or parent com-
20 pany or corporation of the person.

21 (C) CONTROL DEFINED.—For purposes of
22 this paragraph, the term “control” includes ac-
23 tual control, legal control, and the power to ex-
24 ercise control, through or by common directors,
25 officers, stockholders, a voting trust, or a hold-

1 ing company or investment company, or any
2 other means.

3 (5) DUTIES OF CLAIM HOLDERS, OPERATORS,
4 AND TRANSPORTERS.—

5 (A) REGULATION.—The Secretary shall
6 prescribe by rule the time and manner in
7 which—

8 (i) a person who is required to make
9 a royalty payment under this section shall
10 make such payment; and

11 (ii) shall notify the Secretary of any
12 assignment that such person may have
13 made of the obligation to make any royalty
14 or other payment under a mining claim
15 under this section.

16 (B) WRITTEN INSTRUMENT.—Any person
17 paying royalties under this section shall file a
18 written instrument, together with the first roy-
19 alty payment, affirming that such person is re-
20 sponsible for making proper payments for all
21 amounts due for all time periods for which such
22 person has a payment responsibility.

23 (C) ADDITIONAL AMOUNTS.—Such respon-
24 sibility for the periods referred to in subpara-
25 graph (B) shall include any and all additional

1 amounts billed by the Secretary and determined
2 to be due by final agency or judicial action.

3 (D) JOINT AND SEVERAL LIABILITY.—Any
4 person liable for royalty payments under this
5 section who assigns any payment obligation
6 shall remain jointly and severally liable for all
7 royalty payments due for the period.

8 (E) OBLIGATIONS.—A person conducting
9 mineral activities shall—

10 (i) develop and comply with the site
11 security provisions in the mining plan of
12 operations designed to protect from theft
13 the hardrock minerals, concentrates, or
14 products derived therefrom that are pro-
15 duced or stored on the area subject to a
16 mining claim or lease, and such provisions
17 shall conform with such minimum stand-
18 ards as the Secretary may prescribe by
19 rule, taking into account the variety of cir-
20 cumstances on areas subject to mining
21 claims and leases; and

22 (ii) not later than the 5th business
23 day after production begins anywhere on
24 an area subject to a mining claim, or pro-
25 duction resumes after more than 90 days

1 after production was suspended, notify the
2 Secretary, in the manner prescribed by the
3 Secretary, of the date on which such pro-
4 duction has begun or resumed.

5 (F) REQUIRED DOCUMENTATION.—The
6 Secretary may by rule require any person en-
7 gaged in transporting a hardrock mineral, con-
8 centrate, or product derived therefrom to carry
9 on his or her person, in his or her vehicle, or
10 in his or her immediate control, documentation
11 showing, at a minimum, the amount, origin,
12 and intended destination of the hardrock min-
13 eral, concentrate, or product derived therefrom
14 in such circumstances as the Secretary deter-
15 mines is appropriate.

16 (6) RECORDKEEPING AND REPORTING RE-
17 QUIREMENTS.—

18 (A) IN GENERAL.—A claim holder, oper-
19 ator, or other person directly involved in devel-
20 oping, producing, processing, transporting, pur-
21 chasing, or selling hardrock minerals, con-
22 centrates, or products derived therefrom, sub-
23 ject to this section, shall establish and maintain
24 any records, make any reports, and provide any
25 information that the Secretary may reasonably

1 require for the purposes of implementing this
2 section or determining compliance with rules or
3 orders under this section. Such records shall in-
4 clude periodic reports, records, documents, and
5 other data. Such reports may also include perti-
6 nent technical and financial data relating to the
7 quantity, quality, composition volume, weight,
8 and assay of all minerals extracted from the
9 mining claim or lease.

10 (B) FORFEITURE.—Failure by a claim
11 holder or operator to cooperate with such an
12 audit, provide data required by the Secretary,
13 or grant access to information may, at the dis-
14 cretion of the Secretary, be declared void.

15 (C) MAINTENANCE OF RECORDS.—Records
16 required by the Secretary under this section
17 shall be maintained for 7 years after release of
18 financial assurance unless the Secretary notifies
19 the operator that the Secretary has initiated an
20 audit or investigation involving such records
21 and that such records must be maintained for
22 a longer period. In any case when an audit or
23 investigation is underway, records shall be
24 maintained until the Secretary releases the op-

1 erator of the obligation to maintain such
2 records.

3 (7) AUDITS.—The Secretary is authorized to
4 conduct such audits of all operators, transporters,
5 purchasers, processors, or other persons directly or
6 indirectly involved in the production or sale of min-
7 erals covered by this section, as the Secretary deems
8 necessary for the purposes of ensuring compliance
9 with the requirements of this section. For purposes
10 of performing such audits, the Secretary shall, at
11 reasonable times and upon request, have access to,
12 and may copy, all books, papers and other docu-
13 ments that relate to compliance with any provision
14 of this section by any person.

15 (8) INTEREST AND SUBSTANTIAL UNDER-
16 REPORTING ASSESSMENTS.—

17 (A) PAYMENTS NOT RECEIVED.—In the
18 case of production where royalty payments are
19 not received by the Secretary on the date that
20 such payments are due, the Secretary shall
21 charge interest on such underpayments at the
22 same interest rate as the rate applicable under
23 section 6621(a)(2) of the Internal Revenue
24 Code of 1986. In the case of an underpayment,
25 interest shall be computed and charged only on

1 the amount of the deficiency and not on the
2 total amount.

3 (B) UNDERREPORTING.—If there is any
4 underreporting of royalty owed on production
5 for any production month by any person liable
6 for royalty payments under this section, the
7 Secretary shall assess a penalty of not greater
8 than 25 percent of the amount of that under-
9 reporting.

10 (C) SELF-REPORTING.—The Secretary
11 may waive or reduce the assessment provided in
12 subparagraph (B) if the person liable for roy-
13 alty payments under this section corrects the
14 underreporting before the date such person re-
15 ceives notice from the Secretary that an under-
16 reporting may have occurred, or before 90 days
17 after the date of the enactment of this section,
18 whichever is later.

19 (D) WAIVER.—The Secretary shall waive
20 any portion of an assessment under subpara-
21 graph (B) attributable to that portion of the
22 underreporting for which the person responsible
23 for paying the royalty demonstrates that—

24 (i) such person had written authoriza-
25 tion from the Secretary to report royalty

1 on the value of the production on basis on
2 which it was reported;

3 (ii) such person had substantial au-
4 thority for reporting royalty on the value
5 of the production on the basis on which it
6 was reported;

7 (iii) such person previously had noti-
8 fied the Secretary, in such manner as the
9 Secretary may by rule prescribe, of rel-
10 evant reasons or facts affecting the royalty
11 treatment of specific production which led
12 to the underreporting; or

13 (iv) such person meets any other ex-
14 ception which the Secretary may, by rule,
15 establish.

16 (E) DEFINITION.—For the purposes of
17 this subsection, the term “underreporting”
18 means the difference between the royalty on the
19 value of the production that should have been
20 reported and the royalty on the value of the
21 production which was reported, if the value that
22 should have been reported is greater than the
23 value that was reported.

24 (9) EXPANDED ROYALTY OBLIGATIONS.—Each
25 person liable for royalty payments under this section

1 shall be jointly and severally liable for royalty on all
2 hardrock minerals, concentrates, or products derived
3 therefrom lost or wasted from a mining claim when
4 such loss or waste is due to negligence on the part
5 of any person or due to the failure to comply with
6 any rule, regulation, or order issued under this sec-
7 tion.

8 (10) GROSS INCOME FROM MINING DEFINED.—
9 For the purposes of this section, for any hardrock
10 mineral, the term “gross income from mining” has
11 the same meaning as the term “gross income” in the
12 Internal Revenue Code of 1986 (26 C.F.R. 61).

13 (11) EFFECTIVE DATE.—Royalties under this
14 section shall take effect with respect to the produc-
15 tion of hardrock minerals after the enactment of this
16 Act, but any royalty payments attributable to pro-
17 duction during the first 12 calendar months after
18 the enactment of this Act shall be payable at the ex-
19 piration of such 12-month period.

20 (12) FAILURE TO COMPLY WITH ROYALTY RE-
21 QUIREMENTS.—Any person who fails to comply with
22 the requirements of this section or any regulation or
23 order issued to implement this section shall be liable
24 for a civil penalty under section 109 of the Federal
25 Oil and Gas Royalty Management Act (30 U.S.C.

1 1719) to the same extent as if the claim maintained
2 in compliance with this title were a lease under such
3 Act.

4 (c) RECLAMATION FEE.—

5 (1) IMPOSITION OF FEE.—Except as provided
6 in paragraph (7), each operator conducting hardrock
7 mineral activities shall pay to the Secretary of the
8 Interior a reclamation fee of 7 cents per ton of dis-
9 placed material.

10 (2) PAYMENT DEADLINE.—Such reclamation
11 fee shall be paid not later than 60 days after the
12 end of each calendar year beginning with the first
13 calendar year occurring after the date of enactment
14 of this Act.

15 (3) SUBMISSION OF STATEMENT.—All operators
16 conducting hardrock mineral activities shall submit
17 to the Secretary a statement of the amount of dis-
18 placed material produced during mineral activities
19 during the previous calendar year, the accuracy of
20 which shall be sworn to by the operator and nota-
21 rized.

22 (4) PENALTY.—Any corporate officer, agent, or
23 director of a person conducting hardrock mineral ac-
24 tivities, and any other person acting on behalf of
25 such a person, who knowingly makes any false state-

1 ment, representation, or certification, or knowingly
2 fails to make any statement, representation, or cer-
3 tification, required under this section with respect to
4 such operation shall, upon conviction, be punished
5 by a fine of not more than \$10,000.

6 (5) CIVIL ACTION TO RECOVER FEE.—Any por-
7 tion of such reclamation fee not properly or prompt-
8 ly paid pursuant to this section shall be recoverable,
9 with statutory interest, from the hardrock mineral
10 activities operator, in any court of competent juris-
11 diction in any action at law to compel payment of
12 debts.

13 (6) EFFECT.—Nothing in this section requires
14 a reduction in, or otherwise affects, any similar fee
15 required under any law (including regulations) of
16 any State.

17 (7) EXEMPTION.—The fee under this section
18 shall not apply for small miners.

19 (8) DEFINITIONS.—

20 (A) The term “displaced material” means
21 any unprocessed ore and waste dislodged from
22 its location at the time hardrock mineral activi-
23 ties begin at a surface, underground, or in-situ
24 mine.

25 (B) The term “hardrock mineral”—

1 (i) means any mineral that was sub-
2 ject to location under the general mining
3 laws as of the date of enactment of this
4 Act, and that is not subject to disposition
5 under—

6 (I) the Mineral Leasing Act (30
7 U.S.C. 181 et seq.);

8 (II) the Geothermal Steam Act of
9 1970 (30 U.S.C. 1001 et seq.);

10 (III) the Act of July 31, 1947,
11 commonly known as the Materials Act
12 of 1947 (30 U.S.C. 601 et seq.); or

13 (IV) the Mineral Leasing for Ac-
14 quired Lands Act (30 U.S.C. 351 et
15 seq.); and

16 (ii) does not include any mineral that
17 is subject to a restriction against alienation
18 imposed by the United States and is—

19 (I) held in trust by the United
20 States for any Indian or Indian Tribe,
21 as defined in section 2 of the Indian
22 Miner Development Act of 1982 (25
23 U.S.C. 2101); or

24 (II) owned by any Indian or In-
25 dian Tribe, as defined in that section.

1 (C) The term “mineral activities” means
2 any activity on a mining claim, mill site, or tun-
3 nel site, or a mining plan of operations, for, re-
4 lated to, or incidental to, mineral exploration,
5 mining, beneficiation, processing, or reclama-
6 tion activities for any hardrock mineral.

7 (D) The term “operator” means any per-
8 son authorized at the date of enactment of this
9 Act or proposing after the date of enactment of
10 this Act to conduct mineral activities under the
11 Mining Law of 1872 (30 U.S.C. 22) and any
12 agent of such person.

13 (E) The term “small miner” means a per-
14 son (including all related parties thereto) that
15 certifies to the Secretary in writing that the
16 person had annual gross income in the pre-
17 ceeding calendar year from mineral production
18 in an amount less than \$100,000.

19 (F) The term “displaced material” means
20 any crude ore and waste dislodged from its lo-
21 cation at the time hardrock mineral activities
22 begin at a surface, underground, or in-situ
23 mine.

24 (d) CLAIM MAINTENANCE FEE.—

1 (1) HARDROCK MINING CLAIM MAINTENANCE
2 FEE.—

3 (A) REQUIRED FEES.—

4 (i) For each unpatented mining claim,
5 mill, or tunnel site on federally owned
6 lands, whether located before, on, or after
7 the date of enactment of this Act, each
8 claimant shall pay to the Secretary, on or
9 before September 1 of each year, a claim
10 maintenance fee of \$200 per claim to hold
11 such unpatented mining claim, mill or tun-
12 nel site for the assessment year beginning
13 at noon on the next day, September 1.

14 (ii) For each unpatented placer min-
15 ing claim on federally owned lands, wheth-
16 er located before, on, or after the date of
17 enactment of this Act, each claimant shall
18 pay to the Secretary, on or before Sep-
19 tember 1 of each year, a claim mainte-
20 nance fee of \$200 for each 20 acres of the
21 placer claim or portion thereof.

22 (iii) Such claim maintenance fee de-
23 scribed in this section shall be in lieu of
24 the assessment work requirement con-
25 tained in the Mining Law of 1872 (30

1 U.S.C. 28 et seq.) and the related filing re-
2 quirements contained in section 314 (a)
3 and (c) of the Federal Land Policy and
4 Management Act of 1976 (43 U.S.C. 1744
5 (a) and (c)).

6 (iv) The claim maintenance fee in this
7 section shall be paid for the year in which
8 the location is made, at the time the loca-
9 tion notice is recorded with the Bureau of
10 Land Management.

11 (B) FEE ADJUSTMENTS.—

12 (i) The Secretary shall provide claim-
13 ants notice of any adjustment made under
14 this subsection not later than July 1 of
15 any year in which the adjustment is made.

16 (ii) A fee adjustment under this sub-
17 section shall begin to apply the first as-
18 sessment year which begins after adjust-
19 ment is made.

20 (C) EXCEPTION FOR SMALL MINERS.—The
21 claim maintenance fee required under this sec-
22 tion may be waived for a claimant who certifies
23 in writing to the Secretary that on the date the
24 payment was due, the claimant and all related
25 parties—

1 (i) held not more than 10 mining
2 claims, mill sites, or tunnel sites, or any
3 combination thereof, on public lands; and

4 (ii) have performed assessment work
5 required under the Mining Law of 1872
6 (30 U.S.C. 28–28e) to maintain the min-
7 ing claims held by the claimant and such
8 related parties for the assessment year
9 ending on noon of September 1 of the cal-
10 endar year in which payment of the claim
11 maintenance fee was due.

12 (2) CO-OWNERSHIP.—The co-ownership provi-
13 sions of the Mining Law of 1872 (30 U.S.C. 28 et
14 seq.) shall remain in effect except that the annual
15 claim maintenance fee, where applicable, shall re-
16 place applicable assessment requirements and ex-
17 penditures.

18 (3) FAILURE TO PAY.—Failure to timely pay
19 the claim maintenance fee as required by the Sec-
20 retary shall conclusively constitute a forfeiture of the
21 unpatented mining claim, mill or tunnel site by the
22 claimant and the claim shall be deemed null and
23 void by operation of law.

24 (e) FUNDING TO PREVENT ENVIRONMENTAL DAM-
25 AGE FROM MINING.—In addition to amounts otherwise

1 available, there is appropriated to the Bureau of Land
2 Management for fiscal year 2022, out of any money in
3 the Treasury not otherwise appropriated, \$3,000,000, to
4 remain available until September 30, 2031, except that no
5 amounts may be expended after September 30, 2031, to
6 revise rules and regulations to prevent undue degradation
7 of public lands due to hardrock mining activities as au-
8 thorized by the Federal Land Policy and Management Act
9 (43 U.S.C. 1701) and the Mining Law of 1872 (30 U.S.C.
10 22).

11 **Subtitle I—Office of Native**
12 **Hawaiian Relations**

13 **SEC. 70901. NATIVE HAWAIIAN CONSULTATION.**

14 In addition to amounts otherwise available, there is
15 appropriated to the Office of Native Hawaiian Relations
16 for fiscal year 2022, out of any money in the Treasury
17 not otherwise appropriated, \$3,000,000, to remain avail-
18 able until September 30, 2031, except that no amounts
19 may be expended after September 30, 2031, for the pur-
20 poses of conducting consultations with the Native Hawai-
21 ian people.

22 **SEC. 70902. NATIVE HAWAIIAN CLIMATE RESILIENCE.**

23 In addition to amounts otherwise available, there is
24 appropriated to the Office of Native Hawaiian Relations
25 for fiscal year 2022, out of any money in the Treasury

1 not otherwise appropriated, \$30,000,000, to remain avail-
2 able until September 30, 2031, except that no amounts
3 may be expended after September 30, 2031, through di-
4 rect expenditure, contracts, grants, and cooperative agree-
5 ments to provide funding and technical assistance for cli-
6 mate resilience and adaptation programs that serve the
7 Native Hawaiian people.

8 **Subtitle J—Accountability for**
9 **Funds**

10 **SEC. 71001. OVERSIGHT.**

11 One half of one percent of the amounts made avail-
12 able under this title in each of fiscal years 2022 through
13 2031 shall be used for the oversight and accountability
14 of the expenditure of funds.

15 **SEC. 71002. LIMITATION.**

16 Of the funds provided under sections 70301, 70303,
17 70310, 70504, 70505, 70506, 70507, 70508, 70510,
18 70512, 70513, 70514, 70601, 70602, 70603, 70609, and
19 70610, no more than 2 percent shall be used for adminis-
20 trative costs to carry out such sections.

21 **SEC. 71003. LIMITATION.**

22 No funds made available under this title may be used
23 to close the national office of the Bureau of Land Manage-
24 ment located in Grand Junction, Colorado.

1 **TITLE VIII—COMMITTEE ON**
2 **OVERSIGHT AND REFORM**

3 **SEC. 80001. GENERAL SERVICES ADMINISTRATION CLEAN**
4 **VEHICLE FLEET.**

5 In addition to amounts otherwise available, there is
6 appropriated to the General Services Administration for
7 fiscal year 2022, out of any money in the Treasury not
8 otherwise appropriated, \$5,000,000,000, to remain avail-
9 able until expended, for the procurement of electric vehi-
10 cles and related infrastructure for the Federal fleet (ex-
11 cluding any vehicles of the United States Postal Service
12 and including non-tactical vehicles of the Department of
13 Defense), and the management, acquisition, and allocation
14 of such electric vehicles and infrastructure and working
15 with Federal agencies to allocate and lease resources as
16 necessary.

17 **SEC. 80002. GENERAL SERVICES ADMINISTRATION OFFICE**
18 **OF THE INSPECTOR GENERAL CLEAN VEHI-**
19 **CLE FLEET OVERSIGHT.**

20 In addition to amounts otherwise available, there is
21 appropriated to the Office of the Inspector General of the
22 General Services Administration for fiscal year 2022, out
23 of any money in the Treasury not otherwise appropriated,
24 \$2,500,000, to remain available until expended, for over-
25 sight of the procurement of electric vehicles and related

1 infrastructure for the Federal fleet at the General Services
2 Administration.

3 **SEC. 80003. UNITED STATES POSTAL SERVICE; CLEAN VEHI-**
4 **CLE FLEET AND FACILITY MAINTENANCE.**

5 In addition to amounts otherwise available, there is
6 appropriated to the United States Postal Service for fiscal
7 year 2022, out of any money in the Treasury not otherwise
8 appropriated, \$7,000,000,000, to remain available until
9 expended, to be deposited into the Postal Service Fund
10 established under section 2003 of title 39, United States
11 Code, to acquire electric vehicles for the Postal Service
12 fleet, of which \$3,000,000,000 shall be for the purchase
13 of electric delivery vehicles and \$4,000,000,000 shall be
14 for the purchase of the related infrastructure to support
15 such vehicles.

16 **SEC. 80004. UNITED STATES POSTAL SERVICE OFFICE OF**
17 **THE INSPECTOR GENERAL CLEAN VEHICLE**
18 **FLEET PROCUREMENT OVERSIGHT.**

19 In addition to amounts otherwise available, there is
20 appropriated to the Office of the Inspector General of the
21 United States Postal Service for fiscal year 2022, out of
22 any money in the Treasury not otherwise appropriated,
23 \$23,000,000, to remain available until expended, to be de-
24 posited into the Postal Service Fund established under
25 section 2003 of title 39, United States Code, to perform

1 oversight of the United States Postal Service's acquisition
2 and deployment of electric vehicles and such infrastructure
3 as may be required to support such vehicles.

4 **SEC. 80005. NATIONAL ARCHIVES AND RECORDS ADMINIS-**
5 **TRATION.**

6 In addition to amounts otherwise available, there is
7 appropriated to the National Archives and Records Ad-
8 ministration for fiscal year 2022, out of any money in the
9 Treasury not otherwise appropriated, \$60,000,000 to re-
10 main available until expended to address backlogs in re-
11 sponding to requests from veterans for military personnel
12 records, improve cyber security, improve digital preserva-
13 tion and access to archival Federal records, and address
14 backlogs in requests made under section 552 of title 5,
15 United States Code (commonly referred to as the Freedom
16 of Information Act). Such amounts may also be used for
17 the Federal Records Center Program.

18 **SEC. 80006. FUNDING FOR GOVERNMENT ACCOUNTABILITY**
19 **OFFICE.**

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, \$25,000,000, to
23 remain available until expended, for the Comptroller Gen-
24 eral to conduct oversight of the receipt, disbursement, and
25 use of funds and exercise of authorities provided by this

1 Act, including oversight of the equitable distribution and
2 use of funds and their economic, social, and environmental
3 impacts, and to prepare such reports that the Comptroller
4 General determines appropriate.

5 **SEC. 80007. FUNDING FOR THE OFFICE OF MANAGEMENT**
6 **AND BUDGET FOR IMPLEMENTATION OF**
7 **JUSTICE40.**

8 In addition to amounts otherwise available, there is
9 appropriated to the Office of Management and Budget for
10 fiscal year 2022, out of any money in the Treasury not
11 otherwise appropriated, \$4,000,000 to remain available
12 until September 30, 2026, for additional personnel and
13 data management expenses to support implementation of
14 the Justice40 Initiative set forth in section 223 of Execu-
15 tive Order No. 14008, “Executive Order on Tackling the
16 Climate Crisis at Home and Abroad” (January 27, 2021),
17 including providing assistance to other agencies in the de-
18 velopment and implementation of methodologies to meas-
19 ure benefits, the development of a database to track agen-
20 cy benefits to disadvantaged communities, and a public-
21 facing scorecard detailing agency environmental justice
22 performance measures.

1 **SEC. 80008. DISTRICT OF COLUMBIA CLEAN VEHICLE**
2 **FLEET.**

3 In addition to amounts otherwise available, there is
4 appropriated to the District of Columbia for fiscal year
5 2022, out of any money in the Treasury not otherwise ap-
6 propriated, \$10,000,000, to remain available until ex-
7 pended, for the procurement of electric vehicles and re-
8 lated infrastructure for the District of Columbia and the
9 management and acquisition of such electric vehicles and
10 infrastructure.

11 **SEC. 80009. FUNDING FOR TECHNOLOGY MODERNIZATION**
12 **FUND.**

13 In addition to amounts otherwise available, there is
14 appropriated to the Technology Modernization Fund for
15 fiscal year 2022, out of any money in the Treasury not
16 otherwise appropriated, \$1,000,000,000, to remain avail-
17 able until September 30, 2031.

18 **SEC. 80010. FUNDING FOR GENERAL SERVICES ADMINIS-**
19 **TRATION FEDERAL CITIZEN SERVICES FUND.**

20 In addition to amounts otherwise available, there is
21 appropriated to the General Services Administration for
22 fiscal year 2022, out of any money in the Treasury not
23 otherwise appropriated, \$2,000,000,000, to remain avail-
24 able until September 30, 2031, to be deposited in the Fed-
25 eral Citizen Services Fund.

1 **SEC. 80011. FUNDING FOR INFORMATION TECHNOLOGY**
2 **OVERSIGHT AND REFORM (ITOR) ACCOUNT.**

3 In addition to amounts otherwise available, there is
4 appropriated to the Office of Management and Budget's
5 Information Technology Oversight and Reform (ITOR)
6 account within the Executive Office of the President for
7 fiscal year 2022, out of any money in the Treasury not
8 otherwise appropriated, \$350,000,000, to remain available
9 until September 30, 2031.

10 **TITLE IX—COMMITTEE ON**
11 **SCIENCE, SPACE, AND TECH-**
12 **NOLOGY**

13 **SEC. 90001. DEPARTMENT OF COMMERCE REGIONAL INNO-**
14 **VATION.**

15 In addition to amounts otherwise available, there is
16 appropriated to the Department of Commerce for fiscal
17 year 2022, out of any money in the Treasury not otherwise
18 appropriated, \$5,000,000,000, to remain available until
19 September 30, 2031, except that no amounts may be ex-
20 pended after September 30, 2031, for planning and estab-
21 lishment of regional innovation initiatives pursuant to the
22 Stevenson-Wydler Act, and for related administrative ex-
23 penses. Of the funds provided by this section for regional
24 innovation initiatives, no fewer than one-third of grants
25 or cooperative agreements awarded shall significantly ben-
26 efit a State that is eligible to receive funding from the

1 Established Program to Stimulate Competitive Research
2 of the National Science Foundation or a rural or other
3 underserved community.

4 **SEC. 90002. FUNDING FOR DEPARTMENT OF ENERGY LAB-**
5 **ORATORY INFRASTRUCTURE.**

6 (a) OFFICE OF SCIENCE APPROPRIATION.—In addi-
7 tion to amounts otherwise available, there is appropriated
8 to the Department of Energy Office of Science for fiscal
9 year 2022, out of any money in the Treasury not otherwise
10 appropriated, \$10,391,804,000, to remain available until
11 September 30, 2026, to carry out laboratory infrastruc-
12 ture projects, including—

13 (1) \$7,780,566,000 for Construction Projects,
14 of which—

15 (A) \$220,000,000 shall be used for the
16 Exascale Computing Project;

17 (B) \$493,600,000 shall be used for the
18 Frontier Exascale Computing System;

19 (C) \$427,400,000 shall be used for the Au-
20 rora Exascale Computing System;

21 (D) \$155,400,000 shall be used for up-
22 grades to the National Energy Research Sci-
23 entific Computing Center;

24 (E) \$38,616,000 shall be used for the En-
25 ergy Sciences Network;

1 (F) \$157,000,000 shall be used for the Ad-
2 vanced Photon Source Upgrade;

3 (G) \$729,800,000 shall be used for the
4 Spallation Neutron Source Proton Power Up-
5 grade and Second Target Station;

6 (H) \$337,600,000 shall be used for the
7 Advanced Light Source Upgrade;

8 (I) \$472,850,000 shall be used for the
9 Linac Coherent Light Source-II, including the
10 High Energy Upgrade;

11 (J) \$86,000,000 shall be used for the
12 Cryomodule Repair and Maintenance Facility;

13 (K) \$25,000,000 shall be used for the
14 High Flux Isotope Reactor Pressure Vessel Re-
15 placement;

16 (L) \$1,325,000,000 shall be used for
17 United States contributions to the ITER
18 project as authorized in section 972(c) of the
19 Energy Policy Act of 2005 (42 U.S.C.
20 16312(c));

21 (M) \$212,300,000 shall be used for the
22 Matter in Extreme Conditions Upgrade;

23 (N) \$581,000,000 shall be used for the
24 Proton Improvement Plan-II project;

1 (O) \$1,300,000,000 shall be used for the
2 Long Baseline Neutrino Facility/Deep Under-
3 ground Neutrino Experiment;

4 (P) \$13,000,000 shall be used for the
5 Muon to Electron Conversion Experiment;

6 (Q) \$806,000,000 shall be used for the
7 Electron Ion Collider;

8 (R) \$213,000,000 shall be used for the
9 Oak Ridge National Laboratory Radioisotope
10 Processing Facility; and

11 (S) \$187,000,000 shall be used for the
12 United States Stable Isotope Production and
13 Research Center;

14 (2) \$1,470,238,000 for Major Items of Equip-
15 ment, of which—

16 (A) \$302,000,000 shall be used for the
17 High Performance Data Facility;

18 (B) \$90,000,000 shall be used for the
19 Nanoscale Science Research Center Recapital-
20 ization project;

21 (C) \$83,500,000 shall be used for the Na-
22 tional Synchrotron Light Source-II Experi-
23 mental Tools II project;

24 (D) \$59,200,000 shall be used for the Ma-
25 terial Plasma Exposure Experiment;

1 (E) \$567,875,000 shall be used for such
2 projects for the High Energy Physics program,
3 including—

4 (i) \$237,000,000 for the Cosmic
5 Microwave Background-Stage 4 experi-
6 ment; and

7 (ii) \$223,875,000 for upgrades to the
8 Large Hadron Collider; and

9 (F) \$367,663,000 shall be used for such
10 projects for the Nuclear Physics program, in-
11 cluding \$212,500,000 for the Ton-Scale
12 Neutrinoless Double Beta Decay experiment;
13 and

14 (3) \$1,141,000,000 for Science Laboratories
15 Infrastructure, of which—

16 (A) \$111,500,000 shall be used for such
17 projects at the Oak Ridge National Laboratory;

18 (B) \$115,000,000 shall be used for such
19 projects at the Thomas Jefferson National Ac-
20 celerator Facility;

21 (C) \$150,400,000 shall be used for such
22 projects at the Princeton Plasma Physics Lab-
23 oratory;

24 (D) \$29,850,000 shall be used for such
25 projects at the Ames Laboratory;

1 (E) \$90,000,000 shall be used for such
2 projects at the Brookhaven National Labora-
3 tory;

4 (F) \$265,000,000 shall be used for such
5 projects at the Lawrence Berkeley National
6 Laboratory;

7 (G) \$152,000,000 shall be used for such
8 projects at the SLAC National Accelerator Lab-
9 oratory;

10 (H) \$100,000,000 shall be used for such
11 projects at the Argonne National Laboratory;
12 and

13 (I) \$127,250,000 shall be used for such
14 projects at the Fermi National Accelerator Lab-
15 oratory.

16 (b) ENERGY EFFICIENCY AND RENEWABLE ENERGY
17 APPROPRIATION.—In addition to amounts otherwise avail-
18 able, there is appropriated to the Department of Energy
19 Office of Energy Efficiency and Renewable Energy for fis-
20 cal year 2022, out of any money in the Treasury not other-
21 wise appropriated, \$349,200,000, to remain available until
22 September 30, 2026, to carry out laboratory infrastruc-
23 ture projects, of which—

24 (1) \$163,000,000 shall be used for the Energy
25 Materials and Processing at Scale project;

1 (2) \$96,200,000 shall be used for the Advanced
2 Research in Integrated Energy Systems initiative;
3 and

4 (3) \$90,000,000 shall be used for high-perform-
5 ance computing equipment and infrastructure.

6 (c) NUCLEAR ENERGY APPROPRIATION.—In addition
7 to amounts otherwise available, there is appropriated to
8 the Department of Energy Office of Nuclear Energy for
9 fiscal year 2022, out of any money in the Treasury not
10 otherwise appropriated, \$408,000,000, to remain available
11 until September 30, 2026, to carry out laboratory infra-
12 structure projects, of which—

13 (1) \$66,000,000 shall be used for the Sample
14 Preparation Laboratory;

15 (2) \$125,000,000 shall be used for the Ad-
16 vanced Test Reactor and Materials and Fuel Com-
17 plex Plant Health projects;

18 (3) \$122,000,000 shall be used for the Ad-
19 vanced Test Reactor Recapitalization project; and

20 (4) \$95,000,000 shall be used for the Versatile
21 Test Reactor as authorized in section 955 of the En-
22 ergy Policy Act of 2005 (42 U.S.C. 16275).

23 (d) FOSSIL ENERGY AND CARBON MANAGEMENT AP-
24 PROPRIATION.—In addition to amounts otherwise avail-
25 able, there is appropriated to the Department of Energy

1 Office of Fossil Energy and Carbon Management for fiscal
2 year 2022, out of any money in the Treasury not otherwise
3 appropriated, \$20,000,000, to remain available until Sep-
4 tember 30, 2026, to carry out activities to support high-
5 performance computing equipment and infrastructure.

6 (e) GENERAL LABORATORY INFRASTRUCTURE.—In
7 addition to amounts otherwise available, there is appro-
8 priated for fiscal year 2022, out of any money in the
9 Treasury not otherwise appropriated, \$1,080,996,000, to
10 remain available until September 30, 2026, to carry out
11 activities to support infrastructure at Department of En-
12 ergy National Laboratories for civilian research and devel-
13 opment purposes, including General Plant Projects and
14 General Plant Equipment, of which—

15 (1) not less than \$377,301,000 shall be avail-
16 able to the Office of Science;

17 (2) not less than \$209,800,000 shall be avail-
18 able to the Office of Energy Efficiency and Renew-
19 able Energy;

20 (3) not less than \$40,000,000 shall be available
21 to the Office of Nuclear Energy;

22 (4) not less than \$190,000,000 shall be avail-
23 able to the Office of Fossil Energy and Carbon Man-
24 agement; and

1 (5) not less than \$102,200,000 shall be avail-
2 able to the Office of Environmental Management.

3 **SEC. 90003. DEPARTMENT OF ENERGY RESEARCH, DEVELOP-**
4 **MENT, AND DEMONSTRATION ACTIVITIES.**

5 (a) OFFICE OF SCIENCE APPROPRIATIONS.—In addi-
6 tion to amounts otherwise available, there is appropriated
7 to the Office of Science of the Department of Energy for
8 fiscal year 2022, out of any money in the Treasury not
9 otherwise appropriated, \$2,000,000,000, to remain avail-
10 able until September 30, 2026, to carry out research and
11 development activities. Of the funds provided by this sec-
12 tion:

13 (1) COMPUTATIONAL SCIENCE GRADUATE FEL-
14 LOWSHIP.—\$116,000,000 shall be used to carry out
15 the Department of Energy Computational Science
16 Graduate Fellowship program.

17 (2) QUANTUM USER EXPANSION FOR SCIENCE
18 AND TECHNOLOGY.—\$340,000,000 shall be used to
19 carry out activities to facilitate access of researchers
20 to United States quantum computing facilities for
21 research purposes as part of the program authorized
22 in title IV of the National Quantum Initiative Act
23 (15 U.S.C. 8851 et seq.).

24 (3) LOW-DOSE RADIATION RESEARCH.—
25 \$180,000,000 shall be used to carry out the activi-

1 ties of the low-dose radiation research program au-
2 thorized in section 306(c) of the Department of En-
3 ergy Research and Innovation Act (42 U.S.C.
4 18644(c)).

5 (4) FUSION MATERIALS RESEARCH AND DEVEL-
6 OPMENT.—\$250,000,000 shall be used to carry out
7 the activities of the fusion materials research and
8 development program authorized in section 307(b) of
9 the Department of Energy Research and Innovation
10 Act (42 U.S.C. 18645(b)).

11 (5) INERTIAL FUSION RESEARCH AND DEVEL-
12 OPMENT.—\$140,000,000 shall be used to carry out
13 the activities of the program of research and tech-
14 nology development in inertial fusion for energy ap-
15 plications authorized in section 307(d) of the De-
16 partment of Energy Research and Innovation Act
17 (42 U.S.C. 18645(d)).

18 (6) ALTERNATIVE AND ENABLING FUSION EN-
19 ERGY CONCEPTS.—\$275,000,000 shall be used to
20 carry out the activities of the alternative and ena-
21 bling fusion energy concepts program authorized in
22 section 307(e) of the Department of Energy Re-
23 search and Innovation Act (42 U.S.C. 18645(e)).

24 (7) MILESTONE-BASED FUSION ENERGY DEVEL-
25 OPMENT PROGRAM.—\$325,000,000 shall be used to

1 carry out the activities of the milestone-based fusion
2 energy development program authorized in section
3 307(i) of the Department of Energy Research and
4 Innovation Act (42 U.S.C. 18645(i)).

5 (8) FUSION REACTOR SYSTEM DESIGN.—
6 \$250,000,000 shall be used to carry out the fusion
7 reactor system design activities authorized in section
8 307(j) of the Department of Energy Research and
9 Innovation Act (42 U.S.C. 18645(j)).

10 (b) ENERGY EFFICIENCY AND RENEWABLE ENERGY
11 APPROPRIATION.—

12 (1) DEMONSTRATION PROJECTS.—In addition
13 to amounts otherwise available, there is appropriated
14 to the Department of Energy Office of Energy Effi-
15 ciency and Renewable Energy for fiscal year 2022,
16 out of any money in the Treasury not otherwise ap-
17 propriated, \$1,107,500,000, to remain available
18 until September 30, 2026, to carry out demonstra-
19 tion projects, including demonstration of advanced—

20 (A) wind energy technologies as authorized
21 in section 3003 of the Energy Act of 2020 (42
22 U.S.C. 16237);

23 (B) solar energy technologies as authorized
24 in section 3004 of the Energy Act of 2020 (42
25 U.S.C. 16238), including technologies and proc-

1 esses to encourage the domestic production of
2 materials, semiconductors, and other compo-
3 nents at all stages of the solar supply chain;

4 (C) geothermal technologies as authorized
5 in section 615 of the Energy Independence and
6 Security Act of 2007 (42 U.S.C. 17194);

7 (D) water power technologies as authorized
8 in sections 634 and 635 of the Energy Inde-
9 pendence and Security Act of 2007 (42 U.S.C.
10 17213 et al.);

11 (E) vehicle technologies;

12 (F) bioenergy technologies, including
13 biofuels; and

14 (G) building technologies.

15 (2) CLEAN ENERGY MANUFACTURING INNOVA-
16 TION INSTITUTE.—In addition to amounts otherwise
17 available, there is appropriated to the Office of En-
18 ergy Efficiency and Renewable Energy for fiscal
19 year 2022, out of any money in the Treasury not
20 otherwise appropriated, \$70,000,000, to remain
21 available until September 30, 2026, to carry out ac-
22 tivities to support one new Clean Energy Manufac-
23 turing Innovation Institute.

24 (c) NUCLEAR ENERGY APPROPRIATION.—In addition
25 to amounts otherwise available, there is appropriated to

1 the Department of Energy Office of Nuclear Energy for
2 fiscal year 2022, out of any money in the Treasury not
3 otherwise appropriated, \$52,500,000, to remain available
4 until September 30, 2026, to carry out the activities of
5 the research reactor infrastructure program as authorized
6 in section 954(a) of the Energy Policy Act of 2005 (42
7 U.S.C. 16274(a)).

8 (d) FOSSIL ENERGY AND CARBON MANAGEMENT AP-
9 PROPRIATION.—In addition to amounts otherwise avail-
10 able, there is appropriated to the Department of Energy
11 Office of Fossil Energy and Carbon Management for fiscal
12 year 2022, out of any money in the Treasury not otherwise
13 appropriated, \$10,000,000, to remain available until Sep-
14 tember 30, 2026, to carry out on-site demonstration
15 projects on the reduction of environmental impacts of pro-
16 duced water.

17 (e) DIVERSITY SUPPORT.—In addition to amounts
18 otherwise available, there is appropriated to the Depart-
19 ment of Energy Office of Economic Impact and Diversity
20 for fiscal year 2022, out of any money in the Treasury
21 not otherwise appropriated, \$20,000,000, to remain avail-
22 able until September 30, 2031, except that no amounts
23 may be expended after September 30, 2031, to support
24 programs across the Department's civilian research, devel-

1 opment, demonstration, and commercial application activi-
2 ties.

3 (f) OVERSIGHT.—In addition to amounts otherwise
4 available, there is appropriated to the Department of En-
5 ergy for fiscal year 2022, out of any money in the Treas-
6 ury not otherwise appropriated, \$50,000,000, to remain
7 available until September 30, 2031, except that no
8 amounts may be expended after September 30, 2031, for
9 oversight by the Department of Energy Office of Inspector
10 General of the Department of Energy activities for which
11 funding is appropriated in this title.

12 **SEC. 90004. ENVIRONMENTAL PROTECTION AGENCY CLI-**
13 **MATE CHANGE RESEARCH AND DEVELOP-**
14 **MENT.**

15 In addition to amounts otherwise made available,
16 there is appropriated to the Environmental Protection
17 Agency for fiscal year 2022, out of any money in the
18 Treasury not otherwise appropriated, \$264,000,000 to re-
19 main available until September 30, 2026, to conduct envi-
20 ronmental research and development activities related to
21 climate change, including related administrative expenses.
22 The amounts made available in this section shall be used
23 for the purposes of—

24 (1) conducting further research on mitigation of
25 climate forcing emissions, adaptation to reduce the

1 impacts of climate change, and approaches to build
2 resilience to climate change;

3 (2) providing increased support for evidence-
4 based regional and community climate adaptation
5 and resilience actions, including development of a
6 grants-based regional climate science network;

7 (3) conducting further social science research to
8 upgrade the utilization and efficacy of scientific tools
9 to mitigate, adapt, and build resilience to the im-
10 pacts of climate change;

11 (4) increasing engagement capacity with front-
12 line communities with environmental justice con-
13 cerns in translating, utilizing, and evaluating sci-
14 entific research results;

15 (5) conducting further research to improve un-
16 derstanding of impacts of decarbonized energy
17 sources compared to existing energy sources, includ-
18 ing cumulative impacts of pollution from existing
19 sources;

20 (6) conducting further research to improve un-
21 derstanding of the impacts of the transition to
22 decarbonized energy, transportation, and building
23 sectors on frontline communities;

24 (7) conducting further research to improve un-
25 derstanding of impacts of climate change, including

1 cumulative impacts of pollution exposure, in commu-
2 nities that face disproportionate impacts from en-
3 ergy transitions; and

4 (8) providing increased support to conduct fur-
5 ther environmental research and development activi-
6 ties on climate change that the Administrator deems
7 appropriate.

8 **SEC. 90005. FEDERAL EMERGENCY MANAGEMENT AGENCY**
9 **ASSISTANCE TO FIREFIGHTERS GRANTS.**

10 In addition to amounts otherwise available, there is
11 appropriated to the Federal Emergency Management
12 Agency for Fiscal Year 2022, out of any money in the
13 Treasury not otherwise appropriated, to remain available
14 until September 30, 2026, \$798,000,000, for Assistance
15 to Firefighters Grants pursuant to the Federal Fire Pre-
16 vention and Control Act of 1974: *Provided*, That
17 \$718,000,000 of such amount shall be available for Assist-
18 ance to Firefighters Grants for fire and EMS department
19 facility construction, upgrades, and modifications, and for
20 related administrative expenses: *Provided further*, That
21 \$80,000,000 of such amount shall be available for Assist-
22 ance to Firefighters Grants for PFAS-free personal pro-
23 tective equipment and PFAS-free firefighting foam, and
24 for related administrative expenses.

1 **SEC. 90006. FIREFIGHTER GRANT OVERSIGHT.**

2 In addition to amounts otherwise available, there is
3 appropriated to the Department of Homeland Security for
4 fiscal year 2022, out of any money in the Treasury not
5 otherwise appropriated, \$2,000,000, to remain available
6 until September 30, 2031, except that no amounts may
7 be expended after September 30, 2031, for oversight by
8 the Department of Homeland Security Office of Inspector
9 General of the activities for which funding is appropriated
10 in section 90005.

11 **SEC. 90007. NATIONAL AERONAUTICS AND SPACE ADMINIS-**
12 **TRATION INFRASTRUCTURE.**

13 In addition to amounts otherwise made available,
14 there are appropriated to the National Aeronautics and
15 Space Administration for fiscal year 2022, out of any
16 money in the Treasury not otherwise appropriated,
17 \$4,000,000,000 to remain available until September 30,
18 2026, for repair, recapitalization, and modernization of
19 physical infrastructure and facilities, including related ad-
20 ministrative expenses, consistent with the responsibilities
21 authorized under section 31502 of title 51, United States
22 Code, on maintenance of facilities and section 31503 of
23 title 51, United States Code, on laboratory productivity.

1 **SEC. 90008. NATIONAL AERONAUTICS AND SPACE ADMINIS-**
2 **TRATION CLIMATE CHANGE RESEARCH AND**
3 **DEVELOPMENT.**

4 In addition to amounts otherwise made available,
5 there are appropriated to the National Aeronautics and
6 Space Administration for fiscal year 2022, out of any
7 money in the Treasury not otherwise appropriated,
8 \$388,000,000 to remain available until September 30,
9 2026, of which \$85,000,000 shall be for research and de-
10 velopment on subseasonal to seasonal models and observa-
11 tions, climate resilience and sustainability, and airborne
12 instruments, campaigns, and surface networks to under-
13 stand, observe, and mitigate global climate change and its
14 impacts, including related administrative expenses, au-
15 thorized under section 60501 of title 51, United States
16 Code, and research and development activities on upper
17 atmospheric research authorized under sections 20161,
18 20163, and 20164 of title 51, United States Code;
19 \$28,000,000 shall be for investments in data management
20 and processing to support research, development, and ap-
21 plications to understand, observe, and mitigate the global
22 climate change and its impacts consistent with the respon-
23 sibilities authorized under section 60506 of title 51,
24 United States Code; \$50,000,000 shall be for research and
25 development to support the wildfire community and im-
26 prove wildfire fighting operations, including the Scalable

1 Traffic Management for Emergency Response Operations
2 project; and \$225,000,000 shall be for advancing aero-
3 nautics research and development on sustainable aviation,
4 including sustainable aviation biofuels, including related
5 administrative expenses, consistent with the responsibil-
6 ities authorized under sections 40701 and 40702 of title
7 51, United States Code.

8 **SEC. 90009. NATIONAL AERONAUTICS AND SPACE ADMINIS-**
9 **TRATION OVERSIGHT AND CYBERSECURITY.**

10 In addition to amounts otherwise made available,
11 there are appropriated to the National Aeronautics and
12 Space Administration for fiscal year 2022, out of any
13 money in the Treasury not otherwise appropriated,
14 \$7,000,000, to remain available until September 30, 2031,
15 except that no amounts may be expended after September
16 30, 2031, for information technology security and cyberse-
17 curity activities for which funding is appropriated under
18 sections 90007 and 90008. In addition to amounts other-
19 wise made available, there are appropriated to the Na-
20 tional Aeronautics and Space Administration for fiscal
21 year 2022, out of any money in the Treasury not otherwise
22 appropriated, \$5,000,000, to remain available until Sep-
23 tember 30, 2031, except that no amounts may be ex-
24 pended after September 30, 2031, for the Office of Inspec-

1 tor General to provide oversight over the management of
2 funds appropriated under sections 90007 and 90008.

3 **SEC. 90010. NATIONAL INSTITUTE OF STANDARDS AND**
4 **TECHNOLOGY RESEARCH.**

5 In addition to amounts otherwise available, there is
6 appropriated to the National Institute of Standards and
7 Technology for fiscal year 2022, out of any money in the
8 Treasury not otherwise appropriated, \$1,195,000,000, to
9 remain available until September 30, 2031, except that no
10 amounts may be expended after September 30, 2031, for
11 scientific and technical research pursuant to the National
12 Institute of Standards and Technology Act, for artificial
13 intelligence (including AI safety and control), cybersecu-
14 rity, quantum information science and technology, bio-
15 technology, communications technologies, advanced manu-
16 facturing, resilience to natural hazards including wildfires,
17 greenhouse gas and other climate-related measurement,
18 and for related administrative expenses: *Provided*, That
19 \$150,000,000 shall be available for cybersecurity research
20 and activities.

21 **SEC. 90011. NATIONAL INSTITUTE OF STANDARDS AND**
22 **TECHNOLOGY SUPPORTING AMERICAN MAN-**
23 **UFACTURING.**

24 (a) IN GENERAL.—In addition to amounts otherwise
25 available, there is appropriated to the National Institute

1 of Standards and Technology for fiscal year 2022, out of
2 any money in the Treasury not otherwise appropriated,
3 \$2,000,000,000, to remain available until September 30,
4 2031, except that no amounts may be expended after Sep-
5 tember 30, 2031, of which—

6 (1) \$1,000,000,000 shall be for the Hollings
7 Manufacturing Extension Partnership as authorized
8 by sections 25 and 26 of the National Institute of
9 Standards and Technology Act (15 U.S.C. 278k;
10 278l), including related administrative expenses;

11 (2) \$850,000,000 shall be to provide funds,
12 through existing programs, for advanced manufac-
13 turing research, development, and testbeds, includ-
14 ing related administrative expenses; and

15 (3) \$150,000,000 shall be for the creation of a
16 new Manufacturing USA Institute that is focused on
17 semiconductor manufacturing.

18 (b) LIMITATION.—Amounts provided under sub-
19 section (a)(1) shall not be subject to cost share require-
20 ments under section 25(e)(2) of the National Institute of
21 Standards and Technology Act (15 U.S.C. 278k(e)(2)).
22 The authority made available pursuant to this preceding
23 sentence shall be elective for any Manufacturing Extension
24 Partnership Center that also receives funding from a State

1 that is conditioned upon the application of a Federal cost
2 sharing requirement.

3 **SEC. 90012. NATIONAL INSTITUTE OF STANDARDS AND**
4 **TECHNOLOGY RESEARCH FACILITIES.**

5 In addition to amounts otherwise available, there is
6 appropriated to the National Institute of Standards and
7 Technology for fiscal year 2022, out of any money in the
8 Treasury not otherwise appropriated, \$1,000,000,000, to
9 remain available until September 30, 2031, except that no
10 amounts may be expended after September 30, 2031, for
11 necessary expenses as authorized by sections 13 through
12 15 of the National Institute of Standards and Technology
13 Act (15 U.S.C. 278c-278e) for construction of new re-
14 search facilities, including architectural and engineering
15 design, and for renovation and maintenance of existing fa-
16 cilities.

17 **SEC. 90013. NATIONAL INSTITUTE OF STANDARDS AND**
18 **TECHNOLOGY OVERSIGHT.**

19 In addition to amounts otherwise available, there is
20 appropriated to the Department of Commerce for fiscal
21 year 2022, out of any money in the Treasury not otherwise
22 appropriated, \$5,000,000, to remain available until Sep-
23 tember 30, 2031, except that no amounts may be ex-
24 pended after September 30, 2031, for oversight by the De-
25 partment of Commerce Office of Inspector General of Na-

1 tional Institute of Standards and Technology activities for
2 which funding is appropriated in this title.

3 **SEC. 90014. NATIONAL OCEANIC AND ATMOSPHERIC AD-**
4 **MINISTRATION WEATHER, OCEAN, AND CLI-**
5 **MATE RESEARCH AND FORECASTING.**

6 In addition to amounts otherwise made available,
7 there is appropriated to the National Oceanic and Atmos-
8 pheric Administration for fiscal year 2022, out of any
9 money in the Treasury not otherwise appropriated,
10 \$1,240,000,000, to remain available until September 30,
11 2026, to carry out the provisions of the Weather Research
12 and Forecasting Innovation Act (15 U.S.C. 8501 et seq.),
13 the National Integrated Drought Information System Act
14 (15 U.S.C. 313d), the National Climate Program Act (15
15 U.S.C. 2901–2908.), the Harmful Algal Bloom and Hy-
16 poxia Research and Control Act (33 U.S.C. 4001–4010),
17 the Federal Ocean Acidification Research and Monitoring
18 Act (33 U.S.C. 3701–3708), title III of the America COM-
19 PETES Act (33 U.S.C. 893, 893a, 893b, and 893c), and
20 the Weather Service Organic Act (15 U.S.C. 313 et seq.).
21 The amounts in this section shall be used for the purposes
22 of—

23 (1) increasing the understanding, and predictive
24 and forecasting capabilities, of weather and climate
25 phenomena including, but not limited to, hurricanes,

1 tornadoes, drought, wildland fires and associated fire
2 weather, extreme precipitation, extreme heat and ex-
3 treme heat events, flooding, and other severe weath-
4 er, and their impacts;

5 (2) increasing marine research capacity and the
6 understanding of the impacts of climate change on
7 ocean processes and phenomena including, but not
8 limited to, ocean acidification, harmful algal blooms,
9 hypoxia and deoxygenation, sea level change, and
10 ocean warming;

11 (3) enhancing weather, ocean, climate, and
12 other environmental observations, research, data,
13 data assimilation, and modeling;

14 (4) facilitating successful transition of research
15 into operations and operations to research, including
16 social science for improved decision support services;

17 (5) acquiring related high-performance com-
18 puting, data management, and storage assets; and

19 (6) developing, leveraging, and employing new
20 capabilities, technologies and instruments, including
21 dissemination and processing.

1 **SEC. 90015. NATIONAL OCEANIC AND ATMOSPHERIC AD-**
2 **MINISTRATION CLIMATE ADAPTATION AND**
3 **RESILIENCE ACTIVITIES.**

4 (a) IN GENERAL.—In addition to amounts otherwise
5 available, there is appropriated to the National Oceanic
6 and Atmospheric Administration for fiscal year 2022, out
7 of any money in the Treasury not otherwise appropriated,
8 \$765,000,000 to remain available until September 30,
9 2026, to carry out the provisions of the National Climate
10 Program Act (15 U.S.C. 2901–2908), the Weather Re-
11 search and Forecasting Innovation Act (15 U.S.C. 8501
12 et seq.), title III of the America COMPETES Act (33
13 U.S.C. 893, 893a, 893b, and 893c), the National Inte-
14 grated Drought Information System Act (15 U.S.C.
15 313d), the Weather Service Organic Act (15 U.S.C. 313
16 et seq.), the Harmful Algal Bloom and Hypoxia Research
17 and Control Act (33 U.S.C. 4001–4010), and the Federal
18 Ocean Acidification Research and Monitoring Act (33
19 U.S.C. 3701–3708) to develop and distribute actionable
20 climate information for communities across all States, ter-
21 ritories, and Tribal lands of the United States in an equi-
22 table manner, to build climate resilience and develop a cli-
23 mate-ready workforce.

24 (b) USE OF FUNDS.—The amounts made available
25 in subsection (a) shall be used for the following activities:

1 (1) \$265,000,000 to better enable end users, as
2 appropriate, to assess the relative risk of, determine
3 possible adaptation and mitigation strategies for,
4 and make executive and budgetary decisions in re-
5 sponse to climate impacts by—

6 (A) increasing end user understanding of
7 the impacts of climate change at the local and
8 regional level;

9 (B) developing actionable climate informa-
10 tion and accessible tools and products; and

11 (C) providing end users with technical as-
12 sistance.

13 (2) \$500,000,000 to recruit, educate, and train
14 a climate-ready workforce to—

15 (A) develop and support on-the-ground
16 community-driven projects to enhance climate
17 adaptation and resilience;

18 (B) support community engagement and
19 participation in monitoring, tracking, and pre-
20 paring for extreme events;

21 (C) support local resilience to climate im-
22 pacts;

23 (D) conduct community-driven climate
24 science; and

1 (E) enhance the National Oceanic and At-
2 mospheric Administration’s delivery of climate
3 information services, tools, and products, in-
4 cluding but not limited to those developed in
5 paragraph (1)(B).

6 (c) END USERS.—For the purposes of this section,
7 the term “end users” shall include—

- 8 (1) States;
- 9 (2) territories;
- 10 (3) Tribes;
- 11 (4) local governments;
- 12 (5) businesses;
- 13 (6) not-for-profit or other organizations; and
- 14 (7) individuals.

15 (d) EXTREME EVENT.—For the purposes of this sec-
16 tion, the term “extreme event” refers to a time and place
17 in which weather, climate, or environmental conditions,
18 such as temperature, precipitation, drought, or flooding,
19 rank above a threshold value near the upper or lower ends
20 of the range of historical measurements.

21 **SEC. 90016. NATIONAL OCEANIC AND ATMOSPHERIC AD-**
22 **MINISTRATION HIGH PERFORMANCE COM-**
23 **PUTING.**

24 In addition to amounts otherwise made available,
25 there is appropriated to the National Oceanic and Atmos-

1 pheric Administration for fiscal year 2022, out of any
2 money in the Treasury not otherwise appropriated,
3 \$70,000,000 to remain available until September 30,
4 2026, to procure and enhance high performance com-
5 puting, data management, and storage capabilities, and
6 related facilities to enable the National Oceanic and At-
7 mospheric Administration to meet its mission require-
8 ments, including related administrative expenses.

9 **SEC. 90017. NATIONAL OCEANIC AND ATMOSPHERIC AD-**
10 **MINISTRATION PHASED ARRAY RADAR.**

11 In addition to amounts otherwise made available,
12 there is appropriated to the National Oceanic and Atmos-
13 pheric Administration for fiscal year 2022, out of any
14 money in the Treasury not otherwise appropriated,
15 \$224,000,000 to remain available until September 30,
16 2026, to carry out the provisions of the Weather Research
17 and Forecasting Innovation Act (15 U.S.C. 8501 et seq.)
18 for research and development activities to advance the un-
19 derstanding of phased array radar as a potential future
20 radar technology to improve weather forecasts.

21 **SEC. 90018. NATIONAL OCEANIC AND ATMOSPHERIC AD-**
22 **MINISTRATION HURRICANE HUNTER AIR-**
23 **CRAFT.**

24 In addition to amounts otherwise made available,
25 there is appropriated to the National Oceanic and Atmos-

1 pheric Administration for fiscal year 2022, out of any
2 money in the Treasury not otherwise appropriated,
3 \$1,024,000,000 to remain available until September 30,
4 2026, to carry out the provisions of the Weather Research
5 and Forecasting Innovation Act (15 U.S.C. 8501 et seq.)
6 for the procurement of hurricane hunters and related ex-
7 penses, and the development and acquisition of airborne
8 phased array radar, to prepare for fleet readiness by fiscal
9 year 2030.

10 **SEC. 90019. NATIONAL OCEANIC AND ATMOSPHERIC AD-**
11 **MINISTRATION UNCREWED SYSTEMS.**

12 In addition to amounts otherwise made available,
13 there is appropriated to the National Oceanic and Atmos-
14 pheric Administration for fiscal year 2022, out of any
15 money in the Treasury not otherwise appropriated,
16 \$12,000,000 to remain available until September 30,
17 2026, to support uncrewed systems development and ap-
18 plication in support of National Oceanic and Atmospheric
19 Administration mission priorities including oceanic and at-
20 mospheric research and research to operations, including
21 related administrative expenses.

1 **SEC. 90020. NATIONAL OCEANIC AND ATMOSPHERIC AD-**
2 **MINISTRATION RESEARCH INFRASTRUC-**
3 **TURE.**

4 In addition to amounts otherwise made available,
5 there is appropriated to the National Oceanic and Atmos-
6 pheric Administration for fiscal year 2022, out of any
7 money in the Treasury not otherwise appropriated,
8 \$743,000,000 to remain available until September 30,
9 2026, to conduct deferred maintenance of meteorological,
10 hydrological, climatological, and other oceanic and atmos-
11 pheric research and development or operational facilities,
12 and to make improvements to scientific equipment and in-
13 struments, including related administrative expenses.

14 **SEC. 90021. NATIONAL OCEANIC AND ATMOSPHERIC AD-**
15 **MINISTRATION SPACE WEATHER.**

16 In addition to amounts otherwise made available,
17 there is appropriated to the National Oceanic and Atmos-
18 pheric Administration for fiscal year 2022, out of any
19 money in the Treasury not otherwise appropriated,
20 \$173,000,000, to remain available until September 30,
21 2026, to carry out the provisions of the Promoting Re-
22 search and Observations of Space Weather to Improve the
23 Forecasting of Tomorrow (PROSWIFT) Act (51 U.S.C.
24 60601 et seq.) by accelerating the development and deliv-
25 ery of instruments and spacecraft, and prioritizing an

1 independent launch for the Space Weather Next Lagrange
2 point 1 mission, including related administrative expenses.

3 **SEC. 90022. NATIONAL OCEANIC AND ATMOSPHERIC AD-**
4 **MINISTRATION OVERSIGHT.**

5 In addition to amounts otherwise available, there is
6 appropriated to the Department of Commerce for fiscal
7 year 2022, out of any money in the Treasury not otherwise
8 appropriated, \$5,000,000, to remain available until Sep-
9 tember 30, 2026, for oversight by the Department of Com-
10 merce Office of Inspector General of National Oceanic and
11 Atmospheric Administration activities for which funding
12 is appropriated in this title.

13 **SEC. 90023. NATIONAL SCIENCE FOUNDATION INFRASTRUC-**
14 **TURE.**

15 In addition to amounts otherwise available, there is
16 appropriated to the National Science Foundation for fiscal
17 year 2022, out of any money in the Treasury not otherwise
18 appropriated, \$3,430,000,000, to remain available until
19 September 30, 2031, except that no amounts may be ex-
20 pended after September 30, 2031, for research-enabling
21 equipment, facilities, and infrastructure, including mid-
22 scale research infrastructure, Antarctic infrastructure
23 modernization, related Federal administrative expenses
24 and additional major research equipment and facilities
25 construction projects approved by the National Science

1 Board as required under section 14 of the National
2 Science Foundation Authorization Act of 2002 (42 U.S.C.
3 1862n-4): *Provided*, That \$1,000,000,000 shall be for ac-
4 tivities authorized by title II of Public Law 100–570 for
5 academic research facilities modernization, which may in-
6 clude shore-side facilities for academic research vessels, of
7 which \$300,000,000 shall be for academic research facili-
8 ties modernization at historically Black colleges and uni-
9 versities, Hispanic serving institutions, Tribal colleges and
10 universities, and other minority serving institutions: *Pro-*
11 *vided further*, That not less than 20 percent of the funds
12 made available in this section shall be for research-ena-
13 bling equipment, facilities, and infrastructure projects lo-
14 cated in a State or territory that is eligible to receive fund-
15 ing from the Established Program to Stimulate competi-
16 tive Research as established under section 113 of the Na-
17 tional Science Foundation Authorization Act of 1988 (42
18 U.S.C. 1862g): *Provided further*, That \$25,000,000 shall
19 be for the Office of the Chief of Research Security Strat-
20 egy and Policy for research security activities.

21 **SEC. 90024. NATIONAL SCIENCE FOUNDATION RESEARCH**
22 **AND DEVELOPMENT.**

23 In addition to amounts otherwise available, there is
24 appropriated to the National Science Foundation for fiscal
25 year 2022, out of any money in the Treasury not otherwise

1 appropriated, \$7,550,000,000, to remain available until
2 September 30, 2031, except that no amounts may be ex-
3 pended after September 30, 2031, to fund or extend new
4 and existing research awards, scholarships, and fellow-
5 ships across all science, technology, engineering, and
6 mathematics (STEM) and STEM education disciplines, to
7 fund use-inspired and translational research and develop-
8 ment awards, entrepreneurial education, and technology
9 transfer activities, to extend existing research awards and
10 scholarships and fellowships to aid in the recovery from
11 COVID-19 related disruptions, and for related administra-
12 tive expenses: *Provided*, That \$400,000,000 shall be avail-
13 able for climate change research, including relating to
14 wildfires: *Provided further*, That \$700,000,000 shall be
15 available for research and related activities at historically
16 Black colleges and universities, Tribal colleges and univer-
17 sities, Hispanic serving institutions, and other minority
18 serving institutions.

19 **SEC. 90025. NATIONAL SCIENCE FOUNDATION OVERSIGHT.**

20 In addition to amounts otherwise available, there is
21 appropriated to the Office of Inspector General of the Na-
22 tional Science Foundation for fiscal year 2022, out of any
23 money in the Treasury not otherwise appropriated,
24 \$50,000,000, to remain available until September 30,
25 2031, except that no amounts may be expended after Sep-

1 tember 30, 2031, for oversight, investigations, and audits
2 of programs, grants, and projects carried out by the Na-
3 tional Science Foundation using funds under this title.

4 **SEC. 90026. WAGE RATE REQUIREMENTS.**

5 (a) IN GENERAL.—Notwithstanding any other provi-
6 sion of law, all laborers and mechanics employed by con-
7 tractors and subcontractors on any project funded directly
8 or assisted in whole or in part by the Federal Government
9 pursuant to this title shall be paid wages at rates not less
10 than those prevailing on projects of a similar character
11 in the locality, as determined by the Secretary of Labor
12 in accordance with subchapter IV of chapter 31 of title
13 40, United States Code (commonly known as the “Davis-
14 Bacon Act”).

15 (b) AUTHORITY.—With respect to the labor stand-
16 ards specified in paragraph (1), the Secretary of Labor
17 shall have the authority and functions set forth in Reorga-
18 nization Plan Numbered 14 of 1950 (64 Stat. 1267; 5
19 U.S.C. App.) and section 3145 of title 40, United States
20 Code.

21 **SEC. 90027. FORCED LABOR PROHIBITION.**

22 None of the funds provided in this title may be used
23 in awarding a contract, subcontract, grant, or loan to an
24 entity that is listed pursuant to section 9(b)(3) of the

1 Uyghur Human Rights Policy Act of 2020 (Public Law
2 116–145).

3 **TITLE X—COMMITTEE ON SMALL**
4 **BUSINESS**

5 **SEC. 100001. DEFINITIONS.**

6 In this title—

7 (1) the terms “Administration” and “Adminis-
8 trator” mean the Small Business Administration
9 and the Administrator thereof, respectively; and

10 (2) the term “small business concern” has the
11 meaning given under section 3 of the Small Business
12 Act (15 U.S.C. 632).

13 **Subtitle A—Increasing Federal**
14 **Contracting Opportunities for**
15 **Small Businesses**

16 **SEC. 100101. VETERAN FEDERAL PROCUREMENT ENTRE-**
17 **PRENEURSHIP TRAINING PROGRAM.**

18 (a) APPROPRIATIONS.—In addition to amounts other-
19 wise available, there is appropriated to the Small Business
20 Administration, out of any money in the Treasury not oth-
21 erwise appropriated, \$5,000,000 for each of fiscal years
22 2022 through 2028 for carrying out subsection (h) of sec-
23 tion 32 of the Small Business Act (15 U.S.C. 657b), as
24 added by this section. Amounts appropriated by this sub-
25 section shall remain available for 3 fiscal years.

1 (b) ESTABLISHMENT.—Section 32 of the Small Busi-
2 ness Act (15 U.S.C. 657b) is amended by adding at the
3 end the following:

4 “(h) VETERAN FEDERAL PROCUREMENT ENTREPRE-
5 NEURSHIP TRAINING PROGRAM.—The Administrator, act-
6 ing through the Associate Administrator, shall make
7 grants to, or enter into cooperative agreements with non-
8 profit entities to operate a Federal procurement entrepre-
9 neurship training program to provide assistance to small
10 business concerns owned and controlled by veterans re-
11 garding how to increase the likelihood of being awarded
12 contracts with the Federal Government. A grant or coop-
13 erative agreement under this subsection—

14 “(1) shall be made to or entered into with non-
15 profit entities that have a track record of success-
16 fully providing educational and job training services
17 to targeted veteran populations from diverse loca-
18 tions;

19 “(2) shall include terms under which the non-
20 profit entities may, at the discretion of the Adminis-
21 trator, be required to match any Federal funds re-
22 ceived for the program with State, local, or private
23 sector funds; and

24 “(3) shall include terms under which the non-
25 profit entities shall use a diverse group of profes-

1 sional service experts, such as Federal, State, and
2 local contracting experts and private sector industry
3 experts with first-hand experience in Federal Gov-
4 ernment contracting, to provide assistance to small
5 business concerns owned and controlled by vet-
6 erans.”.

7 **SEC. 100102. EXPANDING SURETY BOND PROGRAM.**

8 (a) APPROPRIATIONS.—In addition to amounts other-
9 wise available, there is appropriated to the Small Business
10 Administration for fiscal year 2022, out of any money in
11 the Treasury not otherwise appropriated, \$100,000,000,
12 to remain available until September 30, 2031, for addi-
13 tional capital for the fund established under section 412
14 of the Small Business Investment Act of 1958 (15 U.S.C.
15 694e).

16 (b) EXPANDING SURETY BOND PROGRAM.—Part B
17 of title IV of the Small Business Investment Act of 1958
18 (15 U.S.C. 694a et seq.) is amended—

19 (1) in section 411 (15 U.S.C. 694b)—

20 (A) in subsection (a)(1)—

21 (i) in subparagraph (A), by striking
22 “\$6,500,000” and inserting
23 “\$10,000,000”; and

24 (ii) by amending subparagraph (B) to
25 read as follows:

1 “(B) The Administrator may guarantee a sur-
2 ety under subparagraph (A) for a total work order
3 or contract entered into by a Federal agency in an
4 amount that does not exceed \$20,000,000.”; and

5 (B) in subsection (e)(2), by striking
6 “\$6,500,000” and inserting “the amount de-
7 scribed in subparagraph (A) or (B) of sub-
8 section (a)(1), as applicable”; and
9 (2) in section 412 (15 U.S.C. 694c)—

10 (A) in subsection (a), in the third sentence,
11 by striking “, excluding administrative ex-
12 penses,”;

13 (B) by redesignating subsection (b) as sub-
14 section (e); and

15 (C) by inserting after subsection (a) the
16 following:

17 “(b) Not more than 15 percent of the amount that
18 is in the fund described in subsection (a) on the first day
19 of each fiscal year may be obligated during that fiscal year
20 to cover costs incurred by the Administration in connec-
21 tion with the management and administration of this part,
22 including costs related to information technology and sys-
23 tems, personnel, outreach activities, and relevant con-
24 tracts.”.

1 **SEC. 100103. UPLIFT ACCELERATOR PROGRAM; BUSINESS**
2 **DEVELOPMENT ACADEMY.**

3 (a) UPLIFT ACCELERATOR PROGRAM.—

4 (1) APPROPRIATIONS.—

5 (A) IN GENERAL.—In addition to amounts
6 otherwise available, there is appropriated to the
7 Small Business Administration for fiscal year
8 2022, out of any money in the Treasury not
9 otherwise appropriated, \$1,000,000,000 to re-
10 main available until September 30, 2031, to
11 carry out subparagraph (K) of section 7(j)(10)
12 of the Small Business Act (15 U.S.C.
13 636(j)(10)), as added by this subsection; and

14 (B) SET ASIDE.—Of amounts made avail-
15 able under subparagraph (A), not more than 15
16 percent may be used by the Administrator for
17 administrative expenses and costs related to
18 monitoring and oversight.

19 (2) ESTABLISHMENT.—Section 7(j)(10) of the
20 Small Business Act (15 U.S.C. 636(j)(10)) is
21 amended by adding at the end the following:

22 “(K) UPLIFT ACCELERATOR PROGRAM.—

23 “(i) DEFINITIONS.—In this subpara-
24 graph:

25 “(I) ACCELERATOR.—The term
26 ‘accelerator’ means an organization—

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1 “(aa) that provides
2 mentorship and other support to
3 growing, startup, and newly es-
4 tablished small business con-
5 cerns; and

6 “(bb) offers startup capital
7 or the opportunity to raise cap-
8 ital from outside investors to
9 growing, startup, and newly es-
10 tablished small business con-
11 cerns.

12 “(II) ELIGIBLE ENTITY.—The
13 term ‘eligible entity’ means—

14 “(aa) a historically black
15 college or university;

16 “(bb) an institution of high-
17 er education, as defined in sec-
18 tion 101 of the Higher Education
19 Act of 1965, which primarily
20 educates students who are Black
21 or African American, Hispanic or
22 Latino, American Indian, Alaska
23 Native, Asian, Native Hawaiian,
24 or other Pacific Islander; or

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1 “(cc) a junior or community
2 college, as defined in section 312
3 of the Higher Education Act of
4 1965.

5 “(III) ELIGIBLE SMALL BUSI-
6 NESS CONCERN.—The term ‘eligible
7 small business concern’ means a small
8 business concern—

9 “(aa) located in a
10 HUBZone, as defined in section
11 31(b);

12 “(bb) owned and controlled
13 by a resident of a low-income
14 community, as defined in section
15 45D(e) of the Internal Revenue
16 Code of 1986;

17 “(cc) owned and controlled
18 by a resident of a low-income
19 rural community;

20 “(dd) owned and controlled
21 by a member of an Indian or
22 Alaska Native tribe, band, na-
23 tion, pueblo, village, community,
24 component band, or component
25 reservation, individually identified

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1 (including parenthetically) in the
2 most recent list published pursu-
3 ant to section 104 of the Feder-
4 ally Recognized Indian Tribe List
5 Act of 1994;

6 “(ee) owned and controlled
7 by a Native Entity;

8 “(ff) owned and controlled
9 by an individual with a disability,
10 as defined in section 3 of the
11 Americans with Disabilities Act
12 of 1990; or

13 “(gg) otherwise identified by
14 the Administrator.

15 “(IV) HISTORICALLY BLACK COL-
16 LEGE OR UNIVERSITY.—The term
17 ‘historically black college or univer-
18 sity’ means a ‘part B institution’, as
19 defined under section 322 of the
20 Higher Education Act of 1965.

21 “(V) INCUBATOR.—The term ‘in-
22 cubator’ means an organization—

23 “(aa) that provides
24 mentorship and other support to

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1 growing, startup, and established
2 small business concerns; and

3 “(bb) that may provide a co-
4 working environment or a month-
5 to-month lease program.

6 “(VI) NATIVE ENTITY.—The
7 term ‘Native Entity’ means—

8 “(aa) an Indian tribe, in-
9 cluding an Alaska Native village
10 or Regional or Village Corpora-
11 tion, as defined in section 4 of
12 the Indian Self-Determination
13 and Education Assistance Act;
14 and

15 “(bb) a Native Hawaiian or-
16 ganization, as that term is de-
17 fined in section 6207 of the Ele-
18 mentary and Secondary Edu-
19 cation Act of 1965.

20 “(ii) USE OF FUNDS.—The Adminis-
21 trator is authorized to establish a competi-
22 tive grant program to make grants to eligi-
23 ble entities to establish accelerators or in-
24 cubators to support eligible small business
25 concerns in developing—

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1 “(I) business readiness, including
2 by providing services such as account-
3 ing, organization, human resources,
4 and legal assistance;

5 “(II) growth readiness, including
6 assistance to build past performance
7 and relationships with prime contrac-
8 tors;

9 “(III) readiness to submit bids
10 for prime contracts, including assist-
11 ance in developing skills, conducting
12 market research, and drafting capa-
13 bility statements and proposals; or

14 “(IV) global readiness, including
15 assistance in establishing long-term,
16 additional revenue streams outside of
17 the United States.

18 “(iii) ACQUISITION AUTHORITIES.—
19 The Administrator shall identify acquisi-
20 tion authorities under which eligible small
21 business concerns assisted under this sub-
22 paragraph may enter into contracts or
23 agreements with Federal agencies.

24 “(iv) AMOUNT.—During the period
25 beginning on the date of the enactment of

1 this subparagraph and ending not later
2 than 10 years after such date, the Admin-
3 istrator shall award not more than an ag-
4 gregate total of \$1,000,000,000 in grants
5 to eligible entities under this subpara-
6 graph.”.

7 (b) BUSINESS DEVELOPMENT ACADEMY.—

8 (1) APPROPRIATIONS.—

9 (A) IN GENERAL.—In addition to amounts
10 otherwise available, there is appropriated to the
11 Small Business Administration for fiscal year
12 2022, out of any money in the Treasury not
13 otherwise appropriated, \$725,000,000 to re-
14 main available until September 30, 2031, to
15 carry out subparagraph (L) of section 7(j)(10)
16 of the Small Business Act (15 U.S.C.
17 636(j)(10)), as added by this subsection.

18 (B) SET ASIDE.—Of amounts made avail-
19 able under subparagraph (A), not more than 15
20 percent may be used by the Administrator for
21 administrative expenses and costs related to
22 monitoring and oversight.

23 (2) ESTABLISHMENT.—Section 7(j)(10) of the
24 Small Business Act (15 U.S.C. 636(j)(10)), as

1 amended by subsection (a), is further amended by
2 adding at the end the following:

3 “(L) BUSINESS DEVELOPMENT ACAD-
4 EMY.—

5 “(i) DEFINITION OF ELIGIBLE ENTI-
6 TY.—In this paragraph, the term ‘eligible
7 entity’ has the meaning given in subpara-
8 graph (K)(i).

9 “(ii) USE OF FUNDS.—The Adminis-
10 trator is authorized to establish a competi-
11 tive grant program to make grants to eligi-
12 ble entities to support Program Partici-
13 pants.

14 “(iii) DUTIES OF ELIGIBLE ENTI-
15 TIES.—An eligible entity that receives a
16 grant under this subparagraph shall use
17 such grant to—

18 “(I) develop and establish a
19 foundational 12-month executive men-
20 toring and training program for small
21 business concerns described in clause
22 (ii);

23 “(II) recruit and enroll partici-
24 pants in the program described in

1 subclause (I), including by providing
2 incentives for participation;

3 “(III) develop certification pro-
4 grams for eligible entities based on
5 proven best practices of the Adminis-
6 tration; and

7 “(IV) conduct research into the
8 effectiveness of the program described
9 in clause (iv)(I).

10 “(iv) AMOUNT.—During the period
11 beginning on the date of the enactment of
12 this subparagraph and ending not later
13 than 10 years after such date, the Admin-
14 istrator shall award not more than an ag-
15 gregate total of \$725,000,000 in grants to
16 eligible entities under this subparagraph.”.

17 **SEC. 100104. PATHWAY TO PRIME GRANT PROGRAM.**

18 (a) APPROPRIATIONS.—

19 (1) IN GENERAL.—In addition to amounts oth-
20 erwise available, there is appropriated to the Small
21 Business Administration for fiscal year 2022, out of
22 any money in the Treasury not otherwise appro-
23 priated, to remain available until September 30,
24 2031—

1 (A) \$75,000,000 to carry out subsection
2 (b)(1) of section 49 of the Small Business Act,
3 as added by subsection (b); and

4 (B) \$450,000,000 to carry out subsection
5 (b)(2) of section 49 of the Small Business Act,
6 as added by subsection (b).

7 (2) SET ASIDE.—Of the amount made available
8 to carry out this section for any fiscal year, not
9 more than 15 percent may be used by the Adminis-
10 trator for administrative expenses.

11 (b) ESTABLISHMENT.—The Small Business Act (15
12 U.S.C. 631 et seq.) is amended—

13 (1) by redesignating section 49 (15 U.S.C. 631
14 note) as section 55; and

15 (2) by inserting after section 48 the following:

16 **“SEC. 49. PATHWAY TO PRIME GRANT PROGRAM.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
19 tity’ means—

20 “(A) a historically black college or univer-
21 sity; or

22 “(B) an institution of higher education, as
23 defined in section 101 of the Higher Education
24 Act of 1965, which primarily educates students
25 who are Black or African American, Hispanic

1 or Latino, American Indian, Alaska Native,
2 Asian, Native Hawaiian, or other Pacific Is-
3 lander.

4 “(2) HISTORICALLY BLACK COLLEGE OR UNI-
5 VERSITY.—The term ‘historically black college or
6 university’ has the meaning given the term ‘part B
7 institution’ under section 322 of the Higher Edu-
8 cation Act of 1965.

9 “(3) PATHWAY FIRM.—The term ‘pathway
10 firm’ means a small business concern that is—

11 “(A) a subcontractor of the Federal Gov-
12 ernment;

13 “(B) a contractor or subcontractor of a
14 State, local, or tribal government, including
15 such contractor or subcontractor for a project
16 funded by the CARES Act (Public Law 116–
17 136), the American Rescue Plan Act of 2021
18 (Public Law 117–2), or an Act providing funds
19 for infrastructure that is enacted during the
20 117th Congress (as determined by the Adminis-
21 trator).

22 “(b) ESTABLISHMENT.—The Administrator shall es-
23 tablish a program to assist pathway firms to become prime
24 contractors of the Federal Government by—

1 “(1) making competitive grants to eligible enti-
2 ties to establish a national contracting and subcon-
3 tracting network and database of pathway firms and
4 grantees under paragraph (2) to track and connect
5 pathway firms with Federal prime contracting op-
6 portunities based on the record of the pathway firm
7 in competing for and obtaining—

8 “(A) prime contracts or contracts with
9 Federal, State, local, or tribal governments;

10 “(B) subcontracts with Federal prime con-
11 tractors; and

12 “(C) subcontracts from State, local, or
13 tribal governments participating in projects
14 funded by the CARES Act (Public Law 116–
15 136), the American Rescue Plan Act of 2021
16 (Public Law 117–2), or an Act providing funds
17 for infrastructure that is enacted during the
18 117th Congress (as determined by the Adminis-
19 trator; and

20 “(2) making competitive grants to not fewer
21 than 20 State or local governments or federally rec-
22 ognized Tribal governments to—

23 “(A) participate in the national small busi-
24 ness contracting network established in para-
25 graph (1); and

1 “(B) assist pathway firms within the geo-
2 graphic regions served by those governments.

3 “(c) USE OF FUNDS.—A recipient of a grant made
4 under this section shall—

5 “(1) provide resources to enable pathway firms
6 to gain the experience and capabilities necessary to
7 compete for and obtain prime contracts;

8 “(2) facilitate engagement between pathway
9 firms and Federal, State, local, or tribal govern-
10 ments;

11 “(3) work with the Administration to ensure
12 that prime contractors with subcontracting plans
13 under section 8(d) meet the requirements of those
14 plans;

15 “(4) work with the Administration to maximize
16 opportunities for small business concerns to obtain-
17 ing subcontracts from State, local, or tribal govern-
18 ments participating in projects funded by the
19 CARES Act (Public Law 116–136), the American
20 Rescue Plan Act of 2021 (Public Law 117–2), or an
21 Act providing funds for infrastructure that is en-
22 acted during the 117th Congress (as determined by
23 the Administrator); and

24 “(5) make publicly available data to advocate
25 for best practices and policies that promote small

1 business concerns as prime contractors of the Fed-
2 eral Government.”.

3 **Subtitle B—Empowering Small**
4 **Business Creation and Expans-**
5 **ion in Underrepresented Com-**
6 **munities**

7 **SEC. 100201. GRANTS FOR BUSINESS INCUBATORS.**

8 (a) APPROPRIATIONS.—

9 (1) IN GENERAL.—In addition to amounts oth-
10 erwise available, there is appropriated to the Small
11 Business Administration for fiscal year 2022, out of
12 any money in the Treasury not otherwise appro-
13 priated, \$1,000,000,000, to remain available until
14 September 30, 2031, for carrying out section 50 of
15 the Small Business Act, as added by subsection (b).

16 (2) SET ASIDE.—Of the amounts made avail-
17 able under this subsection for a fiscal year, not more
18 than 15 percent shall be available for administrative
19 expenses and costs related to monitoring and over-
20 sight.

21 (b) ESTABLISHMENT.—The Small Business Act (15
22 U.S.C. 631 et seq.) is amended by inserting after section
23 49, as added by section 10104, the following:

24 **“SEC. 50. GRANTS FOR BUSINESS INCUBATORS.**

25 **“(a) DEFINITIONS.—In this section:**

1 “(1) BUSINESS INCUBATOR.—The term ‘busi-
2 ness incubator’ means an organization that—

3 “(A) provides resources, which may include
4 physical workspace and facilities, to startups
5 and established small business concerns;

6 “(B) is designed to accelerate the growth
7 and success of small business concerns through
8 a variety of business support resources and
9 services, including—

10 “(i) access to capital, business edu-
11 cation, and counseling;

12 “(ii) networking opportunities;

13 “(iii) mentorship opportunities; and

14 “(iv) other services intended to aid in
15 developing a business.

16 “(2) ECONOMIC DEVELOPMENT ORGANIZA-
17 TION.—The term ‘economic development organiza-
18 tion’—

19 “(A) means a regional, State, tribal, or
20 local private nonprofit organization established
21 for purposes of promoting or otherwise facili-
22 tating economic development; and

23 “(B) includes community financial institu-
24 tions, as defined in section 7(a)(36)(A).

1 “(3) ELIGIBLE APPLICANT.—The term ‘eligible
2 applicant’ means—

3 “(A) an economic development organiza-
4 tion;

5 “(B) an eligible entity, as defined in sec-
6 tion 7(j)(10)(K)(i)(II);

7 “(C) an SBA partner organization; or

8 “(D) any entity that provides support to
9 startups and small business concerns, as deter-
10 mined by the Administrator.

11 “(4) ELIGIBLE SMALL BUSINESS CONCERN.—
12 The term ‘eligible small business concern’ means a
13 business concern that—

14 “(A) is organized or incorporated in the
15 United States;

16 “(B) is operating primarily in the United
17 States;

18 “(C) meets—

19 “(i) the applicable industry-based size
20 standard established under section 3; or

21 “(ii) the alternate size standard appli-
22 cable to the program under section 7(a) or
23 the loan programs under title V of the
24 Small Business Investment Act of 1958;

1 “(D) is in the planning stages or has been
2 in business for not more than 5 years as of the
3 date on which assistance under this section
4 commences; and

5 “(E) is—

6 “(i) owned and controlled by 1 or
7 more members of an underrepresented
8 community; or

9 “(ii) a Native Entity, as defined in
10 section 7(j)(10)(K)(i).

11 “(5) MEMBER OF AN UNDERREPRESENTED
12 COMMUNITY.—The term ‘member of an underrep-
13 resented community’ means an individual who is—

14 “(A) a resident of—

15 “(i) a low-income community, as de-
16 fined in section 45D(e) of the Internal
17 Revenue Code of 1986;

18 “(ii) a low-income rural community;
19 or

20 “(iii) a HUBZone, as defined in sec-
21 tion 31(b);

22 “(B) a member of an Indian or Alaska Na-
23 tive tribe, band, nation, pueblo, village, commu-
24 nity, component band, or component reserva-
25 tion, individually identified (including par-

1 enthetically) in the most recent list published
2 pursuant to section 104 of the Federally Recog-
3 nized Indian Tribe List Act of 1994;

4 “(C) an individual with a disability, as de-
5 fined in section 3 of the Americans with Dis-
6 abilities Act of 1990;

7 “(D) a veteran;

8 “(E) an individual who completed a term
9 of imprisonment; or

10 “(F) otherwise identified by the Adminis-
11 trator.

12 “(6) SBA PARTNER ORGANIZATION.—The term
13 ‘SBA partner organization’ means any organization
14 awarded financial assistance in the form of a grant,
15 cooperative agreement, or contract for the purpose
16 of conducting a public project funded, either in
17 whole or in part, under a program of the Adminis-
18 tration.

19 “(b) AUTHORITY.—The Administrator may provide
20 financial assistance on a competitive basis in the form of
21 a grant, prize, cooperative agreement, or contract for an
22 eligible applicant to provide the services of a business incu-
23 bator to eligible small business concerns.

24 “(c) USE OF FUNDS.—An eligible applicant that re-
25 ceives assistance under this section shall support areas

1 that serve members of an underrepresented community
2 and provide services that shall—

3 “(1) be carried out in such areas as to provide
4 maximum accessibility and benefits to the eligible
5 small business concerns that the project is intended
6 to serve; and

7 “(2) not impose or otherwise collect a fee or
8 other compensation from eligible small business con-
9 cerns in connection with such services.

10 “(d) ONE OR MORE BUSINESS INCUBATORS.—An eli-
11 gible applicant that receives financial assistance under this
12 section may share such assistance among one or more
13 business incubators to expand access to resources, infor-
14 mation, and best practices.

15 “(e) AWARD AMOUNT.—An award of financial assist-
16 ance under this section shall be for not more than
17 \$1,250,000 for each fiscal year for which the award is
18 granted.

19 “(f) PENALTIES FOR FAILURE TO ABIDE BY TERMS
20 OR CONDITIONS OF AWARD.—At the discretion of the Ad-
21 ministrators and in addition to any other civil or criminal
22 consequences, the Administrator shall withhold payments
23 to an eligible applicant or order the eligible applicant to
24 return any assistance provided under this section for fail-

1 ure to abide by the terms and conditions of such assist-
2 ance.”.

3 **SEC. 100202. OFFICE OF NATIVE AMERICAN AFFAIRS.**

4 (a) APPROPRIATIONS.—In addition to amounts other-
5 wise available, there is appropriated to the Small Business
6 Administration, out of any money in the Treasury not oth-
7 erwise appropriated, \$2,000,000 for each of fiscal years
8 2022 through 2031 for carrying out section 51 of the
9 Small Business Act, as added by subsection (b). Amounts
10 appropriated by this subsection shall remain available
11 until September 30, 2031.

12 (b) ESTABLISHMENT.—The Small Business Act (15
13 U.S.C. 631 et seq.) is amended by inserting after section
14 50, as added by section 10201 of this title, the following:

15 **“SEC. 51. OFFICE OF NATIVE AMERICAN AFFAIRS.**

16 “(a) DEFINITIONS.—In this section:

17 “(1) INDIAN TRIBE.—The term ‘Indian Tribe’
18 has the meaning given in section 4 of the Indian
19 Self-Determination and Education Assistance Act.

20 “(2) NATIVE AMERICAN.—The term ‘Native
21 American’ means a member of an Indian Tribe.

22 “(3) NATIVE HAWAIIAN ORGANIZATION.—The
23 term ‘Native Hawaiian Organization’ has the mean-
24 ing given in section 6207 of the Elementary and
25 Secondary Education Act of 1965.

1 “(4) RESOURCE PARTNERS.—The term ‘re-
2 source partners’ means—

3 “(A) small business development centers;

4 “(B) women’s business centers described in
5 section 29;

6 “(C) chapters of the Service Corps of Re-
7 tired Executives established under section
8 8(b)(1)(B); and

9 “(D) Veteran Business Outreach Centers
10 described in section 32.

11 “(b) ESTABLISHMENT.—There is established in the
12 Administration an Office of Native American Affairs, in
13 this section referred to as the ‘Office’, which shall provide
14 entrepreneurship outreach and development assistance to
15 Native Americans, Native Hawaiian Organizations and
16 members thereof, and Indian Tribes, through the Native
17 American Outreach Program established under subsection
18 (c).

19 “(c) NATIVE AMERICAN OUTREACH PROGRAM.—

20 “(1) ESTABLISHMENT.—The Administrator
21 shall establish and administer a Native American
22 Outreach Program within the Office—

23 “(A) to ensure that small business con-
24 cerns owned and controlled by Native Ameri-
25 cans, Native Hawaiian Organizations, and In-

1 dian Tribes, and Native American entre-
2 preneurs have access to programs and services
3 of the Administration;

4 “(B) to provide information to State, local,
5 and tribal governments and other interested
6 persons about Federal assistance available to
7 small business concerns owned and controlled
8 by Native Americans, Native Hawaiian Organi-
9 zations, and Indian Tribes, and Native Amer-
10 ican entrepreneurs; and

11 “(C) to ensure access to in-person and vir-
12 tual counseling and training services to small
13 business concerns owned and controlled by Na-
14 tive Americans, Native Hawaiian Organizations,
15 and Indian Tribes, and Native American entre-
16 preneurs.

17 “(2) SERVICES.—The services described in
18 paragraph (1) shall include—

19 “(A) financial education on applying for
20 and securing credit, loan guarantees, surety
21 bonds, and investment capital, managing finan-
22 cial operations, and preparing and presenting
23 financial statements and business plans;

1 “(B) education on management of a small
2 business concern, including planning, orga-
3 nizing, staffing, and marketing;

4 “(C) identifying domestic and international
5 market opportunities; and

6 “(D) implementing economic and business
7 development strategies to improve long-term job
8 growth.”.

9 **SEC. 100203. OFFICE OF RURAL AFFAIRS.**

10 (a) APPROPRIATIONS.—

11 (1) IN GENERAL.—In addition to amounts oth-
12 erwise available, there is appropriated to the Small
13 Business Administration, out of any money in the
14 Treasury not otherwise appropriated, \$2,000,000 for
15 each of fiscal years 2022 through 2031 for carrying
16 out this section. Amounts appropriated by this sub-
17 section shall remain available until September 30,
18 2031.

19 (2) SET ASIDE.—Of the amounts made avail-
20 able under this subsection for a fiscal year, not more
21 than 15 percent shall be available for administrative
22 expenses related to carrying out this section.

23 (b) OFFICE OF RURAL AFFAIRS.—Section 26 of the
24 Small Business Act (15 U.S.C. 653) is amended by adding
25 at the end the following:

1 “(d) RURAL SMALL BUSINESS CONFERENCES.—

2 “(1) IN GENERAL.—The Office shall administer
3 1 or more annual Rural Small Business Conferences,
4 to be held in various regions of the United States.
5 The purpose of such Conferences shall be to—

6 “(A) promote policies and programs of the
7 Administration specific to small business con-
8 cerns located in rural areas, and make publicly
9 available information about such policies and
10 programs;

11 “(B) coordinate with all offices of the Ad-
12 ministration, resource partners, lenders, and
13 other interested persons to ensure that the
14 needs of small business concerns located in
15 rural area are being met; and

16 “(C) analyze data on the effectiveness of
17 programs of the Administration that benefit
18 small business concerns located in rural areas.”.

19 **SEC. 100204. OFFICE OF EMERGING MARKETS.**

20 (a) APPROPRIATIONS.—In addition to amounts other-
21 wise available, there is appropriated to the Small Business
22 Administration, out of any money in the Treasury not oth-
23 erwise appropriated, \$2,000,000 for each of fiscal years
24 2022 through 2031 for carrying out subsection (o) of sec-
25 tion 7 of the Small Business Act (15 U.S.C. 636), as

1 added by subsection (b). Amounts appropriated by this
2 subsection shall remain available until September 30,
3 2031.

4 (b) ESTABLISHMENT.—Section 7 of the Small Busi-
5 ness Act (15 U.S.C. 636) is amended by adding at the
6 end the following:

7 “(o) OFFICE OF EMERGING MARKETS.—

8 “(1) DEFINITIONS.—In this subsection—

9 “(A) the term ‘Director’ means the Direc-
10 tor of the Office of Emerging Markets;

11 “(B) the term ‘microloan program’ means
12 the program described in subsection (m);

13 “(C) the term ‘small business concern in
14 an emerging market’ means a small business
15 concern—

16 “(i) that is located in—

17 “(I) a low-income or moderate-in-
18 come area for purposes of the Com-
19 munity Development Block Grant
20 Program under title I of the Housing
21 and Community Development Act of
22 1974; or

23 “(II) a HUBZone, as that term
24 is defined in section 31(b);

1 “(ii) that is growing, newly estab-
2 lished, or a startup;

3 “(iii) owned and controlled by vet-
4 erans;

5 “(iv) owned and controlled by individ-
6 uals with a disability, as defined in section
7 3 of the Americans with Disabilities Act of
8 1990; or

9 “(v) owned and controlled by other in-
10 dividuals or groups identified by the Ad-
11 ministrator.

12 “(2) ESTABLISHMENT.—There is established
13 within the Office of Capital Access of the Adminis-
14 tration an office to be known as the ‘Office of
15 Emerging Markets’, which shall be responsible for
16 the planning, coordination, implementation, evalua-
17 tion, and improvement of the efforts of the Adminis-
18 trator to enhance the economic well-being of small
19 business concerns in an emerging market.

20 “(3) ADMINISTRATION.—The Office of Emerg-
21 ing Markets shall be administered by a Director,
22 who shall—

23 “(A) create and implement strategies and
24 programs that provide an integrated approach

1 to the development of small business concerns
2 in an emerging market;

3 “(B) review the effectiveness and impact of
4 access to capital programs (including the
5 microloan program) of the Administration and
6 recommend policies on such programs with re-
7 spect to small business concerns in an emerging
8 market;

9 “(C) coordinate with the Office of Entre-
10 preneurial Development and the Office of Vet-
11 erans Business Development of the Administra-
12 tion to establish partnerships to advance the
13 goal of improving the economic success of small
14 business concerns in an emerging market;

15 “(D) consult with the Associate Adminis-
16 trator of the Office of Field Operations; and

17 “(E) coordinate the activities of—

18 “(i) the SBIC Working Group estab-
19 lished under section 10404 of the Act to
20 provide for reconciliation pursuant to title
21 II of S. Con. Res. 14;

22 “(ii) the Office of Native American
23 Affairs established under section 51; and

24 “(iii) the Office of Rural Affairs es-
25 tablished under section 26.”.

1 **SEC. 100205. STATE TRADE EXPANSION PROGRAM.**

2 In addition to amounts otherwise available, there is
3 appropriated to the Small Business Administration, out
4 of any money in the Treasury not otherwise appropriated,
5 \$30,000,000 for each of fiscal years 2022 through 2025
6 for carrying out section 22(l) of the Small Business Act
7 (15 U.S.C. 649(l)). Amounts appropriated by this sub-
8 section shall remain available for 3 fiscal years.

9 **Subtitle C—Encouraging Small**
10 **Businesses to Fully Engage in**
11 **the Innovation Economy**

12 **SEC. 100301. GROWTH ACCELERATOR COMPETITION.**

13 (a) APPROPRIATIONS.—

14 (1) IN GENERAL.—In addition to amounts oth-
15 erwise available, there is appropriated to the Small
16 Business Administration for fiscal year 2022, out of
17 any money in the Treasury not otherwise appro-
18 priated, \$400,000,000, to remain available until
19 September 30, 2031, for carrying out section 52 of
20 the Small Business Act, as added by subsection (b).

21 (2) SET ASIDE.—Of the amounts made avail-
22 able under this subsection for a fiscal year, not more
23 than 5 percent shall be available for administrative
24 expenses related to carrying out this section.

1 (b) IN GENERAL.—The Small Business Act (15
2 U.S.C. 631 et seq.) is amended by inserting after section
3 51, as added by section 10202 of this title, the following:

4 **“SEC. 52. GROWTH ACCELERATOR COMPETITION.**

5 “(a) DEFINITIONS.—In this section:

6 “(1) AWARD.—The term ‘award’ means a
7 grant, prize, contract, cooperative agreement, or
8 other cash or cash equivalent (as determined by the
9 Administrator).

10 “(2) DISABILITY.—The term ‘disability’ has the
11 meaning given the term in section 3 of the Ameri-
12 cans with Disabilities Act of 1990.

13 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
14 tity’ means—

15 “(A) an eligible entity, as defined in sec-
16 tion 49; or

17 “(B) an organization that is a growth ac-
18 celerator located in the United States.

19 “(4) GROWTH ACCELERATOR.—The term
20 ‘growth accelerator’ means an organization that—

21 “(A) supports new small business concerns
22 that have a focus on technology, research, and
23 development;

1 “(B) frequently provides, but is not exclu-
2 sively designed to provide, seed investment in
3 exchange for a small amount of equity;

4 “(C) works with a new small business con-
5 cern for a predetermined amount of time;

6 “(D) provides mentorship and instruction
7 to small business concerns to scale businesses;
8 or

9 “(E) offers startup capital or the oppor-
10 tunity to raise capital from outside investors.

11 “(5) NEW SMALL BUSINESS CONCERN.—The
12 term ‘new small business concern’ means a small
13 business concern that has been in operation for not
14 more than 5 years.

15 “(b) ESTABLISHMENT.—The Administrator shall
16 make competitive awards of not less than \$100,000 to eli-
17 gible entities to accelerate the growth of new small busi-
18 ness concerns by providing—

19 “(1) assistance to small business concerns with
20 accessing capital and finding mentors and net-
21 working opportunities; and

22 “(2) advice to small business concerns, includ-
23 ing advising on market analysis, company strategy,
24 revenue growth, commercialization, and securing
25 funding.

1 “(c) USE OF FUNDS.—An award under this section—

2 “(1) may be used by an eligible entity for con-
3 struction costs, acquisition of physical workspace
4 and facilities, and programmatic purposes to benefit
5 new small business concerns; and

6 “(2) may not be used by an eligible entity to
7 provide capital to new small business concerns di-
8 rectly or through the subaward of funds.

9 “(d) APPLICATION.—In making awards under this
10 section, the Administrator shall establish an application
11 process and selection criteria, which shall include—

12 “(1) assurances that the eligible entity will use
13 such award to provide assistance for not less than
14 5 new small business concerns each year;

15 “(2) if located within 20 miles of a minority
16 serving institution, proof of a referral or pro-
17 grammatic relationship between the eligible entity
18 and such institution;

19 “(3) an assessment of the need for additional
20 assistance for new small business concerns in the ge-
21 ographic area to be served by the eligible entity; and

22 “(4) other criteria, as determined by the Ad-
23 ministrator.

24 “(e) PENALTIES FOR FAILURE TO ABIDE BY TERMS
25 OR CONDITIONS OF AWARD.—At the discretion of the Ad-

1 administrator and in addition to any other civil or criminal
2 consequences, the Administrator shall withhold payments
3 to an eligible entity or order the eligible entity to return
4 an award made under this section for failure to abide by
5 the terms and conditions of the award.”.

6 **SEC. 100302. BUILDING A NATIONAL INNOVATION SUPPORT**

7 **ECOSYSTEM NETWORK.**

8 (a) APPROPRIATIONS.—

9 (1) IN GENERAL.—In addition to amounts oth-
10 erwise available, there is appropriated to the Small
11 Business Administration for fiscal year 2022, out of
12 any money in the Treasury not otherwise appro-
13 priated, to remain available until September 30,
14 2031, for carrying out this section—

15 (A) \$525,000,000 to carry out subsection
16 (c)(1) of this section; and

17 (B) \$150,000,000 to carry out subsection
18 (c)(2) of this section.

19 (2) SET ASIDE.—Of the amounts made avail-
20 able under paragraph (1)(A) of this subsection for
21 a fiscal year, not more than 5 percent shall be avail-
22 able for administrative expenses related to carrying
23 out this section.

24 (b) DEFINITIONS.—In this section:

1 (1) BUSINESS INCUBATOR.—The term “busi-
2 ness incubator” means an organization that—

3 (A) provides resources, which may include
4 physical workspace and facilities, to startups
5 and established small business concerns; and

6 (B) is designed to accelerate the growth
7 and success of businesses through a variety of
8 business support resources and services, includ-
9 ing—

10 (i) access to capital, business edu-
11 cation, and counseling;

12 (ii) networking opportunities;

13 (iii) mentorship opportunities; and

14 (iv) other services intended to aid in
15 developing a business.

16 (2) ECONOMIC DEVELOPMENT ORGANIZA-
17 TION.—The term “economic development organiza-
18 tion” means a regional, State, tribal, or local organi-
19 zation established for purposes of promoting or oth-
20 erwise facilitating economic development.

21 (3) ELIGIBLE APPLICANT.—The term “eligible
22 applicant” means—

23 (A) an economic development organization;

1 (B) an eligible entity, as defined in section
2 7(j)(10)(K)(i) of the Small Business Act, as
3 added by section 100103;

4 (C) a business incubator;

5 (D) a growth accelerator;

6 (E) an SBA partner organization, as de-
7 fined in section 50 of the Small Business Act
8 (as added by section 10201 of this title); or

9 (F) any combination or collaboration of the
10 entities described in subparagraphs (A) through
11 (E).

12 (4) ELIGIBLE BUSINESS.—The term “eligible
13 business” means any innovative startup seeking to—

14 (A) participate in the SBIR and STTR
15 programs described in section 9 of the Small
16 Business Act (15 U.S.C. 638); or

17 (B) otherwise develop, through research
18 and development, or commercialize advanced
19 technologies.

20 (5) GROWTH ACCELERATOR.—The term
21 “growth accelerator” has the meaning given the
22 term in section 52 of the Small Business Act, as
23 added by section 10301 of this title.

24 (6) INNOVATIVE STARTUP.—The term “innova-
25 tive startup” means a science, technology, engineer-

1 ing, and math entrepreneur or small business con-
2 cern that—

3 (A) was founded or commenced a trade or
4 business not earlier than 5 years before receiv-
5 ing assistance under this section; and

6 (B) has a primary focus on the develop-
7 ment or commercialization of advanced tech-
8 nologies.

9 (7) MEMBER OF AN UNDERREPRESENTED COM-
10 MUNITY.—The term “member of an underrep-
11 resented community” has the meaning given in sec-
12 tion 50 of the Small Business Act, as added by sec-
13 tion 10201 of this title.

14 (c) ESTABLISHMENT.—The Administrator shall—

15 (1) make grants or award prizes to, or enter
16 into contracts or cooperative agreements with, eligi-
17 ble applicants to address the training, proposal de-
18 velopment, mentoring, partnering, coordinating, net-
19 working, customer discovery, and business incubator
20 and growth accelerator needs of eligible businesses
21 to expand and accelerate the growth of eligible busi-
22 nesses; and

23 (2) facilitate fellowships and internships in the
24 fields of science, technology, engineering, and mathe-
25 matics, prioritizing members of an underrepresented

1 community through partnerships with or supple-
2 mental grants or awards to provide opportunities at
3 the undergraduate, graduate, and postdoctoral lev-
4 els.

5 **Subtitle D—Increasing Equity Op-**
6 **portunities for Small Manufac-**
7 **turers**

8 **SEC. 100401. INCREASING EQUITY INVESTMENT BY THE**
9 **SBIC PROGRAM.**

10 (a) VENTURE SMALL BUSINESS INVESTMENT COM-
11 PANY FACILITY.—

12 (1) APPROPRIATIONS.—In addition to amounts
13 otherwise available, there is appropriated to the Ad-
14 ministration for fiscal year 2022, out of any money
15 in the Treasury not otherwise appropriated, to re-
16 main available until September 30, 2031,
17 \$9,500,000,000, to be deposited into the facility es-
18 tablished under section 321 of the Small Business
19 Investment Act of 1958, as added by paragraph (2).

20 (2) ESTABLISHMENT.—The Small Business In-
21 vestment Act of 1958 (15 U.S.C. 661 et seq.) is
22 amended—

23 (A) in section 103 (15 U.S.C. 662)—

24 (i) in paragraph (9)(B)(iii)—

1 (I) in subclause (II), by striking
2 “and” at the end;

3 (II) in subclause (III), by adding
4 “and” at the end; and

5 (III) by adding at the end the
6 following:

7 “(IV) funds obtained from any fi-
8 nancial institution identified under
9 section 302(b);”; and

10 (ii) in paragraph (10)—

11 (I) in subparagraph (A), by add-
12 ing “and” at the end; and

13 (II) by striking subparagraphs
14 (B) and (C) and inserting the fol-
15 lowing:

16 “(B) partnership interests purchased by
17 the Administration, as described in section
18 321.”;

19 (B) in section 302(a)(1) (15 U.S.C.
20 682(a)(1))—

21 (i) in subparagraph (A), by striking
22 “or” at the end;

23 (ii) in subparagraph (B), by striking
24 the period at the end and inserting “; or”;
25 and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(C) \$20,000,000, adjusted every 5 years
4 for inflation, with respect to each licensee par-
5 ticipating in the facility under section 321.”;

6 (C) in section 303(b)(2)(B) (15 U.S.C.
7 683(b)(2)(B)), by striking “\$350,000,000” and
8 inserting “\$400,000,000”; and

9 (D) in section 304—

10 “(e) Notwithstanding section 310(c)(6), a licensee
11 under section 321 may, subject to regulations to be issued
12 by the Administration, invest equity capital in investment
13 funds which—

14 “(1) are majority controlled by members of an
15 underrepresented community (as defined in section
16 50 of the Small Business Act);

17 “(2) receive annual assistance provided by such
18 licensee; or

19 “(3) meet additional criteria as determined by
20 the Administration.”; and

21 (E) by adding at the end the following:

22 **“SEC. 321. VENTURE SMALL BUSINESS INVESTMENT COM-**
23 **PANY FACILITY.**

24 “(a) DEFINITIONS.—In this section:

1 “(1) COVERED INVESTMENTS.—The term ‘cov-
2 ered investments’ means investments in—
3 “(A) infrastructure, including—
4 “(i) roads, bridges, and mass transit;
5 “(ii) water supply and sewer;
6 “(iii) the electrical grid;
7 “(iv) broadband and telecommuni-
8 cations;
9 “(v) clean energy; or
10 “(vi) child care and elder care;
11 “(B) manufacturing;
12 “(C) low-income communities, as that term
13 is defined in section 45D(e) of the Internal
14 Revenue Code of 1986;
15 “(D) HUBZones, as defined in section
16 31(b) of the Small Business Act;
17 “(E) small business concerns owned and
18 controlled by a member of an Indian tribe indi-
19 vidually identified (including parenthetically) in
20 the most recent list published pursuant to sec-
21 tion 104 of the Federally Recognized Indian
22 Tribe List Act of 1994;
23 “(F) small business concerns owned and
24 controlled by an individual with a disability, as

1 defined in section 3 of the Americans with Dis-
2 abilities Act of 1990;

3 “(G) small business concerns owned and
4 controlled by a veteran; or

5 “(H) small business concerns identified by
6 the Administrator as critical.

7 “(2) FACILITY.—The term ‘facility’ means the
8 facility established under subsection (b).

9 “(3) PARTNERSHIP INTEREST.—The term
10 ‘partnership interest’ means a limited partnership
11 equity interest in a licensee purchased and held by
12 the Administration under this section.

13 “(4) VENTURE SMALL BUSINESS INVESTMENT
14 COMPANY.—The term ‘venture small business invest-
15 ment company’ means a private equity fund—

16 “(A) that makes early-stage venture cap-
17 ital investments in small business concerns ap-
18 proved to participate in the facility by the Ad-
19 ministration; and

20 “(B) for which 75 percent of total
21 financings shall be invested in covered invest-
22 ments, of which not more than 33 percent of
23 such investments are in small business concerns
24 in infrastructure or manufacturing.

1 “(b) ESTABLISHMENT AND ADMINISTRATION OF FA-
2 CILITY.—

3 “(1) IN GENERAL.—The Administrator shall es-
4 tablish and carry out a facility to purchase partner-
5 ship interests from venture small business invest-
6 ment companies.

7 “(2) ADMINISTRATION.—The facility shall be
8 administered by the Administrator acting through
9 the Associate Administrator described in section
10 201.

11 “(3) USE OF AMOUNTS.—The Administrator
12 shall use amounts deposited in the facility to pur-
13 chase partnership interests from venture small busi-
14 ness investment companies.

15 “(4) BIFURCATION.—Losses to the Administra-
16 tion under this section—

17 “(A) shall not be offset by fees or any
18 other charges on licenses not authorized by the
19 Administration;

20 “(B) shall be borne solely by the facility;
21 and

22 “(C) shall not be included in the calcula-
23 tion of the subsidy rate under section 303(j).

24 “(c) LICENSING MATTERS.—

1 “(1) IN GENERAL.—A venture small business
2 investment company shall be licensed under section
3 301(c) and approved by the Administrator to issue
4 partnership interests.

5 “(2) CONSIDERATION.—In issuing a license
6 under paragraph (1), the Administrator shall take
7 into consideration investment risk through criteria
8 set by the Administrator.

9 “(d) REQUIRED INVESTMENTS.—

10 “(1) IN GENERAL.—Except as described in
11 paragraph (2), a venture small business investment
12 company shall invest solely in small business con-
13 cerns.

14 “(2) EXCEPTION AND WAIVER.—Notwith-
15 standing section 310(c)(6) and subject to rules
16 issued by the Administrator, a venture small busi-
17 ness investment company may invest equity capital
18 in venture capital funds if—

19 “(A) such venture capital funds are major-
20 ity controlled by underrepresented individuals;

21 “(B) not less than 50 percent of total cap-
22 ital of each such venture capital fund is in-
23 vested in covered investments; and

1 “(C) the venture small business investment
2 company provides annual assistance to the ven-
3 ture capital fund.

4 “(e) PARTNERSHIP INTERESTS.—

5 “(1) IN GENERAL.—The Administrator may,
6 out of amounts available in the facility, purchase
7 partnership interests as described in this subsection.

8 “(2) ISSUANCE AND PURCHASE OF PARTNER-
9 SHIP INTERESTS.—

10 “(A) IN GENERAL.—The Administrator
11 may purchase venture equity securities issued
12 by a venture small business investment com-
13 pany in an amount that does not exceed the
14 lesser of 100 percent of the private capital of
15 the venture small business investment company
16 or a lesser amount to be determined by the Ad-
17 ministrator.

18 “(3) PARTNERSHIP INTEREST TERMS.—A part-
19 nership interest purchased by the Administrator
20 from a venture small business investment company
21 under this subsection shall be subject to such re-
22 strictions and limitations as the Administrator may
23 determine.”.

24 (b) EMERGING MANAGERS PROGRAM.—

1 (1) APPROPRIATIONS.—In addition to amounts
2 otherwise available, there is appropriated to the
3 Small Business Administration for fiscal year 2022,
4 out of any money in the Treasury not otherwise ap-
5 propriated, \$20,000,000, to remain available until
6 September 30, 2031, for carrying out this sub-
7 section.

8 (2) ESTABLISHMENT.—The Small Business In-
9 vestment Act of 1958 (15 U.S.C. 661 et seq.), as
10 amended by subsection (a), is further amended by
11 adding at the end the following:

12 **“SEC. 322. EMERGING MANAGERS PROGRAM.**

13 “(a) DEFINITIONS.—In this section:

14 “(1) COVERED INVESTMENTS.—The term ‘cov-
15 ered investments’ has the meaning given in section
16 321.

17 “(2) EMERGING MANAGER COMPANY.—The
18 term ‘emerging manager company’ means an invest-
19 ment management firm that is focused on investing
20 private equity that meets not less than 2 of the fol-
21 lowing criteria:

22 “(A) The partners of the firm have—

23 “(i) an investment track record of less
24 than 10 years of combined investment ex-
25 perience; or

1 “(ii) a documented record of success-
2 ful business experience.

3 “(B) The firm has a focus on underserved
4 markets.

5 “(C) The firm is not less than 50 percent
6 owned, managed, or controlled by members of
7 an underrepresented community (as defined in
8 section 50 of the Small Business Act).

9 “(b) ESTABLISHMENT.—The Administrator shall es-
10 tablish an emerging managers program pursuant to which
11 managers with substantial experience in operating small
12 business investment companies may enter into a written
13 agreement approved by the Administrator to provide guid-
14 ance and assistance to an applicant for a license for a
15 small business investment company that is to be managed
16 by an emerging manager company. The manager with sub-
17 stantial experience may hold a minority financial interest
18 in the small business investment company that is to be
19 managed by an emerging manager company.

20 “(c) LICENSING.—An applicant described in sub-
21 section (b) shall apply with for a license under section
22 301(c) and shall—

23 “(1) have private capital not to exceed
24 \$100,000,000;

1 “(2) be managed by not less than two individ-
2 uals;

3 “(3) be a second generation fund or earlier; and

4 “(4) focus its investment strategy on covered
5 investments.

6 “(d) **WAIVER OF MAXIMUM LEVERAGE.**—The ap-
7 proval of a written agreement under subsection (b) by the
8 Administrator shall operate as a waiver of the require-
9 ments of section 303(b)(2)(B) to the extent that such sec-
10 tion would otherwise apply.

11 “(e) **INCREASED LEVERAGE MAXIMUM.**—An existing
12 small business investment company that enters into a
13 written agreement under subsection (b) that is approved
14 by the Administrator may increase the maximum leverage
15 cap of the company under section 303(b)(2)—

16 “(1) under subparagraph (A) of such section,
17 with respect to a single license, by not more than
18 \$17,500,000; and

19 “(2) under subparagraph (B) of such section,
20 with respect to multiple licenses under common con-
21 trol, by not more than \$35,000,000.”.

22 **SEC. 100402. MICROCAP SMALL BUSINESS INVESTMENT**
23 **COMPANY LICENSE.**

24 (a) **APPROPRIATIONS.**—In addition to amounts other-
25 wise available, there is appropriated to the Administration

1 for fiscal year 2022, out of amounts in the Treasury not
2 otherwise appropriated, \$40,000,000, to remain available
3 until September 30, 2031, to carry out paragraph (5) of
4 section 301(c) of the Small Business Investment Act of
5 1958 (15 U.S.C. 681(c)), as added by subsection (b).

6 (b) MICROCAP SMALL BUSINESS INVESTMENT COM-
7 PANY LICENSE.—Section 301(c) of the Small Business In-
8 vestment Act of 1958 (15 U.S.C. 681(c)) is amended by
9 adding at the end the following:

10 “(5) MICROCAP SMALL BUSINESS INVESTMENT
11 COMPANY LICENSE.—

12 “(A) IN GENERAL.—The Administrator
13 may issue a number of licenses under this sub-
14 section to applicants—

15 “(i) that do not satisfy the qualifica-
16 tion requirements under paragraph
17 (3)(A)(ii) to the extent that such require-
18 ments relate to investment experience and
19 track record, including any such require-
20 ments further set forth in section 107.305
21 of title 13, Code of Federal Regulations, or
22 any successor regulation;

23 “(ii) that would otherwise be issued a
24 license under this subsection, except that
25 the management of the applicant does not

1 satisfy the requirements under paragraph
2 (3)(A)(ii) to the extent that such require-
3 ments relate to investment experience and
4 track record, including any such require-
5 ments further set forth in section 107.305
6 of title 13, Code of Federal Regulations, or
7 any successor regulation;

8 “(iii) for which the fund managers
9 have—

10 “(I) a documented record of suc-
11 cessful business experience;

12 “(II) a record of business man-
13 agement success; or

14 “(III) knowledge in the par-
15 ticular industry or business for which
16 the applicant is pursuing an invest-
17 ment strategy; and

18 “(iv) that have demonstrated appro-
19 priate qualifications for the license, based
20 on factors determined by the Adminis-
21 trator.

22 “(B) REQUIRED INVESTMENTS.—The li-
23 censee under this paragraph shall invest not
24 less than 50 percent of the total financings of
25 such licensee in covered investments (as defined

1 in section 321), of which not more than 33 per-
2 cent of such investments are in small business
3 concerns in infrastructure or manufacturing.

4 “(C) TIMING FOR ISSUANCE OF LI-
5 CENSE.—The Administrator shall establish poli-
6 cies to ensure the timely disposition and
7 issuance of licenses under this paragraph.

8 “(D) LEVERAGE.—A company licensed
9 pursuant to this paragraph shall—

10 “(i) not be eligible to receive leverage
11 in an amount that is more than
12 \$50,000,000; and

13 “(ii) be able to access leverage in an
14 amount that is not more than 200 percent
15 of the private capital of the applicant.

16 “(E) INVESTMENT COMMITTEE.—If a com-
17 pany licensed pursuant to this paragraph has
18 investment committee members or control per-
19 sons who are principals approved by the Admin-
20 istration or control persons of licensed small
21 business investment companies not licensed
22 under this paragraph, such licensee or licensees
23 shall not be deemed to be under common con-
24 trol with the company licensed pursuant to this

1 paragraph solely for the purpose of section
2 303(b)(2)(B).

3 “(F) FEES.—In addition to the fees au-
4 thorized under sections 301(e) and 310(b), the
5 Administration may prescribe fees to be paid by
6 each company designated to operate under this
7 paragraph.”.

8 **SEC. 100403. FUNDING FOR SBIC OUTREACH AND EDU-**
9 **CATION.**

10 (a) APPROPRIATIONS.—In addition to amounts other-
11 wise available, there is appropriated to the Small Business
12 Administration for fiscal year 2022, out of any money in
13 the Treasury not otherwise appropriated, \$2,500,000, to
14 remain available until September 30, 2031, for carrying
15 out this section.

16 (b) OUTREACH AND EDUCATION.—The Adminis-
17 trator shall develop and implement a program to promote
18 to, conduct outreach to, and educate prospective licensees
19 on the licensing procedures and other programs of small
20 business investment companies under title III of the Small
21 Business Investment Act of 1958 (15 U.S.C. 681 et seq.).

22 **SEC. 100404. SBIC WORKING GROUP.**

23 (a) APPROPRIATIONS.—In addition to amounts other-
24 wise available, there is appropriated to the Small Business
25 Administration for fiscal year 2022, out of any money in

1 the Treasury not otherwise appropriated, \$2,000,000, to
2 remain available until September 30, 2031, to carry out
3 this section.

4 (b) DEFINITIONS.—In this section—

5 (1) the term “covered Members” means the
6 Chair and Ranking Member of—

7 (A) the Committee on Small Business and
8 Entrepreneurship of the Senate; and

9 (B) the Committee on Small Business of
10 the House of Representatives;

11 (2) the terms “licensee”, “small business in-
12 vestment company”, and “underlicensed State” have
13 the meanings given those terms, respectively, in sec-
14 tion 103 of the Small Business Investment Act of
15 1958 (15 U.S.C. 662);

16 (3) the term “low-income community” has the
17 meaning given the term in section 45D(e) of the In-
18 ternal Revenue Code of 1986;

19 (4) the term “member of an underrepresented
20 community” has the meaning given in section 50 of
21 the Small Business Act, as added by section 10201
22 of this title.

23 (5) the term “underfinanced State” means a
24 State that has below median financing, as deter-
25 mined by the Administrator; and

1 (6) the term “underserved community”
2 means—

3 (A) a HUBZone, as defined in section
4 31(b) of the Small Business Act (15 U.S.C.
5 657a(b));

6 (B) a low-income community; or

7 (C) a low-income rural community.

8 (c) ESTABLISHMENT.—Not later than 90 days after
9 the date on which the covered Members are required to
10 submit to the Administrator a notification that the indi-
11 viduals selected by the covered Members under paragraph
12 (1) have accepted those assignments, the Administrator
13 shall establish a small business investment company
14 Working Group (referred to in this section as the “Work-
15 ing Group”), which shall—

16 (1) consist of—

17 (A) 4 representatives—

18 (i) among general partners of licens-
19 ees that have a demonstrated record of in-
20 vesting in—

21 (I) low-income communities;

22 (II) businesses primarily engaged
23 in research and development;

24 (III) manufacturers;

1 (IV) businesses primarily owned
2 or controlled by individuals in under-
3 served communities before receiving
4 capital from the licensee; and

5 (V) low-income rural commu-
6 nities; and

7 (ii) of whom—

8 (I) 1 shall be selected by the
9 Chair of the Committee on Small
10 Business and Entrepreneurship of the
11 Senate;

12 (II) 1 shall be selected by the
13 Ranking Member of the Committee on
14 Small Business and Entrepreneurship
15 of the Senate;

16 (III) 1 shall be selected by the
17 Chair of the Committee on Small
18 Business of the House of Representa-
19 tives; and

20 (IV) 1 shall be selected by the
21 Ranking Member of the Committee on
22 Small Business of the House of Rep-
23 resentatives;

24 (B) 4 representatives—

1 (i) from licensees, of whom 1 shall be
2 an owner of a small business investment
3 company or fund manager that is located
4 in—

5 (I) a low-income community;

6 (II) an underserved community;

7 (III) a low-income rural commu-
8 nity; or

9 (IV) an underfinanced State; and

10 (ii) of whom—

11 (I) 1 shall be selected by the
12 Chair of the Committee on Small
13 Business and Entrepreneurship of the
14 Senate;

15 (II) 1 shall be selected by the
16 Ranking Member of the Committee on
17 Small Business and Entrepreneurship
18 of the Senate;

19 (III) 1 shall be selected by the
20 Chair of the Committee on Small
21 Business of the House of Representa-
22 tives; and

23 (IV) 1 shall be selected by the
24 Ranking Member of the Committee on

1 Small Business of the House of Rep-
2 resentatives;

3 (C) the Associate Administrator for the
4 Office of Investment and Innovation of the Ad-
5 ministration, who shall—

6 (i) serve as the Chair of the Working
7 Group; and

8 (ii) select not more than 4 additional
9 representatives from the Office of Invest-
10 ment and Innovation of the Administration
11 to serve as representatives of the Working
12 Group; and

13 (D) 4 representatives from the investment
14 industry or academia, or who are bank limited
15 partners, with expertise in developing and moni-
16 toring interventions to expand the investment
17 industry, of whom—

18 (i) 1 shall be selected by the Chair of
19 the Committee on Small Business and En-
20 trepreneurship of the Senate;

21 (ii) 1 shall be selected by the Ranking
22 Member of the Committee on Small Busi-
23 ness and Entrepreneurship of the Senate;

1 (iii) 1 shall be selected by the Chair of
2 the Committee on Small Business of the
3 House of Representatives; and

4 (iv) 1 shall be selected by the Ranking
5 Member of the Committee on Small Busi-
6 ness of the House of Representatives;

7 (2) develop recommendations regarding how the
8 Administrator could increase the number of—

9 (A) applicants to become small business in-
10 vestment companies, with a focus on manage-
11 ment teams or companies located in—

12 (i) low-income communities;

13 (ii) underserved communities; and

14 (iii) low-income rural communities;

15 and

16 (B) investments made in underfinanced
17 States;

18 (3) develop recommendations for incentives for
19 small business investment companies to—

20 (A) invest and locate in underlicensed
21 States and underfinanced States; and

22 (B) invest in small business concerns, in-
23 cluding those owned and controlled by members
24 of an underrepresented community, small busi-
25 ness concerns owned and controlled by veterans,

1 and small business concerns owned and con-
2 trolled by women; and

3 (4) develop recommendations for metrics of suc-
4 cess, and benchmarks for success, with respect to
5 the goals described in this section.

6 (d) REPORT.—Not later than 1 year after the date
7 on which the Administrator establishes the Working
8 Group under subsection (b), the Working Group shall sub-
9 mit to the Committee on Small Business and Entrepre-
10 neurship of the Senate and the Committee on Small Busi-
11 ness of the House of Representatives a report that in-
12 cludes—

13 (1) the recommendations of the Working
14 Group; and

15 (2) a recommended plan and timeline for imple-
16 menting the recommendations described in para-
17 graph (1).

18 (e) TERMINATION.—The Working Group shall termi-
19 nate on the date on which the Working Group submits
20 the report required under subsection (e).

1 **Subtitle E—Increasing Access to**
2 **Lending and Investment Capital**

3 **SEC. 100501. FUNDING FOR COMMUNITY ADVANTAGE LOAN**
4 **PROGRAM.**

5 (a) APPROPRIATIONS.—In addition to amounts other-
6 wise available, there is appropriated to the Small Business
7 Administration for fiscal year 2022, out of any money in
8 the Treasury not otherwise appropriated, to remain avail-
9 able until September 30, 2031—

10 (1) \$281,000,000 for carrying out paragraph
11 (38) of section 7(a) of the Small Business Act (15
12 U.S.C. 636(a)), as added by subsection (b);

13 (2) \$5,000,000 for carrying out subparagraph
14 (F) of such paragraph (38); and

15 (3) \$314,000,000 for administrative expenses
16 related to carrying out such paragraph (38), includ-
17 ing issuing interim final rules.

18 (b) ESTABLISHMENT.—Section 7(a) of the Small
19 Business Act (15 U.S.C. 636(a)) is amended by adding
20 at the end the following:

21 “(38) COMMUNITY ADVANTAGE LOAN PRO-
22 GRAM.—

23 “(A) DEFINITIONS.—In this paragraph—

24 “(i) the term ‘covered institution’
25 means—

1 “(I) a development company, as
2 defined in section 103 of the Small
3 Business Investment Act of 1958,
4 participating in the loan program es-
5 tablished under title V of such Act;

6 “(II) a non-Federally regulated
7 entity certified as a community devel-
8 opment financial institution under the
9 Community Development Banking
10 and Financial Institutions Act of
11 1994;

12 “(III) an intermediary, as de-
13 fined in subsection (m)(11), that is a
14 nonprofit organization and is partici-
15 pating in the microloan program
16 under subsection (m); and

17 “(IV) an eligible intermediary, as
18 defined in subsection (l)(1), partici-
19 pating in the small business inter-
20 mediary lending pilot program estab-
21 lished under subsection (l)(2);

22 “(ii) the term ‘existing business’
23 means a small business concern that has
24 been in existence for not less than 2 years

1 on the date on which a loan is made to the
2 small business concern under the program;

3 “(iii) the term ‘new business’ means a
4 small business concern that has been in ex-
5 istence for not more than 2 years on the
6 date on which a loan is made to the small
7 business concern under the program;

8 “(iv) the term ‘program’ means the
9 Community Advantage Loan Program es-
10 tablished under subparagraph (B);

11 “(v) the term ‘small business concern
12 in an underserved market’ means a small
13 business concern—

14 “(I) that is located in—

15 “(aa) a low- to moderate-in-
16 come community;

17 “(bb) a HUBZone, as that
18 term is defined in section 31(b);

19 “(cc) a rural area; or

20 “(dd) any area for which a
21 disaster declaration or determina-
22 tion described in subparagraph
23 (B), (C), or (E) of subsection
24 (b)(2) has been made that has
25 not terminated more than 2

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1 years before the date (or later, as
2 determined by the Administrator)
3 on which a loan is made to such
4 concern under such subsection,
5 or in any area for which a major
6 disaster described in subsection
7 (b)(2)(A) has been declared, that
8 period shall be 5 years; or
9 “(II) that is a new business;
10 “(III) owned and controlled by
11 veterans;
12 “(IV) owned and controlled by an
13 individual who has completed a term
14 of imprisonment;
15 “(V) owned and controlled by an
16 individual with a disability, as that
17 term is defined in section 3 of the
18 Americans with Disabilities Act of
19 1990;
20 “(VI) owned and controlled by a
21 member of an Indian tribe individ-
22 ually identified (including parentheti-
23 cally) in the most recent list published
24 pursuant to section 104 of the Feder-

1 ally Recognized Indian Tribe List Act
2 of 1994; or

3 “(VII) otherwise identified by the
4 Administrator.

5 “(B) ESTABLISHMENT.— There is estab-
6 lished a Community Advantage Loan Program
7 under which the Administration may guarantee
8 loans made by covered institutions under this
9 subsection, including loans made to small busi-
10 ness concerns in underserved market

11 “(C) REQUIREMENT TO MAKE LOANS TO
12 UNDERSERVED MARKETS.—Not less than 50
13 percent of loans made by a covered institution
14 under the program shall consist of loans made
15 to small business concerns in an underserved
16 market.

17 “(D) MAXIMUM LOAN AMOUNT.—

18 “(i) IN GENERAL.—Except as pro-
19 vided in clause (ii), the maximum loan
20 amount for a loan guaranteed under the
21 program is \$250,000.

22 “(ii) EXCEPTIONS.—

23 “(I) REQUESTED EXCEPTION.—

24 “(aa) IN GENERAL.—Upon
25 request by a covered institution,

1 the Administrator may approve a
2 guarantee of a loan under the
3 program that is more than
4 \$250,000 and not more than
5 \$350,000.

6 “(bb) NOTIFICATION.—As
7 soon as practicable and not later
8 than 14 business days after re-
9 ceiving a request under item
10 (aa), the Administration shall—

11 “(AA) review the re-
12 quest; and

13 “(BB) provide a deci-
14 sion regarding the request to
15 the covered institution mak-
16 ing the loan.

17 “(II) MAJOR DISASTERS.—The
18 maximum loan amount for a loan
19 guaranteed under the program that is
20 made to a small business concern lo-
21 cated in an area affected by a major
22 disaster described in subsection
23 (b)(2)(A) is \$350,000.

24 “(E) INTEREST RATES.—The maximum
25 interest rate for a loan guaranteed under the

1 program shall not exceed the maximum interest
2 rate, as determined by the Administration, ap-
3 plicable to other loans guaranteed under this
4 subsection.

5 “(F) TRAINING.—The Administrator shall
6 develop a training course and provide free or
7 low-cost training to covered institutions making
8 loans under the program.”.

9 **SEC. 100502. FUNDING FOR CREDIT ENHANCEMENT AND**
10 **SMALL DOLLAR LOAN FUNDING.**

11 (a) APPROPRIATIONS.—In addition to amounts other-
12 wise available, there is appropriated to the Small Business
13 Administration for fiscal year 2022, out of any money in
14 the Treasury not otherwise appropriated, to remain avail-
15 able until September 30, 2031—

16 (1) \$3,365,000,000 to carry out paragraph (39)
17 of section 7(a) of the Small Business Act (15 U.S.C.
18 636(a)), as added by subsection (b); and

19 (2) \$1,100,000,000 for administrative expenses
20 related to carrying out such paragraph (39), includ-
21 ing issuing interim final rules.

22 (b) SMALL DOLLAR LOAN FUNDING.—Section 7(a)
23 of the Small Business Act (15 U.S.C. 636(a)), as amended
24 by section 10501, is further amended—

1 (1) in paragraph (1)(A)(i), in the third sen-
2 tence, by striking “; and” and all that follows
3 through the period at the end and inserting a period;

4 (2) in paragraph (26), by inserting “(except for
5 those collected under paragraph (39))” after “prof-
6 its”; and

7 (3) by adding at the end the following:

8 “(39) SMALL DOLLAR LOAN FUNDING.—

9 “(A) DEFINITIONS.—In this paragraph:

10 “(i) SMALL GOVERNMENT CON-
11 TRACTOR.—The term ‘small government
12 contractor’ means a small business concern
13 that is performing a Government contract.

14 “(ii) SMALL MANUFACTURER.—The
15 term ‘small manufacturer’ means a small
16 business concern that is assigned a North
17 American Industry Classification System
18 code beginning with 31, 32, or 33 at the
19 time at which the small business concern
20 receives loan under this subsection.

21 “(B) DIRECT LOANS.—The Administrator
22 is authorized to originate and disburse direct
23 loans, including through partnerships with third
24 parties, to small business concerns.

25 “(C) TERMS.—

1 “(i) LOAN SIZE.—Notwithstanding
2 paragraph (3)(C) of this subsection, a loan
3 made in accordance with this paragraph
4 shall be—

5 “(I) except as provided in sub-
6 clause (II), not more than \$150,000;
7 or

8 “(II) not more than \$1,000,000,
9 if the borrower is a small manufac-
10 turer or a small government con-
11 tractor.

12 “(D) FEES.—With respect to each loan
13 made in accordance with this paragraph, the
14 Administrator, an authorized third party, or an
15 agent may—

16 “(i) impose, collect, retain, and utilize
17 fees, which may be charged to the bor-
18 rower, to cover any costs associated with
19 referring applications or originating, mak-
20 ing, underwriting, disbursing, closing, serv-
21 icing, or liquidating the loan, including any
22 direct lending agent costs, other program
23 or contract costs, or other agent adminis-
24 trative expenses;

1 “(ii) impose, collect, retain, and use
2 fees (including unused fees and draw fees),
3 which may be charged to the borrower on
4 loans for revolving lines of credit; and

5 “(iii) pay third parties, including di-
6 rect lending agents and financial institu-
7 tions, with which the Administration part-
8 ners for assistance in referring applicants
9 or promoting, originating, making, under-
10 writing, disbursing, closing, servicing, or
11 liquidating loans in accordance with this
12 paragraph on behalf of the Administration.

13 “(E) OTHER TERMS.—

14 “(i) IN GENERAL.—Not later than 90
15 days after the date of the enactment of
16 this paragraph, the Administrator shall
17 issue interim final rules relating to the un-
18 derwriting criteria, interest rate, maturity,
19 and other terms of a loan made in accord-
20 ance with this paragraph and revising any
21 other rules necessary to carry out this
22 paragraph.

23 “(ii) REPAYMENT.—Not later than 90
24 days after the date of the enactment of
25 this paragraph, the Administrator shall

1 issue rules to allow reasonable assurance of
2 repayment of a loan made in accordance
3 with this paragraph, including reasonable
4 assurance of repayment from the assets
5 converting to cash to be the sole and pri-
6 mary form of repayment under this para-
7 graph.”.

8 **SEC. 100503. EXTENSION OF TEMPORARY FEE REDUCTIONS.**

9 (a) APPROPRIATIONS.—In addition to amounts other-
10 wise available, there is appropriated to the Small Business
11 Administration for fiscal year 2022, out of any money in
12 the Treasury not otherwise appropriated, \$1,000,000,000,
13 to remain available until September 30, 2026, for carrying
14 out this section.

15 (b) 7(a) LOAN PROGRAM.—Section 326 of the Eco-
16 nomic Aid to Hard-Hit Small Businesses, Nonprofits, and
17 Venues Act (title III of division N of Public Law 116–
18 260; 134 Stat. 2036; 15 U.S.C. 636 note) is amended—

19 (1) in subsection (a)(2), by striking “October 1,
20 2021” and inserting “October 1, 2026”; and

21 (2) in subsection (b)(2), by striking “October 1,
22 2021” and inserting “October 1, 2026”.

23 (c) OTHER FEES.—Section 327 of the Economic Aid
24 to Hard-Hit Small Businesses, Nonprofits, and Venues

1 Act (title III of division N of Public Law 116–260; 134
2 Stat. 2037; 15 U.S.C. 636 note) is amended—

3 (1) in subsection (a)(1), by striking “September
4 30, 2021” and inserting “September 30, 2026”; and

5 (2) in subsection (b)(1), by striking “September
6 30, 2021” and inserting “September 30, 2026”.

7 **SEC. 100504. FUNDING FOR COOPERATIVES.**

8 (a) APPROPRIATIONS.—In addition to amounts other-
9 wise available, there is appropriated to the Small Business
10 Administration for fiscal year 2022, out of any money in
11 the Treasury not otherwise appropriated, \$500,000,000,
12 to remain available until September 30, 2031, for carrying
13 out paragraph (40) of section 7(a) of the Small Business
14 Act (15 U.S.C. 636(a)), as added by subsection (b).

15 (b) COOPERATIVE LENDING PILOT.—Section 7(a) of
16 the Small Business Act (15 U.S.C. 636(a)), as amended
17 by section 10502, is amended by adding at the end the
18 following:

19 “(40) COOPERATIVE LENDING PILOT.—

20 “(A) DEFINITIONS.—In this paragraph:

21 “(i) COMMUNITY FINANCIAL INSTITU-
22 TION.—The term ‘community financial in-
23 stitution’ has the meaning given in para-
24 graph (36)(A);

1 “(ii) COOPERATIVE.—The term ‘coop-
2 erative’—

3 “(I) means an entity determined
4 by the Administrator to be a coopera-
5 tive; and

6 “(II) includes an entity owned by
7 employees or consumers of the entity.

8 “(iii) ELIGIBLE EMPLOYEE-OWNED
9 BUSINESS CONCERN.—The term ‘eligible
10 employee-owned business concern’ means—

11 “(I) a cooperative in which the
12 employees of the cooperative are eligi-
13 ble for membership;

14 “(II) a qualified employee trust;
15 or

16 “(III) other employee-owned enti-
17 ties as determined by the Adminis-
18 trator.

19 “(iv) PILOT PROGRAM.—The term
20 ‘pilot program’ means the pilot program
21 established under subparagraph (B).

22 “(B) ESTABLISHMENT.—There is estab-
23 lished a pilot program under which the Admin-
24 istrator shall guarantee loans (including loans
25 made by community financial institutions),

1 without the requirement of a personal or entity
2 guarantee, where such loans are made to co-
3 operatives or eligible employee-owned business
4 concerns.

5 “(C) TERMINATION.—The pilot program
6 shall terminate on the date that is 5 years after
7 the date of enactment of this paragraph.”.

8 (c) DELEGATED LENDING AUTHORITY FOR PRE-
9 FERRED LENDERS.—Section 5(b)(7) of the Small Busi-
10 ness Act (15 U.S.C. 634(b)(7)) is amended by striking
11 “paragraph (15) or (35)” and inserting “paragraph (15),
12 (35), or (40)”.

13 **SEC. 100505. FUNDING FOR DIRECT DEBENTURES.**

14 (a) APPROPRIATIONS.—In addition to amounts other-
15 wise available, there is appropriated to the Small Business
16 Administration for fiscal year 2022, out of any money in
17 the Treasury not otherwise appropriated, to remain avail-
18 able until September 30, 2031—

19 (1) \$2,118,000,000 for carrying out subsection
20 (j) of section 503 of the Small Business Investment
21 Act of 1958 (15 U.S.C. 697), as added by sub-
22 section (b); and

23 (2) \$628,000,000 for administrative expenses
24 related to carrying out such subsection (j), including
25 issuing interim final rules.

1 (b) DIRECT DEBENTURES.—Section 503 of the Small
2 Business Investment Act of 1958 (15 U.S.C. 697) is
3 amended by adding at the end the following:

4 “(j) DIRECT DEBENTURES.—

5 “(1) DEFINITIONS.—In this subsection—

6 “(A) the term ‘direct debenture’ means a
7 debenture guaranteed by the Administrator
8 under the authority under paragraph (2);

9 “(B) the term ‘eligible entity’ means—

10 “(i) a small business concern in an
11 underserved market;

12 “(ii) a small government contractor;

13 or

14 “(iii) a small manufacturer;

15 “(C) the term ‘renewable energy equip-
16 ment’—

17 “(i) means such equipment as the Ad-
18 ministrator may designate as renewable en-
19 ergy equipment; and

20 “(ii) includes solar panels, wind tur-
21 bines, and battery storage;

22 “(D) the term ‘small business concern in
23 an underserved market’ has the meaning given
24 in section 7(a)(38) of the Small Business Act;

1 “(E) the term ‘small government con-
2 tractor’ means a small business concern that is
3 performing a government contract; and

4 “(F) the term ‘small manufacturer’ means
5 a small business concern that is assigned a
6 North American Industry Classification System
7 code beginning with 31, 32, or 33 at the time
8 at which the small business concern receives
9 loan under this subsection.

10 “(2) AUTHORITY.—Except as otherwise pro-
11 vided in this subsection, the Administrator may
12 guarantee the timely payment of all principal and in-
13 terest as scheduled under this subsection on a de-
14 benture issued by any qualified State or local devel-
15 opment company under the same terms, conditions,
16 and processes as a guarantee made under the au-
17 thority under subsection (a)(1).

18 “(3) USE OF PROCEEDS.—The proceeds of a di-
19 rect debenture—

20 “(A) for a small business concern that is
21 an eligible entity, may be used for any purpose
22 for which a loan under section 502 may be
23 used, including to acquire renewable energy
24 equipment and for working capital; and

1 “(B) for a small business concern that is
2 not an eligible entity, may be used to acquire
3 renewable energy equipment.

4 “(4) MAXIMUM LOAN AMOUNT.—

5 “(A) IN GENERAL.—A direct debenture
6 shall be in an amount not more than
7 \$6,500,000.

8 “(B) COST OF PROJECT.—The amount of
9 the proceeds of a direct debenture may not ex-
10 ceed the amount equal to 100 percent of the
11 cost of the project for which the proceeds are
12 to be used.

13 “(5) CRITERIA FOR ASSISTANCE.—

14 “(A) NO COMMUNITY INJECTION FUNDS
15 REQUIRED.—Compliance with subparagraph
16 (B) of section 502(a)(3) shall not be required
17 for a direct debenture.

18 “(B) FUNDING FROM SMALL BUSINESS
19 CONCERN.—A small business concern receiving
20 funds under a direct debenture—

21 “(i) for a direct debenture used for
22 working capital, is not required to provide
23 funds toward the total cost of the project
24 financed;

1 “(ii) for a direct debenture used for
2 renewable energy equipment, may provide
3 not more than 10 percent of the total cost
4 of the project financed; and

5 “(iii) for a direct debenture used for
6 any other eligible purpose, shall provide
7 not less than 5 percent of the total cost of
8 the project financed.

9 “(6) FEES.—With respect to each debenture
10 made in accordance with this paragraph, in addition
11 to other fees authorized under this section, the Ad-
12 ministrator, an authorized third party, or an agent
13 may—

14 “(A) impose, collect, retain, and utilize
15 fees, which shall be charged to the borrower, to
16 cover any costs associated with referring appli-
17 cations or originating, underwriting, making,
18 disbursing, closing, and servicing, or liquidating
19 the loan, including any central servicing agent
20 costs, other program or contract costs, or other
21 agent administrative expenses;

22 “(B) impose, collect, retain, and use fees
23 (including unused fees and draw fees), which
24 may be charged to the borrower on loans for re-
25 volving lines of credit; and

1 “(C) establish fees that may be charged by
2 interim lenders for interim financing provided
3 in connection with a direct debenture, including
4 for assistance in referring applicants or pro-
5 moting, originating, making, underwriting, dis-
6 bursing, closing, servicing, or liquidating loans
7 in accordance with this paragraph on behalf of
8 the Administration.

9 “(7) INTERIM FINANCING.—Nothing in this
10 subsection shall be construed to restrict the ability
11 of a State or local development company to use a
12 third party lender or another lender to provide in-
13 terim financing for all project costs except the bor-
14 rower’s contribution, in accordance with section
15 120.890 of title 13, Code of Federal Regulations, or
16 any successor thereto, in connection with providing
17 a direct debenture to a small business concern.

18 “(8) OTHER TERMS.—

19 “(A) IN GENERAL.—Not later than 90
20 days after the date of the enactment of this
21 paragraph, the Administrator shall issue in-
22 terim final rules relating to the underwriting
23 criteria, interest rate, maturity, collateral, serv-
24 icing, and other terms or project requirements
25 of a direct debenture made in accordance with

1 this subsection and revising any other rules nec-
2 essary to carry out this subsection.

3 “(B) REPAYMENT.—Not later than 90
4 days after the date of the enactment of this
5 subsection, the Administrator shall issue rules
6 to allow reasonable assurance of repayment of
7 a direct debenture, including reasonable assur-
8 ance of repayment from the assets converting to
9 cash to be the primary form of repayment
10 under this subsection.”.

11 (c) CALCULATION OF JOB CREATION REQUIRE-
12 MENT.—Section 501(e)(4) of the Small Business Invest-
13 ment Act of 1958 (15 U.S.C. 695(e)(4)) is amended to
14 read as follows:

15 “(4) Loans for projects of small manufacturers and
16 direct debenture loans under section 503(j) shall be ex-
17 cluded from calculations under paragraph (2) or (3) of
18 this subsection.”.

19 **Subtitle F—Supporting**
20 **Entrepreneurial Second Chances**

21 **SEC. 100601. REENTRY ENTREPRENEURSHIP COUNSELING**
22 **AND TRAINING FOR INCARCERATED AND**
23 **FORMERLY INCARCERATED INDIVIDUALS.**

24 (a) REENTRY ENTREPRENEURSHIP COUNSELING
25 AND TRAINING FOR INCARCERATED INDIVIDUALS.—

1 (1) APPROPRIATIONS.—In addition to amounts
2 otherwise available, there is appropriated to the
3 Small Business Administration, out of any money in
4 the Treasury not otherwise appropriated \$5,000,000
5 for each of fiscal years 2022 through 2028 to carry
6 out section 53 of the Small Business Act, as added
7 by paragraph (2). Amounts appropriated by this
8 subsection shall remain available for 3 fiscal years.

9 (2) IN GENERAL.—The Small Business Act (15
10 U.S.C. 631 et seq.) is amended by inserting after
11 section 52, as added by section 10301 of this title,
12 the following:

13 **“SEC. 53. REENTRY ENTREPRENEURSHIP COUNSELING**
14 **AND TRAINING FOR INCARCERATED INDIVID-**
15 **UALS.**

16 “(a) DEFINITIONS.—In this section:

17 “(1) COVERED INDIVIDUAL.—The term ‘cov-
18 ered individual’ means an individual who is com-
19 pleting a term of imprisonment in a facility des-
20 ignated as a minimum, low, or medium security.

21 “(2) RESOURCE PARTNERS.—The term ‘re-
22 source partners’ means a small business development
23 center (defined in section 3) or a women’s business
24 center (described under section 29).

1 “(b) ESTABLISHMENT.—The Administrator shall co-
2 ordinate with resource partners and associations formed
3 to pursue matters of common concern to resource partners
4 to provide entrepreneurship counseling and training serv-
5 ices to covered individuals pursuant to subsection (c).

6 “(c) USE OF FUNDS.—Amounts made available
7 under this section shall be used to—

8 “(1) develop and deliver a curriculum, including
9 classroom instruction and in-depth training to de-
10 velop skills related to business planning and finan-
11 cial literacy;

12 “(2) train mentors and instructors;

13 “(3) establish public-private partnerships to
14 support covered individuals; and

15 “(4) identify opportunities to access capital.”.

16 (b) REENTRY ENTREPRENEURSHIP COUNSELING
17 AND TRAINING FOR FORMERLY INCARCERATED INDIVID-
18 UALS.—

19 (1) APPROPRIATIONS.—In addition to amounts
20 otherwise available, there is appropriated to the
21 Small Business Administration, out of any money in
22 the Treasury not otherwise appropriated
23 \$5,000,000, for each of fiscal years 2022 through
24 2028 to carry out section 54 of the Small Business
25 Act, as added by paragraph (2). Amounts appro-

1 priated by this subsection shall remain available for
2 3 fiscal years.

3 (2) IN GENERAL.—The Small Business Act (15
4 U.S.C. 631 et seq.) is amended by inserting after
5 section 53, as added by subsection (a), the following:

6 **“SEC. 54. REENTRY ENTREPRENEURSHIP COUNSELING**
7 **AND TRAINING FOR FORMERLY INCARCER-**
8 **ATED INDIVIDUALS.**

9 “(a) COVERED INDIVIDUAL DEFINED.—In this sec-
10 tion, the term ‘covered individual’ means an individual
11 who completed a term of imprisonment.

12 “(b) ESTABLISHMENT.—The Administrator shall es-
13 tablish a program under which the Service Corps of Re-
14 tired Executives authorized by section 8(b)(1)(B) shall
15 provide entrepreneurship counseling and training services
16 to covered individuals on a nationwide basis.

17 “(c) USE OF FUNDS.—Amounts made available
18 under this section shall be used by the Service Corps of
19 Retired Executives for providing to covered individuals the
20 following services:

21 “(1) Regular individualized mentoring sessions
22 to identify and support development of the business
23 plans of covered individuals.

24 “(2) Workshops on topics specifically tailored to
25 meet the needs of covered individuals.

1 “(3) Instructional videos designed specifically
2 for covered individuals on how to start or expand a
3 small business concern.”.

4 **SEC. 100602. NEW START ENTREPRENEURIAL DEVELOP-**
5 **MENT PROGRAM FOR FORMERLY INCARCER-**
6 **ATED INDIVIDUALS.**

7 (a) APPROPRIATIONS.—In addition to amounts other-
8 wise available, there is appropriated to the Small Business
9 Administration, out of any money in the Treasury not oth-
10 erwise appropriated, \$5,000,000, for each of fiscal years
11 2022 through 2028 for carrying out this section. Amounts
12 appropriated by this subsection shall remain available for
13 3 fiscal years.

14 (b) DEFINITIONS.—In this section—

15 (1) COVERED INDIVIDUAL.—The term “covered
16 individual” means an individual who—

17 (A) completed a term of imprisonment;
18 and

19 (B) meets the offense eligibility require-
20 ments set forth in any applicable policy notice
21 or other guidance issued by the Small Business
22 Administration for the program established
23 under section 7(m) of the Small Business Act
24 (15 U.S.C. 636(m)).

1 (2) INTERMEDIARY; MICROLOAN.—The terms
2 “intermediary” and “microloan” have the meanings
3 given those terms, respectively, in section 7(m)(11)
4 of the Small Business Act (15 U.S.C. 636(m)(11)).

5 (3) PARTICIPATING LENDER.—The term “par-
6 ticipating lender” means a participating lender de-
7 scribed under section 7(a) of the Small Business Act
8 (15 U.S.C. 636(a)).

9 (4) PILOT PROGRAM.—The term “pilot pro-
10 gram” means the pilot program established under
11 subsection (b).

12 (5) RESOURCE PARTNER.—The term “resource
13 partner” means—

14 (A) a small business development center
15 (defined in section 3 of the Small Business Act
16 (15 U.S.C. 632));

17 (B) a women’s business center (described
18 under section 29 of such Act (15 U.S.C. 656));

19 (C) a chapter of the Service Corps of Re-
20 tired Executives (established under section
21 8(b)(1)(B) of such Act ((15 U.S.C.
22 637(b)(1)(B))); and

23 (D) a Veteran Business Outreach Center
24 (described under section 32 of such Act (15
25 U.S.C. 657b)).

1 (c) ESTABLISHMENT.—The Administrator shall es-
2 tablish a pilot program to award grants to organizations,
3 or partnerships of organizations, to provide assistance to
4 covered individuals throughout the United States.

5 (d) APPLICATION.—

6 (1) IN GENERAL.—An organization or partner-
7 ship of organizations desiring a grant under the
8 pilot program shall submit an application to the Ad-
9 ministrator in such form, in such manner, and con-
10 taining such information as the Administrator may
11 reasonably require.

12 (2) CONTENTS.—An application submitted
13 under paragraph (1) shall—

14 (A) demonstrate that the applicant has a
15 partnership with, or is, an intermediary that
16 shall make microloans to covered individuals;

17 (B) demonstrate an ability to provide a full
18 range of entrepreneurial development program-
19 ming on an ongoing basis;

20 (C) include a plan for reaching covered in-
21 dividuals, including by identifying particular
22 target populations within the community in
23 which a covered individual lives;

24 (D) include a plan to refer covered individ-
25 uals who have completed participation in the

1 pilot program to existing resource partners and
2 participating lenders;

3 (E) include a comprehensive plan for the
4 use of grant funds, including estimates for ad-
5 ministrative expenses and outreach costs; and

6 (F) any other requirements, as determined
7 by the Administrator.

8 (e) MATCHING REQUIREMENT.—

9 (1) IN GENERAL.—As a condition of a grant
10 provided under the pilot program, the Administrator
11 shall require the recipient of the grant to contribute
12 an amount equal to 25 percent of the amount of the
13 grant, obtained solely from non-Federal sources.

14 (2) FORM.—In addition to cash or other direct
15 funding, the contribution required under paragraph
16 (1) may include indirect costs or in-kind contribu-
17 tions paid for under non-Federal programs.

18 **Subtitle G—Other Matters**

19 **SEC. 100701. ADMINISTRATIVE EXPENSES.**

20 (a) IN GENERAL.—In addition to amounts otherwise
21 available, there is appropriated to the Administration for
22 fiscal year 2022, out of any money in the Treasury not
23 otherwise appropriated, \$1,250,000,000, to remain avail-
24 able until September 30, 2031, for administrative ex-

1 penses related to carrying out this title, except as other-
2 wise provided in this title.

3 (b) RULEMAKING.—Using amounts made available
4 under subsection (a), not later than 30 days after the date
5 of the enactment of this Act, the Administrator may issue
6 rules, including interim final rules, as necessary to carry
7 out this title and the amendments made by this title.

8 (c) RECISSION.—With respect to amounts appro-
9 priated under subsection (a)—

10 (1) the Secretary of the Treasury shall complete
11 all disbursements and remaining obligations before
12 September 30, 2031; and

13 (2) the unexpended balance of such amounts
14 September 30, 2031, shall be rescinded and depos-
15 ited into the general fund of the Treasury.

16 **SEC. 100702. OFFICE OF THE INSPECTOR GENERAL OF THE**
17 **SMALL BUSINESS ADMINISTRATION.**

18 In addition to amounts otherwise available, there is
19 appropriated to the Office of the Inspector General of the
20 Small Business Administration for fiscal year 2022, out
21 of any money in the Treasury not otherwise appropriated,
22 \$25,000,000, to remain available until September 30,
23 2031, for audits, investigations, and other oversight of
24 projects and activities carried out with funds made avail-
25 able by this title to the Small Business Administration.

1 **TITLE XI—COMMITTEE ON**
2 **TRANSPORTATION AND IN-**
3 **FRASTRUCTURE**

4 **SEC. 110001. AFFORDABLE HOUSING ACCESS PROGRAM.**

5 (a) IN GENERAL.—In addition to amounts otherwise
6 available, there is appropriated for fiscal year 2022, out
7 of any funds in the Treasury not otherwise appropriated,
8 \$9,900,000,000, to remain available until September 30,
9 2026, for competitive grants to support access to afford-
10 able housing and the enhancement of mobility for resi-
11 dents in disadvantaged communities or neighborhoods, in
12 persistent poverty communities, or for low-income riders
13 generally.

14 (b) CRITERIA AND PROCESS.—The Secretary of
15 Housing and Urban Development and the Administrator
16 of the Federal Transit Administration shall establish cri-
17 teria and a process for the allocation of funds made avail-
18 able under this section in a manner to ensure that such
19 funds support—

20 (1) access to affordable housing;

21 (2) enhanced mobility for residents and riders,
22 including those in disadvantaged communities and
23 neighborhoods, persistent poverty communities, or
24 for low-income riders generally; or

1 (3) other community benefits for residents of
2 disadvantaged communities or neighborhoods, per-
3 sistent poverty communities, or for low-income riders
4 generally identified by the Secretary and the Admin-
5 istrator related to enhanced transit service, includ-
6 ing—

7 (A) access to job and educational opportu-
8 nities;

9 (B) better connections to medical care; or

10 (C) enhanced access to grocery stores with
11 fresh foods to help eliminate food deserts.

12 (e) ADMINISTRATION OF FUNDS.—Funds made
13 available under this section shall—

14 (1) be available to recipients and subrecipients
15 eligible under chapter 53 of title 49, United States
16 Code;

17 (2) after allocation, be administered by the Ad-
18 ministrator of the Federal Transit Administration—

19 (A) to recipients and subrecipients in
20 urban areas, as if such funds were provided
21 under section 5307 of title 49, United States
22 Code;

23 (B) to recipients and subrecipients in rural
24 areas, as if such funds were provided under sec-
25 tion 5311 of such title;

1 (C) for any project activities related to the
2 acquisition of zero-emission buses or related in-
3 frastructure, as if funds for such activities were
4 awarded under section 5339(c) of such title;

5 (D) for any activities related to research
6 that supports efforts to reduce barriers to the
7 deployment of zero-emission transit vehicles in
8 disadvantaged communities or neighborhoods
9 and rural areas, including barriers related to
10 the cost of such vehicles, as if funds for such
11 activities were provided under section 5312 of
12 such title; or

13 (E) for any activities related to the train-
14 ing and development of the transit workforce
15 that provides service to disadvantaged commu-
16 nities or neighborhoods and rural areas, includ-
17 ing the creation of new employment opportuni-
18 ties in the transit industry for workers from
19 such communities, neighborhoods or areas, as if
20 funds for such activities were provided under
21 section 5314 of such title;

22 (3) not be subject to any restriction on the total
23 amount of funds available for implementation or exe-
24 cution of programs authorized under section 5307,

1 5311, 5312, 5314, or 5339 of title 49, United States
2 Code;

3 (4) notwithstanding paragraph (1), be available
4 for grants for up to 100 percent of the net cost of
5 a project; and

6 (5) be expended in compliance with the require-
7 ments of part 26 of title 49, Code of Federal Regu-
8 lations.

9 (d) ELIGIBLE ACTIVITIES.—Eligible activities for
10 funds made available under this section shall be—

11 (1) construction of a new fixed guideway capital
12 project;

13 (2) construction of a bus rapid transit project
14 or a corridor-based bus rapid transit project that
15 utilizes zero-emission vehicles, including costs related
16 to the acquisition of such vehicles and related charg-
17 ing or fueling infrastructure, or a collection of such
18 projects;

19 (3) the establishment or expansion of high-fre-
20 quency bus service that utilizes zero-emission buses,
21 including costs related to the acquisition of such ve-
22 hicles and related charging or fueling infrastructure,
23 but does not have all of the features of a bus rapid
24 transit project or corridor-based bus rapid transit
25 project;

1 (4) an expansion of the service area or the fre-
2 quency of service of recipients or subrecipients under
3 section 5311 of title 49, United States Code, which
4 may include operational expenses, including the pro-
5 vision of fare-free or reduced-fare service, or the ac-
6 quisition of vehicles or infrastructure to expand serv-
7 ice;

8 (5) notwithstanding subsection (a)(1) of section
9 5307 of such title, an expansion of the service area
10 or the frequency of service of recipients under such
11 section, which may include operational expenses, in-
12 cluding the provision of fare-free or reduced-fare
13 service, or the acquisition of zero-emission vehicles
14 or infrastructure to expand service;

15 (6) renovation or construction of facilities and
16 incidental expenses to continue or expand transit
17 service in disadvantaged communities or neighbor-
18 hoods or service that benefits low-income riders gen-
19 erally;

20 (7) research activities and capital expenses re-
21 lated to research under section 5312 of such title
22 that support efforts to reduce barriers to the deploy-
23 ment of zero-emission transit vehicles in disadvan-
24 taged communities or neighborhoods and rural

1 areas, including barriers related to the cost of such
2 vehicles;

3 (8) activities under section 5314 of such title
4 that support the training and development of the
5 transit workforce that provides service to disadvan-
6 taged communities or neighborhoods and rural
7 areas, including the creation of new employment op-
8 portunities in the transit industry for workers from
9 such communities, neighborhoods, or areas;

10 (9) additional assistance to project sponsors of
11 new fixed guideway capital projects, core capacity
12 improvement projects, or corridor-based bus rapid
13 transit projects not yet open to revenue service, not-
14 withstanding applicable requirements regarding Gov-
15 ernment share of contributions toward net project
16 cost of the project or the share of contributions from
17 a program carried out by the Administrator of the
18 Federal Transit Administration, if—

19 (A) the applicant demonstrates that the
20 availability of funding under this section pro-
21 vides additional support for access to affordable
22 housing and the enhancement of mobility for
23 residents in disadvantaged communities or
24 neighborhoods, persistent poverty communities,
25 or for low-income riders generally in the service

1 area of the recipient, consistent with the pur-
2 poses described in subsection (b); and

3 (B) assistance under this paragraph does
4 not increase by more than 10 percentage
5 points—

6 (i) the Government share of contribu-
7 tions toward net project cost; or

8 (ii) the Government share of assist-
9 ance from a program carried out by the
10 Administrator of the Federal Transit Ad-
11 ministration;

12 (10) fleet transition, route, or other public
13 transportation planning, including planning related
14 to economic development; or

15 (11) projects to upgrade the accessibility of bus
16 or rail public transportation services for persons
17 with disabilities, including individuals who use
18 wheelchairs, in disadvantaged communities or neigh-
19 borhoods.

20 (e) ADMINISTRATIVE EXPENSES.—In addition to
21 amounts otherwise available, there is appropriated for fis-
22 cal year 2022, out of any funds in the Treasury not other-
23 wise appropriated, \$100,000,000, to remain available until
24 September 30, 2026, for the following:

1 (1) The costs of administering and overseeing
2 the implementation of this section.

3 (2) To make new awards or to increase prior
4 awards to provide technical assistance and capacity
5 building for eligible recipients or subrecipients under
6 this section.

7 **SEC. 110002. COMMUNITY CLIMATE INCENTIVE GRANTS.**

8 (a) FEDERAL HIGHWAY ADMINISTRATION APPRO-
9 PRIATION.—In addition to amounts otherwise available,
10 there is appropriated for fiscal year 2022, out of any funds
11 in the Treasury not otherwise appropriated, \$50,000,000,
12 to remain available until September 30, 2026, to the Ad-
13 ministrator of the Federal Highway Administration—

14 (1) to establish a greenhouse gas performance
15 measure that requires States to set performance tar-
16 gets to reduce greenhouse gas emissions;

17 (2) to establish an incentive structure to reward
18 States that demonstrate the most significant
19 progress towards achieving reductions in greenhouse
20 gas emissions;

21 (3) to establish consequences for States that do
22 not achieve reductions in greenhouse gas emissions;

23 (4) to issue guidance and regulations, and pro-
24 vide technical assistance, as necessary to implement
25 this section; and

1 (5) from any remaining amounts after carrying
2 out paragraphs (1) through (4), for operations and
3 administration of the Federal Highway Administra-
4 tion.

5 (b) GRANTS TO STATES.—In addition to amounts
6 otherwise available, there is appropriated for fiscal year
7 2022, out of any funds in the Treasury not otherwise ap-
8 propriated, \$950,000,000, to remain available until Sep-
9 tember 30, 2026, to the Administrator of the Federal
10 Highway Administration, for incentive grants for carbon
11 reduction projects, to be awarded to States that—

12 (1) qualify for a reward under the incentive
13 structure established by the Administrator under
14 subsection (a)(2); or

15 (2) have adopted carbon reduction strategies
16 that contribute to achieving net-zero greenhouse gas
17 emissions by 2050, and have incorporated such
18 strategies into the transportation plans required
19 under section 135 of title 23, United States Code.

20 (c) GRANTS TO OTHER ELIGIBLE ENTITIES.—In ad-
21 dition to amounts otherwise available, there is appro-
22 priated for fiscal year 2022, out of any funds in the Treas-
23 ury not otherwise appropriated, \$3,000,000,000, to re-
24 main available until September 30, 2026, to the Adminis-
25 trator of the Federal Highway Administration for grants,

1 to be awarded on a competitive basis, for carbon reduction
2 projects to eligible entities that are not States.

3 (d) USE OF FUNDS.—

4 (1) IN GENERAL.—Funds made available under
5 subsections (b) and (c) shall be administered as if
6 made available under chapter 1 of title 23, United
7 States Code, and a project carried out under this
8 section shall be treated as a project on a Federal-
9 aid highway under such chapter.

10 (2) GRANTS TO STATES.—Funds made avail-
11 able under subsection (b) administered by or
12 through a State department of transportation shall
13 be expended in compliance with the requirements of
14 part 26 of title 49, Code of Federal Regulations.

15 (e) FEDERAL SHARE.—

16 (1) IN GENERAL.—The Federal share for a re-
17 cipient of funds that is not a State under this sec-
18 tion may be up to 100 percent.

19 (2) STATES.—The Federal share for a recipient
20 of funds under this section that is a State shall be
21 determined in accordance with section 120 of title
22 23, United States Code.

23 (f) LIMITATION.—Funds made available under this
24 section shall not—

1 (1) be subject to any restriction or limitation on
2 the total amount of funds available for implementa-
3 tion or execution of programs authorized for Fed-
4 eral-aid highways; and

5 (2) be used for projects that result in additional
6 through travel lanes for single occupant passenger
7 vehicles.

8 (g) DEFINITIONS.—In this section:

9 (1) CARBON REDUCTION PROJECT.—A carbon
10 reduction project means a project that is eligible
11 under title 23, United State Code, and that—

12 (A) will result in significant reductions in
13 greenhouse gas emissions related to a surface
14 transportation facility or project;

15 (B) provides zero-emission transportation
16 options;

17 (C) reduces dependence on single-occupant
18 vehicle trips; or

19 (D) advances carbon reduction strategies
20 adopted by an eligible entity that contribute to
21 achieving net-zero greenhouse gas emissions by
22 2050.

23 (2) ELIGIBLE ENTITY.—The term “eligible enti-
24 ty” means—

25 (A) a unit of local government;

1 (B) a political subdivision of a State;

2 (C) a territory;

3 (D) a metropolitan planning organization
4 (as defined in section 134 of title 23, United
5 States Code);

6 (E) a special purpose district or public au-
7 thority with a transportation function;

8 (F) a recipient of funds under section 202
9 of title 23, United State Code; or

10 (G) a State.

11 (3) STATE.—The term “State” has the mean-
12 ing given the term in section 101 of title 23, United
13 States Code.

14 **SEC. 110003. NEIGHBORHOOD ACCESS AND EQUITY**
15 **GRANTS.**

16 (a) IN GENERAL.—In addition to amounts otherwise
17 available, there is appropriated for fiscal year 2022, out
18 of any funds in the Treasury not otherwise appropriated,
19 \$3,950,000,000, to remain available until September 30,
20 2026, to the Administrator of the Federal Highway Ad-
21 ministration—

22 (1) for grants to eligible entities described in
23 subsection (b) to improve walkability, safety, and af-
24 fordable transportation access through construction
25 (as such term is defined in section 101 of title 23,

1 United States Code) of projects that are context sen-
2 sitive—

3 (A) to remove, remediate, or reuse a facil-
4 ity described in subsection (c)(1);

5 (B) to replace a facility described in sub-
6 section (c)(1) with a facility that is at-grade or
7 lower speed;

8 (C) to retrofit or cap a facility described in
9 subsection (c)(1);

10 (D) to build or improve complete streets,
11 multiuse trails, regional greenways, or active
12 transportation networks or spines; or

13 (E) to provide affordable access to essen-
14 tial destinations, public spaces, or transpor-
15 tation links and hubs;

16 (2) for mitigation grants to eligible entities de-
17 scribed in subsection (b) to remediate negative im-
18 pacts on the human or natural environment result-
19 ing from a facility described in subsection (c)(2) in
20 a disadvantaged or underserved community, includ-
21 ing construction (as such term is defined in section
22 101 of title 23, United States Code) of—

23 (A) noise barriers to reduce impacts result-
24 ing from a facility described in subsection
25 (c)(2);

1 (B) technologies, infrastructure, and activi-
2 ties to reduce surface transportation-related air
3 pollution, including greenhouse gas emissions;

4 (C) infrastructure or protective features to
5 reduce or manage stormwater run-off resulting
6 from a facility described in subsection (c)(2),
7 including through natural infrastructure and
8 pervious, permeable, or porous pavement;

9 (D) infrastructure and natural features to
10 reduce, or to mitigate, urban heat island hot
11 spots in the transportation right of way or on
12 surface transportation facilities; or

13 (E) safety improvements for vulnerable
14 road users; and

15 (3) for grants to eligible entities described in
16 subsection (b) for planning and capacity building ac-
17 tivities in disadvantaged or underserved communities
18 to—

19 (A) identify, monitor, or assess local and
20 ambient air quality, emissions of transportation
21 greenhouse gases, hot spot areas of extreme
22 heat or elevated air pollution, gaps in tree can-
23 opy coverage, or flood prone locations;

1 (B) assess transportation equity or pollu-
2 tion impacts and develop local anti-displacement
3 policies and community benefit agreements;

4 (C) conduct predevelopment activities for
5 projects eligible under this subsection;

6 (D) expand public participation in trans-
7 portation planning by individuals and organiza-
8 tions in disadvantaged or underserved commu-
9 nities; or

10 (E) administer or obtain technical assist-
11 ance related to activities described in this sub-
12 section.

13 (b) ELIGIBLE ENTITIES DESCRIBED.—An eligible
14 entity referred to in subsection (a) is—

15 (1) a State (as such term is defined in section
16 101 of title 23, United States Code);

17 (2) a unit of local government;

18 (3) a political subdivision of a State (as such
19 term is defined in section 101 of title 23, United
20 States Code);

21 (4) a recipient of funds under section 202 of
22 title 23, United States Code;

23 (5) a territory of the United States;

1 (6) a metropolitan planning organization (as
2 defined in section 134(b) of title 23, United States
3 Code); or

4 (7) with respect to a grant described in sub-
5 section (a)(3), in addition to an eligible entity de-
6 scribed in paragraphs (1) through (6), a nonprofit
7 organization or institution of higher education that
8 has entered into a partnership with an eligible entity
9 described in paragraphs (1) through (6).

10 (c) FACILITY DESCRIBED.—A facility is—

11 (1) a surface transportation facility for which
12 high speeds, grade separation, or other design fac-
13 tors create an obstacle to connectivity within a com-
14 munity; or

15 (2) a surface transportation facility which is a
16 source of air pollution, noise, stormwater, or other
17 burden to a disadvantaged or underserved commu-
18 nity.

19 (d) LOCAL TECHNICAL ASSISTANCE.—In addition to
20 amounts otherwise available, there is appropriated for fis-
21 cal year 2022, out of any funds in the Treasury not other-
22 wise appropriated, \$50,000,000, to remain available until
23 September 30, 2026, to the Administrator of the Federal
24 Highway Administration for—

1 (1) guidance, technical assistance, templates,
2 training, or tools to facilitate efficient and effective
3 contracting, design, and project delivery by units of
4 local government;

5 (2) subgrants to units of local government to
6 build capacity of such local government to assume
7 responsibilities to deliver surface transportation
8 projects; and

9 (3) operations and administration of the Fed-
10 eral Highway Administration.

11 (e) USE OF FUNDS.—

12 (1) IN GENERAL.—The Administrator shall pro-
13 vide grants to eligible entities described in sub-
14 section (b) that submit an application to the Admin-
15 istrator at such time, in such manner, and con-
16 taining such information as the Administration re-
17 quires.

18 (2) MINIMUM INVESTMENT.—Not less than
19 \$1,580,000,000 of funds made available under sub-
20 section (a) shall be distributed for projects in com-
21 munities that—

22 (A) are economically disadvantaged, in-
23 cluding an underserved community or a commu-
24 nity located in an area of persistent poverty;

1 (B) have entered or will enter into a com-
2 munity benefits agreement with representatives
3 of the community;

4 (C) have an anti-displacement policy, a
5 community land trust, or a community advisory
6 board in effect; or

7 (D) have demonstrated a plan for employ-
8 ing local residents in the area impacted by the
9 activity or project proposed under this section.

10 (f) ADMINISTRATION.—

11 (1) IN GENERAL.—Amounts made available
12 under subsection (a) shall be administered as if
13 made available under chapter 1 of title 23, United
14 States Code, and a project carried out under this
15 section shall be treated as a project on a Federal-
16 aid highway under such chapter.

17 (2) GRANTS TO STATES.—Funds made avail-
18 able under subsection (a) administered by or
19 through a State department of transportation shall
20 be expended in compliance with the requirements of
21 part 26 of title 49, Code of Federal Regulations.

22 (g) COST SHARE.—The Federal share of the cost of
23 an activity carried out using a grant awarded under this
24 section shall be not more than 80 percent, except that the

1 Federal share of the cost of a project in a disadvantaged
2 or underserved community may be up to 100 percent.

3 (h) LIMITATIONS.—Funds made available under this
4 section shall not—

5 (1) be subject to any restriction or limitation on
6 the total amount of funds available for implementa-
7 tion or execution of programs authorized for Fed-
8 eral-aid highways; and

9 (2) be used for a project for additional through
10 travel lanes for single-occupant passenger vehicles.

11 **SEC. 110004. FEDERAL HIGHWAY ADMINISTRATION SEC-**
12 **TION 202 FUNDS.**

13 (a) IN GENERAL.—In addition to amounts otherwise
14 made available, there is appropriated for fiscal year 2022,
15 out of any funds in the Treasury not otherwise appro-
16 priated, \$1,000,000,000, to remain available until Sep-
17 tember 30, 2026, to the Administrator of the Federal
18 Highway Administration for the purposes described under
19 section 202 of title 23, United States Code.

20 (b) DISTRIBUTION OF FUNDS.—The Administrator
21 of the Federal Highway Administration shall administer
22 amounts made available under subsection (a) as if allo-
23 cated under section 202 of title 23, United States Code.

24 (c) LIMITATION.—Funds made available under this
25 section shall not be subject to any restriction or limitation

1 on the total amount of funds available for implementation
2 or execution of programs authorized for Federal-aid high-
3 ways.

4 **SEC. 110005. TERRITORIAL HIGHWAY PROGRAM FUNDING.**

5 (a) IN GENERAL.—In addition to amounts otherwise
6 made available, there is appropriated for fiscal year 2022,
7 out of any funds in the Treasury not otherwise appro-
8 priated, \$320,000,000, to remain available until Sep-
9 tember 30, 2026, to the Administrator of the Federal
10 Highway Administration for the purposes described under
11 section 165(c) of title 23, United States Code.

12 (b) ADMINISTRATION OF FUNDS.—The Adminis-
13 trator of the Federal Highway Administration shall ad-
14 minister amounts made available under subsection (a) as
15 if allocated under section 165(c) of title 23, United States
16 Code.

17 (c) LIMITATION.—Funds made available under this
18 section shall not be subject to any restriction or limitation
19 on the total amount of funds available for implementation
20 or execution of programs authorized for Federal-aid high-
21 ways.

22 **SEC. 110006. TRAFFIC SAFETY CLEARINGHOUSE.**

23 (a) IN GENERAL.—In addition to amounts otherwise
24 made available, there is appropriated for fiscal year 2022,
25 out of any funds in the Treasury not otherwise appro-

1 priated, \$100,000,000 to remain available until September
2 30, 2026, for the Administrator of the National Highway
3 Traffic Safety Administration to make 1 or more grants,
4 cooperative agreements, or contracts with 1 or more quali-
5 fied institutions to—

6 (1) operate a national clearinghouse for fair
7 and equitable traffic safety enforcement programs;

8 (2) research and develop systems for States to
9 collect traffic safety enforcement data and provide
10 technical assistance to States collecting such data,
11 including the sharing of data to a national database;

12 (3) develop recommendations and best practices
13 to help States collect and use traffic safety enforce-
14 ment data to promote equity and reduce traffic-re-
15 lated fatalities and injuries; and

16 (4) develop information and educational pro-
17 grams on implementing equitable traffic safety en-
18 forcement best practices to assist States and local
19 communities.

20 (b) ADMINISTRATION.—Not more than 5 percent of
21 the amounts made available under this section may be
22 used for salaries, expenses, and administration of the Na-
23 tional Highway Traffic Safety Administration.

1 **SEC. 110007. AUTOMATED VEHICLES AND MOBILITY INNO-**
2 **VATION.**

3 In addition to amounts otherwise made available,
4 there is appropriated for fiscal year 2022, out of any funds
5 in the Treasury not otherwise appropriated, \$8,000,000,
6 to remain available until September 30, 2026, to the Sec-
7 retary of Transportation to make a grant to a qualified
8 institution of higher education to—

9 (1) operate a national highly automated vehicle
10 and mobility innovation clearinghouse;

11 (2) collect, conduct, and support research on
12 the secondary and societal impacts of highly auto-
13 mated vehicles and mobility innovation on the built
14 environment; and

15 (3) disseminate and make such research avail-
16 able on a public website to assist communities.

17 **SEC. 110008. LOCAL TRANSPORTATION PRIORITIES.**

18 (a) IN GENERAL.—In addition to amounts otherwise
19 made available, there is appropriated to the Secretary of
20 Transportation for fiscal year 2022, out of any funds in
21 the Treasury not otherwise appropriated, \$6,000,000,000
22 to remain available until September 30, 2026, for projects
23 to advance local surface transportation priorities.

24 (b) DAVIS BACON REQUIREMENT.—

25 (1) IN GENERAL.—All laborers and mechanics
26 employed by contractors or subcontractors in the

1 performance of construction, alteration, or repair
2 work carried out, in whole or in part, with assistance
3 made available under this section shall be paid
4 wages at rates not less than those prevailing on
5 projects of a character similar in the locality as de-
6 termined by the Secretary of Labor in accordance
7 with subchapter IV of chapter 31 of title 40, United
8 States Code.

9 (2) **AUTHORITY AND FUNCTIONS.**—With re-
10 spect to the labor standards specified in this sub-
11 section, the Secretary of Labor shall have the au-
12 thority and functions set forth in Reorganization
13 Plan Numbered 14 of 1950 (64 Stat. 1267; 5
14 U.S.C. App.) and section 3145 of title 40, United
15 States Code.

16 **SEC. 110009. PASSENGER RAIL IMPROVEMENT, MOD-**
17 **ERNIZATION, AND EMISSIONS REDUCTION**
18 **GRANTS.**

19 (a) **APPROPRIATION.**—In addition to amounts other-
20 wise available, there is appropriated to the Secretary of
21 Transportation for fiscal year 2022, out of any money in
22 the Treasury not otherwise appropriated,
23 \$10,000,000,000, to remain available until September 30,
24 2026, for financial assistance under chapter 261 of title

1 49, United States Code, to eligible entities for eligible
2 projects.

3 (b) ALLOCATION.—Of the funds provided pursuant to
4 subsection (a), not less than 10 percent shall be used for
5 eligible projects as described under subsection (e)(1)(A).

6 (c) FEDERAL SHARE.—For any financial assistance
7 provided pursuant to this section, the Federal share may
8 not exceed 90 percent of the total cost of the eligible
9 project.

10 (d) OVERSIGHT.—Not more than 1 percent of the
11 amounts made available under subsection (a) shall be for
12 the use of the Secretary of Transportation for the costs
13 of award and project management of financial assistance
14 provided under this section.

15 (e) DEFINITIONS.—In this section:

16 (1) ELIGIBLE PROJECT.—The term “eligible
17 project” means—

18 (A) a planning project for high-speed rail
19 corridor development that consists of planning
20 activities eligible to receive financial assistance
21 under section 26101(b) of title 49, United
22 States Code; or

23 (B) a capital project for high-speed rail
24 corridor development that—

1 (i) directly serves rail stations within
2 urban areas, as published by the Bureau of
3 the Census, that are located in close prox-
4 imity to a census tract, as published by the
5 Bureau of the Census, within the urban
6 area that has a greater population density
7 than the urban area as a whole; and

8 (ii) is eligible to receive financial as-
9 sistance for a capital project, as defined in
10 section 26106(b)(3) of title 49, United
11 States Code.

12 (2) ELIGIBLE ENTITY.—The term “eligible enti-
13 ty” means—

14 (A) an entity eligible to receive financial
15 assistance under section 26101 of title 49,
16 United States Code; or

17 (B) an applicant eligible to receive a grant
18 under section 26106 of title 49, United States
19 Code.

20 (3) HIGH-SPEED RAIL.—The term “high-speed
21 rail” means non-highway ground transportation that
22 is owned or operated by an eligible entity and rea-
23 sonably expected to reach speeds of 160 miles per
24 hour or more on shared-use right-of-way or 186
25 miles per hour or more on dedicated right-of-way.

1 (4) CORRIDOR.—The term “corridor” means an
2 existing, modified, or proposed intercity passenger
3 rail service, as defined in section 26106(b) of title
4 49, United States Code.

5 **SEC. 110010. RAILROAD REHABILITATION INFRASTRUC-**
6 **TURE AND FINANCING CREDIT RISK PRE-**
7 **MIUM ASSISTANCE.**

8 (a) APPROPRIATION.—In addition to amounts other-
9 wise available, there is appropriated to the Secretary of
10 Transportation, out of any money in the Treasury not oth-
11 erwise appropriated, \$150,000,000, in fiscal year 2022, to
12 remain available until September 30, 2026, to provide
13 credit risk premium assistance to eligible entities through
14 the railroad rehabilitation infrastructure and financing
15 program established by title V of the Railroad Revitaliza-
16 tion and Regulatory Reform Act of 1976.

17 (b) ELIGIBLE ENTITIES.—For purposes of this sec-
18 tion, eligible entities shall include—

19 (1) railroad carriers as defined in section 20102
20 of title 49, United States Code;

21 (2) State or local governments; or

22 (3) government-sponsored authorities or cor-
23 porations.

24 (c) ALLOCATION.—

1 (1) PUBLIC PASSENGER RAIL PROJECTS.—Not
2 less than 50 percent of the amounts appropriated
3 under subsection (a) shall be set aside for publicly
4 owned or operated passenger rail projects.

5 (2) FREIGHT RAILROADS.—Not less than 25
6 percent of the amounts appropriated under sub-
7 section (a) shall be set aside for freight railroads
8 that are not Class I railroads.

9 **SEC. 110011. ALTERNATIVE FUEL AND LOW-EMISSION AVIA-**
10 **TION TECHNOLOGY PROGRAM.**

11 (a) IN GENERAL.—In addition to amounts otherwise
12 made available, there is appropriated for fiscal year 2022,
13 out of any money in the Treasury not otherwise appro-
14 priated, \$1,000,000,000, to remain available until Sep-
15 tember 30, 2026, for the Secretary of Transportation to
16 provide grants to, and enter into cost-sharing agreements
17 with, eligible entities to carry out projects located in the
18 United States that—

19 (1) develop, demonstrate, or apply low-emission
20 aviation technologies; or

21 (2) produce, transport, blend, or store sustain-
22 able aviation fuels that would reduce greenhouse gas
23 emissions attributable to the operation of aircraft
24 that have fuel uplift in the United States.

1 (b) SELECTION.—In carrying out subsection (a), the
2 Secretary shall consider, with respect to a proposed
3 project—

4 (1) the anticipated public benefits of the
5 project;

6 (2) the potential to increase the domestic pro-
7 duction and deployment of sustainable aviation fuel
8 or the use of low-emission aviation technologies
9 among the United States commercial aviation and
10 aerospace industry;

11 (3) the potential for creating new jobs in the
12 United States;

13 (4) the potential the project has to reduce or
14 displace, on a lifecycle basis, United States green-
15 house gas emissions associated with air travel;

16 (5) the proposed utilization of non-Federal cost-
17 share contributions;

18 (6) for projects related to the production of sus-
19 tainable aviation fuel, the potential net greenhouse
20 gas emissions impact of such fuel on a lifecycle
21 basis, which shall include feedstock, fuel production,
22 and potential direct and indirect greenhouse gas
23 emissions (including resulting from changes in land
24 use);

1 (7) how the project will strengthen the leader-
2 ship of the United States in either sustainable avia-
3 tion fuels or in low-emission aviation technologies;

4 (8) the benefits of ensuring a diversity of feed-
5 stocks for sustainable aviation fuel, including the use
6 of waste carbon oxides and direct air capture;

7 (9) the potential for partnerships with relevant
8 supply chain stakeholders for sustainable aviation
9 fuel;

10 (10) the potential to leverage existing industrial
11 infrastructure to accelerate the deployment of sus-
12 tainable aviation fuels;

13 (11) aeronautical construction and design im-
14 provements that result in more efficient aircraft, in-
15 cluding new aircraft architectures, innovative propul-
16 sion integration, and high-performance lightweight
17 materials;

18 (12) more efficient aircraft engines, including
19 innovative engine architectures, hybrid-electric en-
20 gines, and all-electric engines suitable for fully or
21 partially powering aircraft operations; and

22 (13) air traffic management and navigation
23 technologies that permit more efficient flight pat-
24 terns.

1 (c) FUNDING DISTRIBUTION.—Of the amount made
2 available under subsection (a), 30 percent of such amount
3 shall be awarded for projects described in subsection
4 (a)(1) and 70 percent of such amount shall be awarded
5 for projects described in subsection (a)(2).

6 (d) FEDERAL COST SHARE.—The Secretary shall de-
7 termine a higher Federal share of project costs for any
8 cost-share agreement or grant awarded to any eligible re-
9 cipient for a project under subsection (a) that involves a
10 low-emission aviation technology that exceeds a 20 percent
11 reduction in fuel burn compared to current best in class
12 aircraft or a sustainable aviation fuel that substantially
13 exceeds a 50 percent lifecycle greenhouse gas emission re-
14 duction compared to conventional jet fuels.

15 (e) PROGRAM REQUIREMENTS.—As a condition of re-
16 ceiving funds under this section, the Secretary may ap-
17 prove an award under this section only if the Secretary
18 has received written assurances from the recipient that—

19 (1) any low-emission aviation technology that is
20 funded or is part of a project funded by a grant
21 under subsection (a)(1) is produced in the United
22 States;

23 (2) any sustainable aviation fuel that is part of
24 a project funded by a grant under subsection (a)(2)
25 is—

1 (A) produced in the United States; and

2 (B) is not derived from feedstocks that are
3 developed through practices that threaten mass
4 deforestation, harm biodiversity, or otherwise
5 promote environmentally unsustainable proc-
6 esses; and

7 (3) the recipient of grant funding has ade-
8 quately considered the environmental justice and eq-
9 uity impacts of any project on underserved commu-
10 nities.

11 (f) DEVELOPMENT PROJECTS.—Section 47112(a) of
12 title 49, United States Code, is amended by inserting “or
13 labor for a project funded under section 110011 of the
14 Act entitled ‘An Act to provide for reconciliation pursuant
15 to title II of S. Con. Res. 14’ ” after “this subchapter”.

16 (g) ADMINISTRATIVE EXPENSES.—The Secretary
17 may retain up to 1 percent of the funds provided under
18 this section to fund the award of, and oversight by the
19 Secretary of, grants made under this section.

20 (h) DEFINITIONS.—In this section:

21 (1) ELIGIBLE ENTITY.—The term “eligible enti-
22 ty” means—

23 (A) a State or local government other than
24 an airport sponsor;

25 (B) an air carrier;

1 (C) an airport sponsor;

2 (D) an accredited institution of higher edu-
3 cation;

4 (E) a person or entity engaged in the pro-
5 duction, transportation, blending or storage of
6 sustainable aviation fuel or feedstocks that
7 could be used to produce sustainable aviation
8 fuel;

9 (F) a person or entity engaged in the de-
10 velopment, demonstration, or application of low-
11 emission aviation technologies; or

12 (G) nonprofit entities or nonprofit con-
13 sortia with experience in sustainable aviation
14 fuel, low-emission technology, or other clean
15 transportation research programs.

16 (2) LOW-EMISSION AVIATION TECHNOLOGY.—

17 The term “low-emission aviation technology” means
18 technologies that significantly—

19 (A) improve aircraft fuel efficiency;

20 (B) increase utilization of sustainable avia-
21 tion fuels; or

22 (C) reduce greenhouse gas emissions pro-
23 duced during operation of civil aircraft.

24 (3) SUSTAINABLE AVIATION FUEL.—The term
25 “sustainable aviation fuel” means liquid fuel that—

1 (A) consists of synthesized hydrocarbons;

2 (B) meets the requirements of—

3 (i) ASTM International Standard
4 D7566; or

5 (ii) the co-processing provisions of
6 ASTM International Standard D1655,
7 Annex A1 (or such successor standard);

8 (C) is derived from biomass (as such term
9 is defined in section 45K(e)(3) of the Internal
10 Revenue Code of 1986), waste streams, renew-
11 able energy sources or gaseous carbon oxides;

12 (D) is not derived from palm fatty acid
13 distillates; and

14 (E) achieves at least a 50 percent lifecycle
15 greenhouse gas emissions reduction in compari-
16 son with petroleum-based jet fuel, as deter-
17 mined by a test that shows—

18 (i) the fuel production pathway
19 achieves at least a 50 percent reduction of
20 the aggregate attributional core lifecycle
21 greenhouse gas emissions and the induced
22 land use change values under the lifecycle
23 methodology for sustainable aviation fuel
24 adopted by the International Civil Aviation
25 Organization for the Carbon Offsetting

1 and Reduction Scheme for International
2 Aviation with the agreement of the United
3 States; or

4 (ii) the fuel production pathway
5 achieves at least a 50 percent reduction of
6 the aggregate attributional core lifecycle
7 greenhouse gas emissions values under an-
8 other methodology that the Secretary, in
9 consultation with the Administrator of the
10 Environmental Protection Agency, deter-
11 mines is—

12 (I) reflective of the latest sci-
13 entific understanding of lifecycle
14 greenhouse gas emissions; and

15 (II) as stringent as the require-
16 ment under clause (i).

17 (i) TIME LIMIT FOR ADOPTION OF NEW SUSTAIN-
18 ABLE AVIATION FUEL EMISSIONS REDUCTION TEST.—

19 For purposes of clause (ii) of subsection (h)(3)(E), the
20 Secretary, in consultation with the Administrator of the
21 Environmental Protection Agency, shall, not later than 2
22 years after the date of the enactment of this section, adopt
23 at least 1 methodology for testing lifecycle greenhouse gas
24 emissions that meets the requirements of such clause.

1 **SEC. 110012. IMPLEMENTATION OF THE CARBON OFFSET-**
2 **TING AND REDUCTION SCHEME FOR INTER-**
3 **NATIONAL AVIATION.**

4 (a) IN GENERAL.—In addition to amounts otherwise
5 made available, there is appropriated for fiscal year 2022,
6 out of any money in the Treasury not otherwise appro-
7 priated, \$6,000,000, to remain available until September
8 30, 2026, for the Secretary of Transportation to ensure
9 the United States complies with its obligations with re-
10 spect to volume IV of annex 16 to the Convention on
11 International Civil Aviation (61 Stat. 1180) (“Carbon Off-
12 setting and Reduction Scheme for International Aviation”,
13 hereinafter “CORSIA”).

14 (b) REGULATIONS.—

15 (1) IN GENERAL.—The Secretary shall issue
16 regulations with requirements to ensure the United
17 States complies with the obligations referenced in
18 subsection (a), including requirements for operators
19 of civil aircraft of the United States with respect
20 to—

21 (A) monitoring, reporting, and verifying
22 quantities of carbon emissions covered under
23 the CORSIA, cancelling eligible emissions units
24 and reporting and verifying such cancellations,
25 and reporting use of CORSIA eligible fuels; and

1 (B) submission of such information as the
2 Secretary determines is necessary with respect
3 to implementation of the CORSIA.

4 (2) STANDARDS AND RECOMMENDED PRAC-
5 TICES.—Regulations issued under this subsection
6 shall be consistent with applicable standards and
7 recommended practices published in volume IV of
8 annex 16 to the Convention on International Civil
9 Aviation (61 Stat. 1180) and associated implementa-
10 tion elements, adopted by the International Civil
11 Aviation Organization prior to enactment of this
12 Act, and any amendments or updates to such stand-
13 ards and related documents with which the United
14 States concurs.

15 (c) REPORTS.—Not later than December 31, 2022,
16 and every 3 years thereafter, the Secretary shall submit
17 to the Committee on Transportation and Infrastructure
18 of the House of Representatives and the Committee on
19 Commerce, Science, and Technology of the Senate a report
20 assessing the compliance of operators of civil aircraft reg-
21 istered in the United States with regulations issued under
22 this section as well as the standards and recommended
23 practices referenced in subsection (b)(2), as applicable.

1 **SEC. 110013. ASSISTANCE TO UPDATE AND ENFORCE HAZ-**
2 **ARD RESISTANT CODES AND STANDARDS.**

3 (a) IN GENERAL.—In addition to amounts otherwise
4 available, there is appropriated for fiscal year 2022, out
5 of any money in the Treasury not otherwise appropriated,
6 \$291,000,000, to remain available until expended, to the
7 Administrator of the Federal Emergency Management
8 Agency to carry out activities described in section 203(i)
9 of the Robert T. Stafford Disaster Relief and Emergency
10 Assistance Act (42 U.S.C. 5133(i)), notwithstanding sec-
11 tion 203(f)(2) of such Act (42 U.S.C. 5133(f)(2)), includ-
12 ing for activities and grants that provide technical assist-
13 ance and capacity building for State, local, Indian Tribal,
14 or territorial governments for establishing, implementing,
15 and carrying out enforcement activities of the latest pub-
16 lished editions of relevant performance-based and con-
17 sensus-based codes, specifications, and standards that in-
18 corporate hazard-resistant designs and the latest require-
19 ments for the maintenance and inspection of existing
20 buildings to address hazard risk.

21 (b) COST SHARE.—The Federal share of the assist-
22 ance provided in this section shall be 100 percent.

23 (c) ADMINISTRATION.—In addition to amounts made
24 available for administrative expenses under section
25 205(d)(2) of the Robert T. Stafford Disaster Relief and
26 Emergency Assistance Act (42 U.S.C. 5135(d)(2)), there

1 is appropriated for fiscal year 2022, out of any money in
2 the Treasury not otherwise available, \$9,000,000 to the
3 Administrator of the Federal Emergency Management
4 Agency, to remain available until expended, for adminis-
5 tration of this section.

6 **SEC. 110014. HAZARD MITIGATION REVOLVING LOAN FUND.**

7 (a) IN GENERAL.—In addition to amounts otherwise
8 available, there is appropriated for fiscal year 2022, out
9 of any money in the Treasury not otherwise appropriated,
10 \$495,000,000, to remain available until expended, to the
11 Administrator of the Federal Emergency Management
12 Agency for the establishment and carrying out of hazard
13 mitigation revolving loan fund grants under section 205
14 of the Robert T. Stafford Disaster Relief and Emergency
15 Assistance Act (42 U.S.C. 5135).

16 (b) ADMINISTRATION.—In addition to amounts made
17 available for administrative expenses under section
18 205(d)(2) of the Robert T. Stafford Disaster Relief and
19 Emergency Assistance Act (42 U.S.C. 5135(d)(2)), there
20 is appropriated for fiscal year 2022, out of any money in
21 the Treasury not otherwise available, \$5,000,000 to the
22 Administrator of the Federal Emergency Management
23 Agency, to remain available until expended, for adminis-
24 tration of this section.

1 **SEC. 110015. UPGRADING PUBLIC ALERT AND WARNING.**

2 (a) IN GENERAL.—In addition to amounts otherwise
3 available, there is appropriated for fiscal year 2022, out
4 of any money in the Treasury not otherwise appropriated,
5 \$24,000,000, to remain available until September 30,
6 2024, to the Administrator of the Federal Emergency
7 Management Agency to upgrade the Integrated Public
8 Alert and Warning System for implementation of the Next
9 Generation Warning System.

10 (b) ASSISTANCE TO CERTAIN ENTITIES.—In car-
11 rying out subsection (a), the Administrator of the Federal
12 Emergency Management Agency is authorized to issue
13 noncompetitive, risk-informed financial assistance to pub-
14 lic broadcasting entities, as defined in section 397 of the
15 Communications Act of 1934 (47 U.S.C. 397).

16 (c) ADMINISTRATION.—In addition to amounts made
17 available for administrative expenses under section
18 205(d)(2) of the Robert T. Stafford Disaster Relief and
19 Emergency Assistance Act (42 U.S.C. 5135(d)(2)), there
20 is appropriated for fiscal year 2022, out of any money in
21 the Treasury not otherwise available, \$1,000,000 to the
22 Administrator of the Federal Emergency Management
23 Agency, to remain available until September 30, 2026, for
24 administration of this section.

1 **SEC. 110016. FEDERAL ASSISTANCE FOR EMERGENCY MAN-**
2 **AGERS.**

3 (a) IN GENERAL.—In addition to amounts otherwise
4 available, there is appropriated for fiscal year 2022, out
5 of any money in the Treasury not otherwise appropriated,
6 \$412,000,000, to remain available until expended, to the
7 Administrator of the Federal Emergency Management
8 Agency for grants for construction, retrofit, technological
9 enhancement, and updated requirements of State, local,
10 Indian Tribal, and territorial emergency operations cen-
11 ters under section 614 of the Robert T. Stafford Disaster
12 Relief and Emergency Assistance Act (42 U.S.C. 5196c).
13 A State may provide grant funds under this subsection
14 to local governments and Tribal governments to carry out
15 the activities for which such funds are provided.

16 (b) ADMINISTRATION.—In addition to amounts made
17 available for administrative expenses under section
18 205(d)(2) of the Robert T. Stafford Disaster Relief and
19 Emergency Assistance Act (42 U.S.C. 5135(d)(2)), there
20 is appropriated for fiscal year 2022, out of any money in
21 the Treasury not otherwise available, \$13,000,000 to the
22 Administrator of the Federal Emergency Management
23 Agency, to remain available until expended, for adminis-
24 tration of this section.

1 (c) LIMITATION.—The amount of a project under a
2 grant provided under this section may not exceed
3 \$4,000,000.

4 (d) CODE COMPLIANCE.—In using funds under sub-
5 section (a), a grant recipient shall act in compliance with
6 the latest published editions of relevant consensus-based
7 codes, specifications, and standards that incorporate the
8 latest hazard resistant designs and establish minimum ac-
9 ceptable criteria for the design, construction, and mainte-
10 nance of structures and facilities for the purpose of pro-
11 tecting the health, safety, and general welfare of the build-
12 ing users against disasters.

13 **SEC. 110017. FEMA PROCUREMENT, CONSTRUCTION, AND**
14 **IMPROVEMENTS.**

15 In addition to amounts otherwise available, there is
16 appropriated for fiscal year 2022, out of any money in
17 the Treasury not otherwise appropriated, \$200,000,000,
18 to remain available until September 30, 2026, to the Ad-
19 ministrator of the Federal Emergency Management Agen-
20 cy for the construction, renovation, retrofit, technological
21 enhancement, and updated requirements of Federal emer-
22 gency training centers and Federal emergency operations
23 centers.

1 **SEC. 110018. ECONOMIC DEVELOPMENT ADMINISTRATION.**

2 (a) ECONOMIC DEVELOPMENT ASSISTANCE FOR RE-
3 GIONAL ECONOMIC GROWTH CLUSTERS.—In addition to
4 amounts otherwise available, there is appropriated for fis-
5 cal year 2022, out of any money in the Treasury not other-
6 wise appropriated, \$4,000,000,000, to remain available
7 until September 30, 2027, to the Secretary of Commerce
8 for grants under section 209 of the Public Works and Eco-
9 nomic Development Act of 1965 (42 U.S.C. 3149) to de-
10 velop regional economic growth clusters, subject to the
11 condition that sections 204 and 301 of such Act (42
12 U.S.C. 3144 and 3161) shall not apply to grants made
13 with amounts made available under this subsection.

14 (b) ECONOMIC ADJUSTMENT ASSISTANCE.—In addi-
15 tion to amounts otherwise available, there is appropriated
16 for fiscal year 2022, out of any money in the Treasury
17 not otherwise appropriated, \$1,000,000,000, to remain
18 available until September 30, 2027, to the Secretary of
19 Commerce for economic adjustment assistance as author-
20 ized by section 209 of the Public Works and Economic
21 Development Act of 1965 (42 U.S.C. 3149), of which—

22 (1) \$500,000,000 shall be to provide assistance
23 to energy and industrial transition communities, in-
24 cluding coal, oil and gas, and nuclear transition
25 communities; and

1 (2) \$50,000,000 shall be to provide grants for
2 project predevelopment and capacity building activi-
3 ties, including activities relating to the writing of
4 grant applications (consistent with section 213 of
5 such Act (42 U.S.C. 3153)) and stipends to local
6 community organizations for planning participation,
7 community outreach and engagement activities, sub-
8 ject to the conditions that—

9 (A) sections 204 and 301 of such Act (42
10 U.S.C. 3144 and 3161) shall not apply to
11 grants made with amounts made available
12 under this paragraph; and

13 (B) not less than 50 percent of the
14 amounts made available under this paragraph
15 shall be for activities that are carried out in un-
16 derserved communities.

17 (c) GRANTS FOR PUBLIC WORKS AND ECONOMIC DE-
18 VELOPMENT.—In addition to amounts otherwise available,
19 there is appropriated for fiscal year 2022, out of any
20 money in the Treasury not otherwise appropriated,
21 \$500,000,000, to remain available until September 30,
22 2027, to the Secretary of Commerce for public works
23 projects as authorized by section 201 of the Public Works
24 and Economic Development Act of 1965 (42 U.S.C.
25 3141).

1 (d) ADMINISTRATION.—Not more than 3 percent of
2 the amounts made available under this section shall be
3 used for the administrative costs of carrying out this sec-
4 tion.

5 **SEC. 110019. RECOMPETE PILOT PROGRAM.**

6 (a) ECONOMIC DEVELOPMENT ADMINISTRATION AP-
7 PROPRIATION.—In addition to amounts otherwise avail-
8 able, there is appropriated for fiscal year 2022, out of any
9 money in the Treasury not otherwise appropriated,
10 \$4,000,000,000, to remain available until September 30,
11 2031, to the Department of Commerce for economic ad-
12 justment assistance as authorized by section 209 of the
13 Public Works and Economic Development Act of 1965 (42
14 U.S.C. 3149) to establish a pilot program, to be known
15 as the “Recompete Pilot Program”, to provide grants to
16 specified entities to carry out activities in eligible areas
17 and Tribal lands for which a specified entity has jurisdic-
18 tion or otherwise serves to support local labor markets,
19 local communities, and Tribal governments to alleviate
20 persistent economic distress and labor market dislocation,
21 except that sections 204 and 301 of such Act shall not
22 apply to a grant provided under this section.

23 (b) TERM.—A grant shall have a term of 10 fiscal
24 years and be disbursed at such time and in such manner
25 as determined by the Secretary of Commerce in accord-

1 ance with benchmarking requirements established by the
2 Secretary.

3 (c) USE OF FUNDS.—Of the funds provided by this
4 section—

5 (1) not less than \$3,855,000,000 shall be used
6 for grants to be awarded to at least 15 specified en-
7 tities representing eligible areas to carry out activi-
8 ties described in a recompetete plan approved by the
9 Secretary of Commerce;

10 (2) not more than \$25,000,000 may be used for
11 planning and technical assistance grants to be
12 awarded to not more than 50 specified entities rep-
13 resenting eligible areas to develop a recompetete plan
14 and carry out predevelopment activities; and

15 (3) not more than 3 percent shall be used for
16 the administrative costs of carrying out this section.

17 (d) LIMITATIONS.—

18 (1) ELIGIBLE AREAS.—An eligible area may not
19 benefit from more than 1 grant and 1 grant de-
20 scribed in subsection (c)(2).

21 (2) LIMITATION ON RECIPIENTS.—For purposes
22 of the program under this section, a specified entity
23 may not receive a grant on behalf of more than 1
24 eligible area.

1 (e) MAXIMUM AWARD AMOUNT.—In determining the
2 maximum amount of a grant that a specified entity may
3 be awarded, the Secretary shall use the product obtained
4 by multiplying—

5 (1) the prime-age employment gap of the eligi-
6 ble area;

7 (2) the prime-age population of the eligible
8 area; and

9 (3) either—

10 (A) \$70,585 for local labor markets; or

11 (B) \$53,600 for local communities.

12 (f) DEFINITIONS.—In this section:

13 (1) ELIGIBLE AREA.—The term “eligible area”
14 means either of the following:

15 (A) A local labor market that—

16 (i) has a prime-age employment gap
17 equal to not less than 2.5 percent; and

18 (ii) meets additional criteria as the
19 Secretary may establish.

20 (B) A local community that—

21 (i) has a prime-age employment gap
22 equal to not less than 5 percent;

23 (ii) is not located within an eligible
24 local labor market that meets the criteria
25 described in subparagraph (A); and

1 (iii) has a median annual household
2 income of not more than \$75,000.

3 (2) LOCAL LABOR MARKET.—The term “local
4 labor market” means any of the following areas that
5 contains 1 or more specified entities described in
6 subparagraphs (A) through (D) of paragraph (5):

7 (A) A commuting zone, as defined by the
8 Economic Research Service of the Department
9 of Agriculture, excluding all core-based statis-
10 tical areas within the commuting zone described
11 in subparagraph (B).

12 (B) Subject to subparagraph (C), if 1 or
13 more discrete metropolitan statistical areas or
14 micropolitan statistical areas, as defined by the
15 Office of Management and Budget (collectively
16 referred to as “core-based statistical areas”),
17 exists within a commuting zone described in
18 subparagraph (A), each such core-based statis-
19 tical area.

20 (C) If the remaining area of a commuting
21 zone described in subparagraph (A), excluding
22 all core-based statistical areas within the com-
23 muting zone described in subparagraph (B),
24 contains 1 or fewer counties and has a popu-
25 lation of 7,500 or fewer residents, that remain-

1 ing area combined with an adjacent core-based
2 statistical area within the commuting zone.

3 (D) The Tribal land with a Tribal prime-
4 age population represented by a Tribal govern-
5 ment.

6 (3) LOCAL COMMUNITY.—The term “local com-
7 munity” means the area served by a specified entity
8 described in subparagraphs (A) through (C) of para-
9 graph (5) that—

10 (A)(i) is located within a local labor mar-
11 ket or partial local labor market that is not eli-
12 gible; or

13 (ii) is not coexistent with, or encompassing
14 the entirety of, a local labor market; and

15 (B) meets such additional criteria, includ-
16 ing a minimum population requirement, as the
17 Secretary may establish.

18 (4) PRIME-AGE EMPLOYMENT GAP.—

19 (A) IN GENERAL.—The term “prime-age
20 employment gap” means the difference (ex-
21 pressed as a percentage) between—

22 (i) the national 5-year average prime-
23 age employment rate; and

24 (ii) the 5-year average prime-age em-
25 ployment rate of the eligible area.

1 (B) CALCULATION.—For the purposes of
2 subparagraph (A), an individual is prime-age if
3 such individual between the ages of 25 years
4 and 54 years.

5 (5) RECOMPETE PLAN.—The term “recompete
6 plan” means a comprehensive 10-year economic de-
7 velopment plan that—

8 (A) includes—

9 (i) proposed programs and activities
10 to be carried out with a grant awarded
11 under this section to address the economic
12 challenges of the eligible area in a manner
13 that promotes long-term, sustained eco-
14 nomic growth and reduction in the prime-
15 age employment gap of the eligible area;

16 (ii) projected costs and annual ex-
17 penditures and proposed disbursement
18 schedule; and

19 (iii) other information as the Sec-
20 retary determines appropriate;

21 (B) is developed by a specified entity that
22 is the recipient of a planning and technical as-
23 sistance grant described in subsection (c)(2);
24 and

1 (C) is submitted to the Secretary for ap-
2 proval for a specified entity to be considered for
3 a grant under this section.

4 (6) SPECIFIED ENTITY.—The term “specified
5 entity” means—

6 (A) a unit of local government;

7 (B) the District of Columbia;

8 (C) a territory or possession of the United
9 States;

10 (D) a Tribal government;

11 (E) a State-authorized political subdivision
12 or other entity, including a special-purpose enti-
13 ty engaged in economic development activities;

14 (F) a public entity or nonprofit organiza-
15 tion, acting in cooperation with the officials of
16 a political subdivision or entity described in
17 subparagraph (E);

18 (G) an economic development district (as
19 defined in section 3 of the Public Works and
20 Economic Development Act of 1965 (42 U.S.C.
21 3122); and

22 (H) a consortium of any of the specified
23 entities described in this paragraph which serve
24 or are contained within the same eligible area.

1 (7) TRIBAL GOVERNMENT.—The term “Tribal
2 government” means the recognized governing body
3 of any Indian or Alaska Native tribe, band, nation,
4 pueblo, village, community, component band, or com-
5 ponent reservation, individually identified (including
6 parenthetically) in the list published by the Bureau
7 of Indian Affairs on January 29, 2021, pursuant to
8 section 104 of the Federally Recognized Indian
9 Tribe List Act of 1994 (25 U.S.C. 5131).

10 (8) TRIBAL LAND.—The term “Tribal land”
11 means any land—

12 (A) any land located within the boundaries
13 of an Indian reservation, pueblo, or rancharia;
14 or

15 (B) any land not located within the bound-
16 aries of an Indian reservation, pueblo, or
17 rancharia, the title to which is held—

18 (i) in trust by the United States for
19 the benefit of an Indian Tribe or an indi-
20 vidual Indian;

21 (ii) by an Indian Tribe or an indi-
22 vidual Indian, subject to restriction against
23 alienation under laws of the United States;
24 or

1 (iii) by a dependent Indian commu-
2 nity.

3 (9) TRIBAL PRIME-AGE POPULATION.—

4 (A) IN GENERAL.—The term “Tribal
5 prime-age population” shall be equal to the sum
6 obtained by adding—

7 (i) the product obtained by multi-
8 plying—

9 (I) the total number of individ-
10 uals ages 25 through 54 residing on
11 the Tribal land of the Tribal govern-
12 ment; and

13 (II) 0.65; and

14 (ii) the product obtained by multi-
15 plying—

16 (I) the total number of individ-
17 uals ages 25 through 54 included on
18 the membership roll of the Tribal gov-
19 ernment; and

20 (II) 0.35.

21 (B) USE OF DATE.—A calculation under
22 subparagraph (A) shall be determined based on
23 data provided by the applicable Tribal govern-
24 ment to the Department of the Treasury under
25 the Coronavirus State and Local Fiscal Recov-

1 ery Fund programs under title VI of the Social
2 Security Act (42 U.S.C. 801 et seq.).

3 **SEC. 110020. ASSISTANCE FOR FEDERAL BUILDINGS.**

4 In addition to amounts otherwise available, there is
5 appropriated for fiscal year 2022, out of any funds in the
6 Treasury not otherwise appropriated, \$1,000,000,000, to
7 remain available until September 30, 2031, to be depos-
8 ited in the Federal Buildings Fund established under sec-
9 tion 592 of title 40, United States Code, for measures nec-
10 essary to convert facilities of the Administrator of General
11 Services to high-performance green buildings (as defined
12 in section 401 of the Energy Independence and Security
13 Act of 2007 (42 U.S.C. 17061)).

14 **SEC. 110021. TECHNOLOGY INNOVATION AND CLIMATE RE-**
15 **SILIENCE IN MARITIME SECTOR.**

16 In addition to amounts otherwise available, there is
17 appropriated for fiscal year 2022, out of any money in
18 the Treasury not otherwise appropriated, \$100,000,000,
19 to remain available until September 30, 2027, to the Mari-
20 time Administration, for the maritime environmental and
21 technical assistance program under section 50307 of title
22 46, United States Code, to reduce carbon emissions, re-
23 duce vessel noise pollution, and improve the climate resil-
24 iency of the marine shipping and the maritime industry.

1 **SEC. 110022. CLIMATE RESILIENT COAST GUARD INFRA-**
2 **STRUCTURE.**

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, \$1,000,000,000,
6 to remain available until September 30, 2031, to the ac-
7 count under the heading “Coast Guard Procurement, Con-
8 struction, and Improvements”, for the acquisition, design,
9 and construction of new, or replacement of existing, cli-
10 mate resilient facilities, including personnel readiness fa-
11 cilities such as family support services facilities, that are
12 threatened by or have been impacted by climate change,
13 as authorized under sections 504(e) and 1101(b)(1) of
14 title 14, United States Code. The Coast Guard shall re-
15 turn to the Treasury any funds appropriated under this
16 section that have not been expended by September 30,
17 2031.

18 **SEC. 110023. GREAT LAKES ICEBREAKER ACQUISITION.**

19 In addition to amounts otherwise available, there is
20 appropriated for fiscal year 2022, out of funds in the
21 Treasury not otherwise appropriated, \$350,000,000, to re-
22 main available until September, 30, 2031, to the Coast
23 Guard, for acquisition, design, and construction of a Great
24 Lakes heavy icebreaker, as authorized under section 8107
25 of the William M. (Mac) Thornberry National Defense Au-
26 thorization Act for Fiscal Year 2021 (Public Law 116–

1 283). The Coast Guard shall return to the Treasury any
2 funds appropriated under this section that have not been
3 expended by September 30, 2031.

4 **SEC. 110024. POLAR SECURITY CUTTERS AND CLIMATE**
5 **SCIENCE.**

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, \$788,000,000,
9 to remain available until September 30, 2031, to the Coast
10 Guard, for the acquisition of the fourth heavy Polar Secu-
11 rity Cutter, including scientific laboratory and berthing fa-
12 cilities, to expand access for scientists to the polar regions,
13 to improve climate and weather research, for other polar
14 missions, and for other purposes, as authorized under sec-
15 tion 561 of title 14, United States Code.

16 **SEC. 110025. SMALL SHIPYARD GRANTS.**

17 In addition to amounts otherwise available, there is
18 appropriated for fiscal year 2022, out of any money in
19 the Treasury not otherwise appropriated, \$300,000,000,
20 to remain available until September 30, 2027, to the Mari-
21 time Administration for the purposes of making grants
22 under the assistance for small shipyards program, as au-
23 thorized by section 54101 of title 46, United States Code,
24 to improve the climate resiliency and environmental sus-
25 tainability of the maritime industry and maritime trans-

1 portation system, including workforce training and equip-
2 ment acquisition projects that improve the efficiency of
3 shipyard operations, vessel construction and vessel repair.
4 The deadlines established in paragraphs (2) and (3) of
5 subsection (b) and paragraph (1) of subsection (f) of sec-
6 tion 54101 of such title shall not apply to amounts made
7 available in this section, and the Secretary of Transpor-
8 tation may carry out multiple rounds of competition.

9 **SEC. 110026. PORT INFRASTRUCTURE AND SUPPLY CHAIN**
10 **RESILIENCE.**

11 In addition to amounts otherwise available, there is
12 appropriated for fiscal year 2022, out of any money in
13 the Treasury not otherwise appropriated, \$2,500,000,000,
14 to remain available until September 30, 2027, to the Mari-
15 time Administration for the purposes of making grants for
16 projects to support supply chain resilience, reduction in
17 port congestion, the development of offshore wind support
18 infrastructure, and environmental remediation, projects to
19 reduce the impact of ports on the environment, and for
20 other purposes. Such grants shall be administered in ac-
21 cordance with the requirements applicable to grants under
22 section 50302 of title 46, United States Code. The dead-
23 lines established in paragraph (5) of subsection (c) of sec-
24 tion 50302 of such title shall not apply to amounts made
25 available in this section, and the Secretary of Transpor-

1 tation may carry out multiple rounds of competition. The
2 Maritime Administration shall return to the Treasury any
3 funds appropriated under this section that have not been
4 expended by September 30, 2031.

5 **SEC. 110027. GRANTS FOR RURAL, SMALL, TRIBAL, AND**
6 **ECONOMICALLY DISADVANTAGED MUNICI-**
7 **PALITY TECHNICAL ASSISTANCE AND CIR-**
8 **CUIT RIDER PROGRAMS AND WORKFORCE**
9 **DEVELOPMENT.**

10 (a) APPROPRIATION.—In addition to amounts other-
11 wise available, there is appropriated to the Environmental
12 Protection Agency for fiscal year 2022, out of any money
13 in the Treasury not otherwise appropriated,
14 \$495,000,000, to remain available until expended, for the
15 Administrator of the Environmental Protection Agency—

16 (1) to provide technical assistance to rural,
17 small, Tribal, and economically disadvantaged mu-
18 nicipalities for the purposes identified in subsection
19 (b)(8) of section 104 of the Federal Water Pollution
20 Control Act (33 U.S.C. 1254); and

21 (2) for grants for manpower development and
22 training and retraining of workforce employees of
23 publicly owned treatment works in accordance with
24 subsection (g) of such section.

1 (b) DETERMINATION OF ECONOMIC DISADVAN-
2 TAGE.—In determining whether a municipality is economi-
3 cally disadvantaged for the purposes of this section, the
4 Administrator shall, to the maximum extent practicable,
5 take into consideration—

6 (1) the criteria under paragraph (1) or (2) of
7 section 301(a) of the Public Works and Economic
8 Development Act of 1965 (42 U.S.C. 3161); and

9 (2) any affordability criteria established by the
10 State in which the municipality is located pursuant
11 to section 603(i)(2) or 221(e) of the Federal Water
12 Pollution Control Act (33 U.S.C. 1383(i)(2);
13 1301(e)).

14 **SEC. 110028. ALTERNATIVE WATER SOURCE PROJECT**
15 **GRANTS.**

16 (a) APPROPRIATION.—In addition to amounts other-
17 wise available, there is appropriated to the Environmental
18 Protection Agency for fiscal year 2022, out of any money
19 in the Treasury not otherwise appropriated,
20 \$125,000,000, to remain available until expended, for car-
21 rying out section 220 of the Federal Water Pollution Con-
22 trol Act (33 U.S.C. 1300), in accordance with subsection
23 (b), which funds may be used to make grants under such
24 section on the condition that—

1 (1) a project carried out using such funds shall,
2 to the maximum extent practicable, maximize the
3 avoidance, minimization, or mitigation of climate
4 change impacts on, and of, any constructed part of
5 the project (including through the implementation of
6 technologies to recover and reuse energy produced in
7 the treatment of wastewater); and

8 (2) all of the iron and steel used in the project
9 are produced in the United States in accordance
10 with section 608 of such Act (33 U.S.C. 1388).

11 (b) LIMITATIONS.—For purposes of subsection (a)—

12 (1) the limitation in section 220(d)(1) of the
13 Federal Water Pollution Control Act (as in effect on
14 September 1, 2021), as it applies to the receipt of
15 planning or design funds, shall not apply with re-
16 spect to eligibility for a grant under this section; and

17 (2) the requirements of sections 220(d)(2) and
18 (e) of such Act (as in effect on September 1, 2021)
19 shall not apply to the making of a grant under this
20 section.

21 **SEC. 110029. SEWER OVERFLOW AND STORMWATER REUSE**

22 **MUNICIPAL GRANTS.**

23 (a) GENERAL ASSISTANCE.—In addition to amounts
24 otherwise available, there is appropriated to the Environ-
25 mental Protection Agency for fiscal year 2022, out of any

1 money in the Treasury not otherwise appropriated,
2 \$1,000,000,000, to remain available until expended, for
3 carrying out section 221 of the Federal Water Pollution
4 Control Act (33 U.S.C. 1301), which funds may be used
5 to make grants under such section on the condition that
6 any activity carried out using such funds shall, to the max-
7 imum extent practicable, maximize the avoidance, mini-
8 mization, or mitigation of climate change impacts on, and
9 of, any constructed part of the activity (including through
10 the implementation of technologies to recover and reuse
11 energy produced in the treatment of wastewater).

12 (b) FINANCIALLY DISTRESSED COMMUNITIES.—

13 (1) APPROPRIATION.—In addition to amounts
14 otherwise available, there is appropriated to the En-
15 vironmental Protection Agency for fiscal year 2022,
16 out of any money in the Treasury not otherwise ap-
17 propriated, \$1,000,000,000, to remain available
18 until expended, for carrying out section 221 of the
19 Federal Water Pollution Control Act (33 U.S.C.
20 1301), which funds may be used to make grants
21 under such section to financially distressed commu-
22 nities (as defined in such section), including rural fi-
23 nancially distressed communities, on the condition
24 that any activity carried out using such funds shall,
25 to the maximum extent practicable, maximize the

1 avoidance, minimization, or mitigation of climate
2 change impacts on, and of, any constructed part of
3 the activity (including through the implementation
4 of technologies to recover and reuse energy produced
5 in the treatment of wastewater).

6 (2) LIMITATION.—In carrying out paragraph
7 (1), the Administrator of the Environmental Protec-
8 tion Agency may not require a financially distressed
9 community receiving a grant pursuant to this sub-
10 section to provide, as a condition of eligibility to re-
11 ceive such grant, a share of the cost of the activity
12 for which the grant was made.

13 **SEC. 110030. INDIVIDUAL HOUSEHOLD DECENTRALIZED**
14 **WASTEWATER TREATMENT SYSTEM GRANTS.**

15 (a) APPROPRIATION.—In addition to amounts other-
16 wise available, there is appropriated to the Environmental
17 Protection Agency for fiscal year 2022, out of any money
18 in the Treasury not otherwise appropriated,
19 \$450,000,000, to remain available until expended, to make
20 grants, in accordance with subsection (b), to States, mu-
21 nicipalities, and nonprofit entities under the Federal
22 Water Pollution Control Act for the construction, repair,
23 or replacement of individual household decentralized
24 wastewater treatment systems of eligible individuals (as

1 such term is defined in section 603(j) of the Federal
2 Water Pollution Control Act (33 U.S.C. 1383(j)).

3 (b) PRIORITY.—In carrying out subsection (a), the
4 Administrator of the Environmental Protection Agency
5 shall prioritize the issuance of grants to assist eligible indi-
6 viduals (as such term is defined in section 603(j) of the
7 Federal Water Pollution Control Act (33 U.S.C. 1383(j))
8 residing in households that are not connected to a system
9 or technology designed to treat domestic sewage, including
10 eligible individuals using household cesspools.

11 **SEC. 110031. TRIBAL CLEAN WATER GRANTS.**

12 (a) APPROPRIATION.—In addition to amounts other-
13 wise available, there is appropriated to the Environmental
14 Protection Agency for fiscal year 2022, out of any money
15 in the Treasury not otherwise appropriated,
16 \$500,000,000, to remain available until expended, to make
17 grants, in accordance with subsection (b), to Indian tribes
18 and other entities described in section 518(c)(3) of the
19 Federal Water Pollution Control Act (33 U.S.C. 1377)—

20 (1) for—

21 (A) projects and activities eligible for as-
22 sistance under section 603(c) of such Act (33
23 U.S.C. 1383); and

24 (B) training, technical assistance, and edu-
25 cational programs related to the operation and

1 management of treatment works eligible for as-
2 sistance pursuant to such section 603(c); and
3 (2) subject to the condition that—

4 (A) any project or activity carried out
5 using such funds shall, to the maximum extent
6 practicable, maximize the avoidance, minimiza-
7 tion, or mitigation of climate change impacts
8 on, and of, any constructed part of the project
9 or activity (including through the implementa-
10 tion of technologies to recover and reuse energy
11 produced in the treatment of wastewater); and

12 (B) all of the iron and steel used in any
13 project carried out using such funds are pro-
14 duced in the United States in accordance with
15 section 608 of such Act (33 U.S.C. 1388).

16 (b) LIMITATION.—In carrying out subsection (a), the
17 Administrator of the Environmental Protection Agency
18 may not require an Indian tribe or other entity receiving
19 a grant under this section to provide, as a condition of
20 eligibility to receive such grant, a share of the cost of the
21 project or activity for which the grant was made.

22 **SEC. 110032. WASTEWATER INFRASTRUCTURE ASSISTANCE**
23 **TO COLONIAS.**

24 In addition to amounts otherwise available, there is
25 appropriated to the Environmental Protection Agency for

1 fiscal year 2022, out of any money in the Treasury not
2 otherwise appropriated, \$125,000,000, to remain available
3 until expended, for the Administrator of the Environ-
4 mental Protection Agency for carrying out section 307 of
5 the Safe Drinking Water Act Amendments of 1996 (33
6 U.S.C. 1281 note; 110 Stat. 1688), which funds may be
7 used to award grants under such section to a border State
8 or municipality with jurisdiction over an eligible commu-
9 nity (as such terms are defined in such section), on the
10 condition that—

11 (1) a project carried out using such funds shall,
12 to the maximum extent practicable, maximize the
13 avoidance, minimization, or mitigation of climate
14 change impacts on, and of, any constructed part of
15 the project (including through the implementation of
16 technologies to recover and reuse energy produced in
17 the treatment of wastewater);

18 (2) all of the iron and steel used in the project
19 are produced in the United States in accordance
20 with section 608 of the Federal Water Pollution
21 Control Act (33 U.S.C. 1388); and

22 (3) an eligible community receiving assistance
23 for such project pursuant to this section shall not be
24 required to provide a share of the costs of carrying
25 out the project.

1 **SEC. 110033. CLEAN WATER NEEDS SURVEY.**

2 In addition to amounts otherwise available, there is
3 appropriated to the Environmental Protection Agency for
4 fiscal year 2022, out of any money in the Treasury not
5 otherwise appropriated, \$5,000,000, to remain available
6 until expended, for grants to States and municipalities to
7 carry out a detailed estimate of the cost of construction
8 of all needed publicly owned treatment works pursuant to
9 section 516(b)(1)(B) of the Federal Water Pollution Con-
10 trol Act (33 U.S.C. 1375(b)(1)(B)).

11 **SEC. 110034. PROHIBITION ON USE OF FUNDS.**

12 The Comptroller General of the United States shall
13 provide a report to Congress accounting for any equipment
14 provided by the United States Coast Guard or the Army
15 Corps of Engineers to any prior regime in Afghanistan
16 and that has been left behind in Afghanistan.

17 **SEC. 110035. POLICY OF THE UNITED STATES ON CHILD**
18 **LABOR.**

19 It is the policy of the United States that funds made
20 available by this title should not be used to purchase prod-
21 ucts produced whole or in part through the use of child
22 labor, as such term is defined in Article 3 of the Inter-
23 national Labor Organization Convention concerning the
24 prohibition and immediate action for the elimination of the
25 worst forms of child labor (December 2, 2000), or in viola-
26 tion of human rights.

1 **TITLE XII—COMMITTEE ON**
2 **VETERANS AFFAIRS**

3 **SEC. 12001. DEPARTMENT OF VETERANS AFFAIRS INFRA-**
4 **STRUCTURE IMPROVEMENTS.**

5 In addition to amounts otherwise available, there is
6 appropriated for fiscal year 2022, out of any money in
7 the Treasury not otherwise appropriated,
8 \$15,200,000,000, to remain available until September 30,
9 2031, for facilities under the jurisdiction of, or for the use
10 of, the Department of Veterans Affairs to carry out sec-
11 tions 2400, 2403, 2404, 2406, 2407, 2412, 8101 through
12 8110, 8122, and 8161 through 8169 of title 38, United
13 States Code, taking into consideration the integration of
14 climate resiliency into infrastructure as well as the needs
15 of underserved areas and underserved veteran populations.

16 **SEC. 12002. MODIFICATIONS TO ENHANCED-USE LEASE AU-**
17 **THORITY OF DEPARTMENT OF VETERANS AF-**
18 **FAIRS.**

19 (a) MODIFICATIONS TO AUTHORITY.—Paragraph (2)
20 of section 8162(a) of title 38, United States Code, is
21 amended to read as follows:

22 “(2)(A) The Secretary may enter into an enhanced-
23 use lease on or after the date of the enactment of this
24 paragraph only if the Secretary determines—

1 “(i) that the lease will not be inconsistent with,
2 and will not adversely affect—

3 “(I) the mission of the Department; or

4 “(II) the operation of facilities, programs,
5 and services of the Department in the local
6 area; and

7 “(ii) that—

8 “(I) the lease will enhance the use of the
9 leased property by directly or indirectly benefit-
10 ting veterans; or

11 “(II) the leased property will provide sup-
12 portive housing.

13 “(B) The Secretary shall give priority to enhanced-
14 use leases that, on the leased property—

15 “(i) provide supportive housing for veterans;

16 “(ii) provide direct services or benefits targeted
17 to veterans; or

18 “(iii) provide services or benefits that indirectly
19 support veterans.”.

20 (b) APPROPRIATION.—In addition to amounts other-
21 wise available, there is appropriated for fiscal year 2022,
22 out of any money in the Treasury not otherwise appro-
23 priated, \$455,000,000 for the Department of Veterans Af-
24 fairs, to remain available until expended, to enter into en-

1 hanced-use leases pursuant to section 8162 of title 38,
2 United States Code, as amended by this section.

3 (c) MODIFICATION OF SUNSET.—Section 8169 of
4 such title is amended by striking “December 31, 2023”
5 and inserting “September 30, 2026”.

6 **SEC. 12003. MAJOR MEDICAL FACILITY LEASES OF THE DE-**
7 **PARTMENT OF VETERANS AFFAIRS.**

8 (a) AUTHORITY TO ENTER INTO MAJOR MEDICAL
9 FACILITY LEASES.—Paragraph (2) of subsection (a) of
10 section 8104 of title 38, United States Code, is amended—

11 (1) by striking “No funds” and inserting “(A)
12 No funds”;

13 (2) by striking “or any major medical facility
14 lease”;

15 (3) by striking “or lease”; and

16 (4) by adding at the end the following new sub-
17 paragraph:

18 “(B) Funds may be appropriated for a fiscal year,
19 and the Secretary may obligate and expend funds, includ-
20 ing for advance planning and design, for any major med-
21 ical facility lease.”.

22 (b) MODIFICATION OF DEFINITION OF MAJOR MED-
23 ICAL FACILITY LEASE.—Subparagraph (B) of paragraph
24 (3) of such subsection is amended to read as follows:

25 “(B) The term ‘major medical facility lease’—

1 “(i) means a lease for space for use as a
2 new medical facility approved through the Gen-
3 eral Services Administration under section
4 3307(a)(2) of title 40 at an average annual rent
5 equal to or greater than the dollar threshold de-
6 scribed in such section, which shall be subject
7 to annual adjustment in accordance with sec-
8 tion 3307(h) of such title; and

9 “(ii) does not include a lease for space for
10 use as a shared Federal medical facility for
11 which the Department’s estimated share of the
12 lease costs does not exceed such dollar thresh-
13 old.”.

14 (c) INTERIM LEASING ACTIONS.—Such section is fur-
15 ther amended by adding at the end the following new sub-
16 section:

17 “(i)(1) The Secretary may carry out interim leasing
18 actions as the Secretary considers necessary for major
19 medical facility leases (as defined in subsection (a)(3)(B)).

20 “(2) In this subsection, the term ‘interim leasing ac-
21 tions’ has the meaning given that term by the Adminis-
22 trator of the General Services Administration.”.

23 (d) APPLICABILITY.—The amendments made by this
24 section shall apply with respect to a lease that has not
25 been specifically authorized by law on or before the date

1 of the enactment of this Act and is included as part of
2 the annual budget submission of the President for fiscal
3 year 2022, 2023, or 2024.

4 (e) PURCHASE OPTIONS.—The Secretary of Veterans
5 Affairs may obligate and expend funds to exercise a pur-
6 chase option included in any major medical facility lease
7 described in subsection (d).

8 (f) APPROPRIATION.—In addition to amounts other-
9 wise available, there is appropriated for fiscal year 2022,
10 out of any money in the Treasury not otherwise appro-
11 priated, \$1,805,000,000, to remain available until ex-
12 pended, for major medical facility leases pursuant to sub-
13 chapter I of chapter 81 of title 38, United States Code,
14 as amended by this section, as requested in the annual
15 budget submission of the President for fiscal year 2022,
16 2023, or 2024.

17 (g) TERMINATION AND RESTORATION.—

18 (1) IN GENERAL.—Effective upon the date of
19 execution of the final lease award for leases de-
20 scribed in subsection (d), subsections (a) through (e)
21 of this section and the amendments made by those
22 subsections are repealed and any provision of law
23 amended by those subsections is restored as if those
24 subsections had not been enacted into law.

1 (2) NOTIFICATION.—The Secretary of Veterans
2 Affairs shall submit to Congress and the Law Revi-
3 sion Counsel of the House of Representatives written
4 notification of the date specified in paragraph (1)
5 not later than 30 days before such date.

6 **SEC. 12004. INCREASE IN NUMBER OF HEALTH PROFES-**
7 **SIONS RESIDENCY POSITIONS AT DEPART-**
8 **MENT OF VETERANS AFFAIRS MEDICAL FA-**
9 **CILITIES.**

10 (a) INCREASE.—In carrying out section 7302(a)(1)
11 of title 38, United States Code, during the seven-year pe-
12 riod beginning on the day that is one year after the date
13 of the enactment of this Act, the Secretary of Veterans
14 Affairs shall increase the number of health professions
15 residency positions at medical facilities of the Department
16 of Veterans Affairs by not more than 700 positions (which
17 shall be allocated among occupations included in the most
18 current determination published in the Federal Register
19 pursuant to section 7412(a) of such title, or allocated pur-
20 suant to a prioritization by the Secretary of occupations
21 in primary care, mental health care, and any other health
22 professions occupation the Secretary determines appro-
23 priate) through the establishment of such new positions
24 at—

1 (1) medical facilities where the Secretary estab-
2 lished such positions pursuant to section 301(b)(2)
3 of the Veterans Access, Choice, and Accountability
4 Act of 2014 (Public Law 113–146; 38 U.S.C. 7302
5 note); or

6 (2) any medical facility—

7 (A) the director of which expresses an in-
8 terest in establishing or expanding a health pro-
9 fessions residency program at the medical facil-
10 ity; or

11 (B) that is located in a community that
12 has a high concentration of veterans or is expe-
13 riencing a shortage of health care professionals.

14 (b) APPROPRIATIONS.—In addition to amounts other-
15 wise available, there is appropriated to the Department
16 of Veterans Affairs for fiscal year 2022, out of any money
17 in the Treasury not otherwise appropriated,
18 \$375,000,000, to remain available until September 30,
19 2029, for the purpose of carrying out this section.

20 **SEC. 12005. VETERAN RECORDS SCANNING.**

21 In addition to amounts otherwise available, there is
22 appropriated to the Veterans Benefits Administration for
23 fiscal year 2022, out of any money in the Treasury not
24 otherwise appropriated, \$150,000,000, to remain available
25 until September 30, 2023, for costs of record scanning

1 and claims processing, to carry out sections 7701 and
2 7703 of title 38, United States Code.

3 **SEC. 12006. FUNDING FOR DEPARTMENT OF VETERANS AF-**
4 **FAIRS OFFICE OF INSPECTOR GENERAL.**

5 In addition to amounts otherwise available, there is
6 appropriated to the Office of Inspector General of the De-
7 partment of Veterans Affairs for fiscal year 2022, out of
8 any money in the Treasury not otherwise appropriated,
9 \$15,000,000, to remain available until September 30,
10 2031, for audits, investigations, and other oversight of
11 projects and activities carried out with funds made avail-
12 able to the Department of Veterans Affairs.

13 **TITLE XIII—COMMITTEE ON**
14 **WAYS AND MEANS**
15 **Subtitle A—Universal Paid Family**
16 **and Medical Leave**

17 **SEC. 130001. PAID FAMILY AND MEDICAL LEAVE.**

18 The Social Security Act (42 U.S.C. 301 et seq.) is
19 amended by adding at the end the following:

20 **“TITLE XXII—PAID FAMILY AND**
21 **MEDICAL LEAVE BENEFITS**

22 **“SEC. 2201. TABLE OF CONTENTS.**

23 “The table of contents for this title is as follows:

“Sec. 2201. Table of contents.

“Sec. 2202. Paid family and medical leave benefit eligibility.

“Sec. 2203. Benefit amount.

“Sec. 2204. Benefit determination and payment.

“Sec. 2205. Appeals.

“Sec. 2206. Stewardship.

“Sec. 2207. Funding for benefit payments, grants, and program administration.

“Sec. 2208. Funding for outreach, public education, and research.

“Sec. 2209. Funding for State administration option for legacy States.

“Sec. 2210. Reimbursement option for employer-sponsored paid leave benefits.

“Sec. 2211. Funding for small business assistance.

“Sec. 2212. Definitions.

1 **“SEC. 2202. PAID FAMILY AND MEDICAL LEAVE BENEFIT**
2 **ELIGIBILITY.**

3 “(a) ENTITLEMENT.—Every individual who—

4 “(1) has filed an application for a paid family
5 and medical leave benefit in accordance with section
6 2204(a);

7 “(2) has, or anticipates having, at least 4
8 caregiving hours in a week ending at any time dur-
9 ing the period that begins 90 days before the date
10 on which such application is filed or not later than
11 180 days after such date; and

12 “(3) has wages or self-employment income at
13 any time during the period—

14 “(A) beginning with the most recent cal-
15 endar quarter that ends at least 4 months prior
16 to the beginning of the individual’s benefit pe-
17 riod specified in subsection (b); and

18 “(B) ending with the month before the
19 month in which such benefit period begins,

1 shall be entitled to such a benefit for each month during
2 such benefit period, except as otherwise provided in this
3 section.

4 “(b) BENEFIT PERIOD.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2), the benefit period specified in this sub-
7 section is the period beginning with the month in
8 which ends the 1st week in which the individual has
9 at least 4 caregiving hours and otherwise meets the
10 criteria specified in paragraphs (1), (2), and (3) of
11 subsection (a) and ending with the month in which
12 ends the 52nd week ending during such period.

13 “(2) RETROACTIVE BENEFITS.—In the case of
14 an application for benefits under this section with
15 respect to an individual who has at least 4
16 caregiving hours in a week at any time during the
17 period that begins 90 days before the date on which
18 such application is filed, the benefit period specified
19 in this subsection is the period beginning with the
20 later of—

21 “(A) the month in which ends the 1st week
22 in which the individual has at least 4 caregiving
23 hours; or

24 “(B) the 1st month that begins during
25 such 90-day period,

1 and ending with the month in which ends the 52nd
2 week ending during such period.

3 “(3) LIMITATION.—Notwithstanding para-
4 graphs (1) and (2), no benefit period under this title
5 may begin with any month beginning prior to July
6 2023.

7 “(c) CAREGIVING HOURS.—

8 “(1) CAREGIVING HOUR DEFINED.—For pur-
9 poses of this title, the term ‘caregiving hour’ means
10 a 1-hour period during which the individual engaged
11 in qualified caregiving (determined on the basis of
12 information filed with the Secretary pursuant to
13 subsection (c) of section 2204).

14 “(2) QUALIFIED CAREGIVING.—

15 “(A) IN GENERAL.—For purposes of this
16 subsection, the term ‘qualified caregiving’
17 means any activity engaged in by an individual
18 in lieu of work, other than for monetary com-
19 pensation, for any reason described in para-
20 graph (1) or (3) of section 102(a) of the Family
21 and Medical Leave Act of 1993 (29 U.S.C.
22 2612(a)), except that for purposes of this para-
23 graph such section shall be applied—

24 “(i) by treating such individual as the
25 employee referred to in such paragraph;

1 “(ii) as if paragraph (1)(C) were
2 amended to read as follows:

3 “(C)(i) In order to care for a qualified
4 family member of the employee, if such quali-
5 fied family member has a serious health condi-
6 tion.

7 “(ii) For purposes of clause (i), the term
8 “qualified family member” means, with respect
9 to an employee—

10 “(I) a spouse (including a domestic
11 partner in a civil union or other registered
12 domestic partnership recognized by a
13 State) and a spouse’s parent;

14 “(II) a child and a child’s spouse;

15 “(III) a parent and a parent’s
16 spouse;

17 “(IV) a sibling and a sibling’s
18 spouse;

19 “(V) a grandparent, a grandchild, or
20 a spouse of a grandparent or grandchild;
21 and

22 “(VI) any other individual who is re-
23 lated by blood or affinity and whose asso-
24 ciation with the employee is equivalent of
25 a family relationship (as determined under

1 regulations issued by the Secretary of the
2 Treasury).’; and

3 “(iii) by treating the criterion in para-
4 graph (1)(D) that an individual is ‘unable
5 to perform the functions of the position of
6 such employee’ because of a serious health
7 condition as a criterion that the individual
8 is unable to satisfy the requirements need-
9 ed to continue receiving the wages or self-
10 employment income described in subsection
11 (a)(3) with respect to the individual be-
12 cause of such serious health condition;

13 “(iv) as if paragraph (1)(E) were
14 amended to read as follows:

15 “(E) Because of any qualifying exigency
16 (as the Secretary shall, by regulation, deter-
17 mine) arising out of the fact that a qualified
18 family member of the employee (as defined in
19 subparagraph (C)(ii)) is on covered active duty
20 (or has been notified of an impending call or
21 order to covered active duty) in the Armed
22 Forces.’; and

23 “(v) as if paragraph (1) were amend-
24 ed by adding at the end the following:

1 “(G) Because of the death of a spouse,
2 parent, or child of the employee.’.

3 “(vi) as if paragraph (3) were amend-
4 ed by striking ‘the spouse, son, daughter,
5 parent, or next of kin’ and inserting ‘a
6 qualified family member of the employee
7 (as defined in subparagraph (C)(ii))’.

8 “(B) NO MONETARY COMPENSATION PER-
9 MITTED.—For purposes of subparagraph (A),
10 an activity shall be considered to be engaged in
11 by an individual for monetary compensation if
12 the individual received any form of wage com-
13 pensation from an employer, including paid va-
14 cation, paid sick leave, and any other form of
15 accrued paid time off (but not including any
16 such form of accrued paid time off or any non-
17 accrued paid family and medical leave benefits
18 sponsored by an employer to the extent that the
19 sum of such accrued or non-accrued paid leave
20 and any paid family and medical leave benefits
21 under section 2202 does not exceed 100 percent
22 of the individual’s regular rate of pay (as deter-
23 mined under section 7(e) of the Fair Labor
24 Standards Act of 1938)), for the time during
25 which the individual was so engaged.

1 “(C) TREATMENT OF INDIVIDUALS ELIGI-
2 BLE FOR EMPLOYER SPONSORED PAID FAMILY
3 AND MEDICAL LEAVE BENEFITS.—For purposes
4 of subparagraph (A), an activity engaged in by
5 an individual shall not be considered to be en-
6 gaged in in lieu of work if, for the time during
7 which the individual was so engaged, the indi-
8 vidual would be eligible for paid family and
9 medical leave benefits under a program spon-
10 sored by an employer who receives a grant with
11 respect to such program under section 2210.

12 “(D) TREATMENT OF INDIVIDUALS EM-
13 PLOYED IN LEGACY STATES.—For purposes of
14 subparagraph (A), an activity engaged in by an
15 individual shall not be considered to be engaged
16 in in lieu of work if the time during which the
17 individual was so engaged constitutes leave
18 from employment for which the individual
19 would be eligible to receive paid family or med-
20 ical leave benefits under the law of a legacy
21 State (as defined in section 2209(b)).

22 “(d) TREATMENT OF BEREAVEMENT LEAVE.—In the
23 case of an activity engaged in by an individual in lieu of
24 work for a reason described in paragraph (1)(G) of section
25 102(a) of the Family and Medical Leave Act of 1993 (as

1 such section is applied for purposes of paragraph (2) of
2 subsection (c)), the total number of caregiving hours at-
3 tributable to such activity, for each death described in
4 such paragraph (1)(G), that may be credited under section
5 2203(c) to weeks during the individual's benefit period
6 may not exceed $\frac{3}{5}$ of the number of hours in the individ-
7 ual's regular workweek (within the meaning of section
8 2203(d)).

9 “(e) NO CAREGIVING HOURS IN INDIVIDUAL’S WEEK
10 OF DEATH.—No caregiving hours of an individual may be
11 credited under section 2203(c) to the week during which
12 the individual dies.

13 “(f) DISQUALIFICATION FOLLOWING CERTAIN CON-
14 VICTIONS.—An individual who has been found to have
15 used false statements or representation to secure benefits
16 under this title shall be ineligible for benefits under this
17 title for a 5-year period following the date of such finding.

18 **“SEC. 2203. BENEFIT AMOUNT.**

19 “(a) IN GENERAL.—The amount of the benefit to
20 which an individual is entitled under section 2202 for a
21 month shall be an amount equal to the sum of the weekly
22 benefit amounts for each week ending during such month.
23 The weekly benefit amount of an individual for a week
24 shall be equal to the product of the individual's weekly

1 benefit rate (as determined under subsection (b)) multi-
2 plied by a fraction—

3 “(1) the numerator of which is the number of
4 caregiving hours of the individual credited to such
5 week (as determined in subsection (c)); and

6 “(2) the denominator of which is the number of
7 hours in a regular workweek of the individual (as de-
8 termined in subsection (d)).

9 “(b) WEEKLY BENEFIT RATE.—

10 “(1) IN GENERAL.—For purposes of this sec-
11 tion, an individual’s weekly benefit rate shall be an
12 amount equal to the sum of—

13 “(A) 85 percent of the individual’s average
14 weekly earnings to the extent that such earn-
15 ings do not exceed the amount established for
16 purposes of this subparagraph by paragraph
17 (2);

18 “(B) 75 percent of the individual’s average
19 weekly earnings to the extent that such earn-
20 ings exceed the amount established for purposes
21 of subparagraph (A) but do not exceed the
22 amount established for purposes of this sub-
23 paragraph by paragraph (2);

24 “(C) 55 percent of the individual’s average
25 weekly earnings to the extent that such earn-

1 ings exceed the amount established for purposes
2 of subparagraph (B) but do not exceed the
3 amount established for purposes of this sub-
4 paragraph by paragraph (2);

5 “(D) 25 percent of the individual’s average
6 weekly earnings to the extent that such earn-
7 ings exceed the amount established for purposes
8 of subparagraph (C) but do not exceed the
9 amount established for purposes of this sub-
10 paragraph by paragraph (2); and

11 “(E) 5 percent of the individual’s average
12 weekly earnings to the extent that such earn-
13 ings exceed the amount established for purposes
14 of subparagraph (D) but do not exceed the
15 amount established for purposes of this sub-
16 paragraph by paragraph (2).

17 “(2) AMOUNTS ESTABLISHED.—

18 “(A) INITIAL AMOUNTS.—For individuals
19 whose benefit period under this title begins in
20 or before calendar year 2024, the amount es-
21 tablished for purposes of subparagraphs (A),
22 (B), (C), (D), and (E) of paragraph (1) shall
23 be $\frac{1}{52}$ of \$15,080, \$34,248, \$72,000,
24 \$100,000, and \$250,000, respectively.

1 “(B) WAGE INDEXING.—For individuals
2 whose benefit period under this title begins in
3 any calendar year after 2024, each of the
4 amounts so established shall equal the cor-
5 responding amount established for the calendar
6 year preceding such calendar year, or, if larger,
7 the product of the corresponding amount estab-
8 lished with respect to the calendar year 2024
9 and the quotient obtained by dividing—

10 “(i) the national average wage index
11 (as defined in section 2212) for the second
12 calendar year preceding such calendar
13 year, by

14 “(ii) the national average wage index
15 (as so defined) for 2022.

16 “(C) ROUNDING.—Each amount estab-
17 lished under subparagraph (B) for any calendar
18 year shall be rounded to the nearest \$1, except
19 that any amount so established which is a mul-
20 tiple of \$0.50 but not of \$1 shall be rounded to
21 the next higher \$1.

22 “(3) AVERAGE WEEKLY EARNINGS.—For pur-
23 poses of this subsection, an individual’s average
24 weekly earnings, as calculated by the Secretary, shall
25 be equal to the quotient obtained by dividing—

1 “(A) the total of the wages and self-em-
2 ployment income received by the individual dur-
3 ing the most recent 8-calendar quarter period
4 that ends at least 4 months prior to the begin-
5 ning of the individual’s benefit period; by

6 “(B) 104.

7 “(4) EVIDENCE OF EARNINGS.—For purposes
8 of determining the wages and self-employment in-
9 come of an individual with respect to an application
10 for benefits under section 2202, the Secretary shall
11 make such determination on the basis of wage data
12 provided to the Secretary from the National Direc-
13 tory of New Hires pursuant to section 453(j)(5) and
14 self-employment income data provided by the Sec-
15 retary, except that the Secretary shall also consider
16 any more recent or additional evidence of wages or
17 self-employment income the individual chooses to ad-
18 ditionally submit.

19 “(c) CREDITING OF CAREGIVING HOURS TO A
20 WEEK.—The number of caregiving hours of an individual
21 credited to a week as determined under this subsection
22 shall equal the number of caregiving hours of the indi-
23 vidual occurring during such week, except that—

1 “(1) such number may not exceed the number
2 of hours in a regular workweek of the individual (as
3 determined in subsection (d));

4 “(2) no caregiving hours may be credited to a
5 week in which fewer than 4 caregiving hours of the
6 individual occur;

7 “(3) no caregiving hours of the individual may
8 be credited to the individual’s waiting period, con-
9 sisting of the first week during an individual’s ben-
10 efit period in which at least 4 caregiving hours occur
11 (regardless of whether the individual received paid
12 vacation, paid sick leave, or any other form of ac-
13 crued paid time off from the individual’s employer
14 during such week in accordance with section
15 2202(c)(2)(B)); and

16 “(4) the total number of caregiving hours cred-
17 ited to weeks during the individual’s benefit period
18 may not exceed the product of 12 multiplied by the
19 number of hours in a regular workweek of the indi-
20 vidual (as so determined).

21 “(d) NUMBER OF HOURS IN A REGULAR WORK-
22 WEEK.—For purposes of this section, the number of hours
23 in a regular workweek of an individual shall be the number
24 of hours that the individual regularly works in a week for
25 all employers (or regularly worked in the case of an indi-

1 vidual no longer employed), as determined under guidance
2 to be issued by the Secretary.

3 **“SEC. 2204. BENEFIT DETERMINATION AND PAYMENT.**

4 “(a) IN GENERAL.—An individual seeking benefits
5 under section 2202 shall file an application with the Sec-
6 retary containing the information described in subsection
7 (b) and such other information as the Secretary may re-
8 quire. Any information contained in an application for
9 benefits under section 2202, or in a periodic benefit claim
10 report filed with respect to such benefits, shall be pre-
11 sumed to be true and accurate, unless the Secretary dem-
12 onstrates by a preponderance of the evidence that informa-
13 tion contained in the application or periodic benefit claim
14 report is false, except that the Secretary shall establish
15 procedures to validate the identity of the individual filing
16 the application.

17 “(b) REQUIRED CONTENTS OF INITIAL APPLICA-
18 TION.—An application for a paid family and medical leave
19 benefit filed by an individual shall include—

20 “(1) an attestation that the individual has, or
21 anticipates having, at least 4 caregiving hours in a
22 week ending at any time during the period that be-
23 gins 90 days before the date on which such applica-
24 tion is filed or not later than 180 days after such
25 date;

1 “(2) except as otherwise provided in this sub-
2 section, a certification, issued by a relevant authority
3 determined under regulations issued by the Sec-
4 retary, that contains such information as the Sec-
5 retary shall specify in such regulations as necessary
6 to affirm the circumstances giving rise to the need
7 for such caregiving hours, which shall be no more
8 than the information that is required to be stated
9 under section 103(b) of the Family and Medical
10 Leave Act of 1993 (29 U.S.C. 2613(b));

11 “(3) an attestation from the individual that no-
12 tice of the individual’s need to be absent from work
13 during such caregiving hours has been provided, not
14 later than 7 days after such need arises, to the indi-
15 vidual’s employer (except in cases of hardship or
16 other extenuating circumstances or if the individual
17 does not have (or no longer has) an employer);

18 “(4) pay stubs or such other evidence as the in-
19 dividual may provide demonstrating the individual’s
20 wages or self-employment income during the period
21 described in section 2202(a)(3), except that the Sec-
22 retary may waive this requirement in any case in
23 which such evidence is otherwise available to the
24 Secretary;

1 “(5) an attestation from the individual stating
2 the number of hours in a regular workweek of the
3 individual (within the meaning of section 2203(d));
4 and

5 “(6) an attestation from the individual stating
6 that the leave from employment with respect to
7 which the individual is filing such application is not
8 employment for which the individual has received—

9 “(A) a notice from a State pursuant to
10 subsection (b)(2)(B) of section 2209 stating
11 that such employment would be eligible for paid
12 family and medical leave benefits under a State
13 legacy program described in such section; or

14 “(B) a notice from the individual’s em-
15 ployer pursuant to subsection (b)(1)(F)(iv) of
16 section 2210 stating that such employment
17 would be eligible for paid family and medical
18 leave benefits under an employer-sponsored pro-
19 gram described in such section.

20 In the case of an individual who applies for a paid family
21 and medical leave benefit in the anticipation of caregiving
22 hours occurring after the date of application, the certifi-
23 cation described in paragraph (2), the attestation de-
24 scribed in paragraph (3), and the evidence described in

1 paragraph (4) may be provided after the 1st week in which
2 at least 4 such caregiving hours occur.

3 “(c) PERIODIC BENEFIT CLAIM REPORT.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), not later than 60 days (or such longer pe-
6 riod as may be provided in any case in which the
7 Secretary determines that good cause exists for an
8 extension) after the end of each month during the
9 benefit period of an individual entitled to benefits
10 under section 2202, the individual shall file a peri-
11 odic benefit claim report with the Secretary. Such
12 periodic benefit claim report shall specify the
13 caregiving hours of the individual that occurred dur-
14 ing each week that ended in such month and shall
15 include such other information as the Secretary may
16 require. No periodic benefit claim report shall be re-
17 quired with respect to any week in which fewer than
18 4 caregiving hours occurred.

19 “(2) RETROACTIVE APPLICATIONS.—In the case
20 of an application filed by an individual for a paid
21 family and medical leave benefit with a benefit pe-
22 riod that begins, in accordance with section
23 2202(b)(2), with a month that ends before the date
24 on which such application is filed, the individual may
25 include with such application the information de-

1 scribed in the second sentence of paragraph (1) with
2 respect to each week in the benefit period that ends
3 before such date.

4 “(d) DETERMINATIONS AND NOTICE REQUIRE-
5 MENTS.—

6 “(1) INITIAL APPLICATION.—

7 “(A) IN GENERAL.—The Secretary shall
8 determine the initial eligibility of an individual
9 applying for benefits under this title in accord-
10 ance with section 2202.

11 “(B) NOTICES.—To ensure payment of
12 benefits in the correct amount and that bene-
13 ficiaries are aware of the right to appeal a ben-
14 efit determination of the Secretary—

15 “(i) not later than 15 days after each
16 application for benefits from an individual
17 under this title is filed, the Secretary shall
18 provide notice to the individual of—

19 “(I) the initial determination of
20 eligibility for such benefits;

21 “(II)(aa) the calendar quarter
22 that begins the period described in
23 section 2202(a)(3) with respect to the
24 individual, the 8 calendar quarters
25 used to compute the individual’s aver-

1 age weekly earnings under section
2 2203(b)(3), and the wages and self-
3 employment income received by the
4 individual during each of those 8
5 quarters as recorded by the Secretary;
6 and

7 “(bb) the individual’s right under
8 section 2203(b)(4) to submit more re-
9 cent or additional evidence of such
10 wages or self-employment income, in-
11 cluding a statement that eligibility
12 could change or benefits could in-
13 crease if such additional evidence re-
14 sults in more recent or higher average
15 weekly earnings;

16 “(III) the estimated weekly ben-
17 efit amount for a week to which 4
18 caregiving hours of the individual are
19 credited;

20 “(IV) the estimated weekly ben-
21 efit amount for a week to which a
22 number of caregiving hours are cred-
23 ited equal to the number of hours in
24 a regular workweek of the individual

1 (as determined in subsection
2 2203(d));

3 “(V) the number of caregiving
4 hours credited to weeks ending prior
5 to the date of such application;

6 “(VI) the beginning and ending
7 dates of the individual’s benefit pe-
8 riod; and

9 “(VII) the individual’s right to
10 appeal such initial determination in
11 accordance with the provisions of sec-
12 tion 2205; and

13 “(ii) in any case in which an indi-
14 vidual submits additional information with
15 respect to such an application, the Sec-
16 retary shall provide an updated notice to
17 the individual containing the same infor-
18 mation provided in the notice described in
19 clause (i), including a specific indication of
20 any such information that has been up-
21 dated as a result of the additional informa-
22 tion submitted by the individual.

23 “(2) MONTHLY BENEFIT DETERMINATIONS.—

24 “(A) IN GENERAL.—On the basis of the in-
25 formation filed with the Secretary pursuant to

1 subsection (c), the Secretary shall determine,
2 with respect to an individual for each week end-
3 ing in a month, the number of caregiving hours
4 to be credited to such week in accordance with
5 section 2203(e).

6 “(B) NOTICES.—To ensure payment of
7 benefits in the correct amount and that bene-
8 ficiaries are aware of the right to appeal a ben-
9 efit determination of the Secretary, not later
10 than 15 days after each periodic benefit claim
11 report from an individual is filed (or after filing
12 of initial application for retroactive benefits),
13 the Secretary shall provide notice to the indi-
14 vidual specifying—

15 “(i) whether payment will be made to
16 the individual for each week to which such
17 periodic benefit claim report pertains and
18 the amount of such payment;

19 “(ii) if the Secretary determines that
20 payment will not be made for a week or
21 that payment will be made based on a
22 number of caregiving hours credited to the
23 week inconsistent with the number of
24 caregiving hours specified for such week in
25 such periodic benefit claim report (or ini-

1 tial application), the reasons for such de-
2 termination; and

3 “(iii) the individual’s right to appeal
4 such determination in accordance with the
5 provisions of section 2205.

6 “(3) CHANGING CIRCUMSTANCES.—The Sec-
7 retary shall issue regulations to establish a process
8 under which an individual may notify the Secretary
9 if more than one type of circumstance gives rise to
10 the need for caregiving hours during the individual’s
11 benefit period. Such caregiving hours shall be cred-
12 ited to weeks within the benefit period in accordance
13 with section 2203(c) regardless of circumstance.

14 “(4) ACCESSIBILITY OF NOTICES.—The Sec-
15 retary shall take such actions as are necessary to en-
16 sure that any notice to one or more individuals
17 issued pursuant to this title by the Secretary is writ-
18 ten in simple and clear language.

19 “(e) CERTIFICATION OF PAYMENT.—Not later than
20 15 days after the making of a determination under sub-
21 section (d)(2)(A) with respect to the number of caregiving
22 hours of an individual to be credited to weeks ending in
23 a month, the Secretary shall certify payment to such indi-
24 vidual of the amount of the paid family and medical leave
25 benefit for such month.

1 “(f) EXPEDITED BENEFIT PAYMENT IN CASES OF
2 MISSING PAYMENT.—The Secretary shall establish and
3 put into effect procedures under which expedited payment
4 of benefits under this title will be made to an individual
5 to whom a benefit payment was due for a month but was
6 not received by the individual.

7 “(g) SUBMISSION OF REQUIRED INFORMATION.—

8 “(1) BY PHONE, MAIL, OR ELECTRONIC
9 MEANS.—To ensure full access to benefits by all eli-
10 gible individuals, applicable paid leave information
11 with respect to an individual may be submitted to
12 the Secretary by phone, mail, or electronic means.

13 “(2) BY ANY PERSON.—Any person may submit
14 applicable paid leave information with respect to an
15 individual, including, as applicable, the individual’s
16 representative, the individual’s employer, or any rel-
17 evant authority identified under subsection (b)(2).
18 The Secretary shall promptly notify an individual
19 whenever any other person submits such information
20 on the individual’s behalf.

21 “(3) NOTICE OF RECEIPT.—The Secretary shall
22 provide prompt notice of receipt of all applicable
23 paid leave information submitted with respect to an
24 individual.

1 “(4) DEFINITION OF APPLICABLE PAID LEAVE
2 INFORMATION.—For purposes of this subsection, the
3 term ‘applicable paid leave information’ means, with
4 respect to an individual, any information submitted
5 to the Secretary with respect to the paid family and
6 medical leave benefits of the individual, including
7 any initial application, periodic benefit claim report,
8 appeal, and any other information submitted in sup-
9 port of such application, report, or appeal.

10 **“SEC. 2205. APPEALS.**

11 “(a) IN GENERAL.—An individual shall have the
12 right—

13 “(1) to appeal to the Secretary any determina-
14 tion made with respect to—

15 “(A) paid family and medical leave benefits
16 under section 2202; and

17 “(B) paid family and medical leave bene-
18 fits under an employer-sponsored program de-
19 scribed in section 2210 whose initial appeal
20 pursuant to subsection (b)(1)(F)(iii)(I) of such
21 section results in a determination unfavorable
22 to the individual; and

23 “(2) to appeal any final decision of the Sec-
24 retary by a civil action brought in the district court
25 of the United States for the judicial district in which

1 the plaintiff resides, or in which the principal place
2 of business of the plaintiff sits, or, if the plaintiff
3 does not reside or such principal place of business
4 does not sit within any such judicial district, in the
5 United States District Court for the District of Co-
6 lumbia.

7 “(b) PROCEDURES.—The Secretary shall establish
8 procedures for appeals of such determinations that ensure
9 that appeals will be heard in a timely manner by a deci-
10 sionmaker who is different from the initial decisionmaker
11 using procedures that are similar to the procedures used
12 for appeals of determinations under the Medicare Low-In-
13 come Subsidy program described under section 1860D-
14 14(a)(3)(B)(iv)(II).

15 “(c) AUTHORITY TO ISSUE AND ENFORCE SUB-
16 POENAS.—

17 “(1) IN GENERAL.—For the purpose of any
18 hearing, investigation, or other proceeding author-
19 ized or directed under this title, the Secretary shall
20 have power to issue subpoenas requiring the attend-
21 ance and testimony of witnesses and the production
22 of any evidence that relates to any matter under in-
23 vestigation or in question before the Secretary. Such
24 attendance of witnesses and production of evidence
25 at the designated place of such hearing, investiga-

1 tion, or other proceeding may be required from any
2 place in the United States or in any Territory or
3 possession thereof.

4 “(2) SERVICE; WITNESSES.—Subpoenas of the
5 Secretary shall be served by anyone authorized by
6 the Secretary—

7 “(A) by delivering a copy thereof to the in-
8 dividual named therein; or

9 “(B) by registered mail or by certified mail
10 addressed to such individual at his last dwelling
11 place or principal place of business.

12 A verified return by the individual serving the sub-
13 poena setting forth the manner of service, or, in the
14 case of service by registered mail or by certified
15 mail, the return post-office receipt therefor signed by
16 the individual so served, shall be proof of service.
17 Witnesses so subpoenaed shall be paid the same fees
18 and mileage as are paid witnesses in the district
19 courts of the United States.

20 “(3) CONTUMACY OR REFUSAL TO OBEY A SUB-
21 POENA.—

22 “(A) IN GENERAL.—In case of contumacy
23 by, or refusal to obey a subpoena duly served
24 upon, any person, any district court of the
25 United States for the judicial district in which

1 the person charged with contumacy or refusal
2 to obey is found or resides or transacts busi-
3 ness, upon application by the Secretary, shall
4 have jurisdiction to issue an order requiring
5 such person to appear and give testimony, or to
6 appear and produce evidence, or both. Any fail-
7 ure to obey such order of the court may be pun-
8 ished by the court as contempt thereof.

9 “(B) TREATMENT OF EMPLOYERS.—In the
10 case of contumacy by, or refusal to obey a sub-
11 poena duly served upon, any employer, the Sec-
12 retary shall impose such penalties against the
13 employer as the Secretary determines may
14 apply pursuant to section 2210(f).

15 **“SEC. 2206. STEWARDSHIP.**

16 “(a) PROMOTING EQUITY.—The Secretary shall con-
17 duct a robust program to analyze and prevent disparities
18 on the basis of race, color, ethnicity, religion, sex, sexual
19 orientation, gender identity, disability, age, national ori-
20 gin, family composition, or living arrangements with re-
21 spect to the benefits provided under this title and individ-
22 uals’ access to such benefits.

23 “(b) UNDERPAYMENTS AND OVERPAYMENTS.—

24 “(1) IN GENERAL.—Whenever the Secretary de-
25 termines that more or less than the correct amount

1 of payment has been made to any individual under
2 this title, the Secretary shall promptly notify the in-
3 dividual of such determination and inform the indi-
4 vidual of the right to appeal such determination in
5 accordance with the provisions of section 2205.
6 Proper adjustment or recovery shall be made, under
7 regulations prescribed by the Secretary, as follows:

8 “(A) UNDERPAYMENTS.—With respect to
9 payment to an individual of less than the cor-
10 rect amount, the Secretary shall promptly pay
11 the balance of the amount due to such under-
12 paid individual.

13 “(B) OVERPAYMENTS.—

14 “(i) IN GENERAL.—With respect to
15 payment to an individual of more than the
16 correct amount, the Secretary shall de-
17 crease any payment for a month under this
18 title to which such overpaid individual is
19 entitled (except that the weekly benefit
20 amounts for each week ending during such
21 month as determined under section
22 2203(a) may not be decreased below the
23 amount specified in clause (ii) with respect
24 to such weekly benefit amounts of the indi-
25 vidual), or shall require such overpaid indi-

1 vidual to refund the amount in excess of
2 the correct amount, or shall apply any
3 combination of the foregoing.

4 “(ii) LIMITATION ON RECOVERY.—

5 “(I) AMOUNT SPECIFIED.—The
6 amount specified in this clause with
7 respect to a weekly benefit amount of
8 an individual for a week is an amount
9 equal to the weekly benefit amount
10 that would be determined for the indi-
11 vidual for such week under section
12 2203(a) if the individual’s weekly ben-
13 efit rate (as determined under section
14 2203(b)) were equal to the applicable
15 dollar amount as determined under
16 subclause (II).

17 “(II) APPLICABLE DOLLAR
18 AMOUNT.—For purposes of subclause
19 (I), the applicable dollar amount is—

20 “(aa) with respect to a
21 weekly benefit amount deter-
22 mined for a week ending in a
23 month in or before calendar year
24 2024, \$315; and

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1 “(bb) with respect to a
2 weekly benefit amount deter-
3 mined for a week ending in a
4 month in any calendar year after
5 2024, the corresponding amount
6 established with respect to a
7 weekly benefit amount deter-
8 mined for a week ending in a
9 month in the calendar year pre-
10 ceeding such calendar year or, if
11 larger, the product of the cor-
12 responding amount specified in
13 item (aa) with respect to a week-
14 ly benefit amount determined for
15 a week ending in a month in cal-
16 endar year 2024 multiplied by
17 the quotient obtained by divid-
18 ing—

19 “(AA) the national av-
20 erage wage index (as defined
21 in section 2212) for the sec-
22 ond calendar year preceding
23 such calendar year, by

1 “(BB) the national av-
2 erage wage index (as so de-
3 fined) for 2022.

4 “(2) WAIVER OF CERTAIN OVERPAYMENTS.—In
5 any case in which more than the correct amount of
6 payment has been made, there shall be no adjust-
7 ment of payments to, or recovery by the United
8 States from, any individual who was without fault in
9 connection with the overpayment if such adjustment
10 or recovery would defeat the purpose of this title or
11 would be against equity and good conscience, or
12 would impede efficient or effective administration of
13 this title, as determined by the Secretary under pro-
14 cedures to be established by the Secretary.

15 “(3) LIABILITY OF CERTIFYING OR DISBURSING
16 OFFICER.—No certifying or disbursing officer shall
17 be held liable for any amount certified or paid by
18 him to any individual where the adjustment or re-
19 covery of such amount is waived under paragraph
20 (2), or where adjustment under paragraph (1) is not
21 completed prior to the death of the individual
22 against whose benefits deductions are authorized.

23 “(c) PENALTIES AND OTHER PROCEDURES.—

24 “(1) IN GENERAL.—Whoever—

1 “(A) knowingly and willfully makes or
2 causes to be made any false statement or rep-
3 resentation of a material fact in any application
4 for any benefit under this title,

5 “(B) at any time knowingly and willfully
6 makes or causes to be made any false statement
7 or representation of a material fact for use in
8 determining rights to any such benefit,

9 “(C) having knowledge of the occurrence of
10 any event affecting (A) his initial or continued
11 right to any such benefit, or (B) the initial or
12 continued right to any such benefit of any other
13 individual in whose behalf he has applied for or
14 is receiving such benefit, conceals or fails to dis-
15 close such event with an intent fraudulently to
16 secure such benefit either in a greater amount
17 or quantity than is due or when no such benefit
18 is authorized,

19 “(D) having made application to receive
20 any such benefit for the use and benefit of an-
21 other and having received it, knowingly and
22 willfully converts such benefit or any part there-
23 of to a use other than for the use and benefit
24 of such other person, or

1 “(E) conspires to commit any offense de-
2 scribed in any of subparagraphs (A) through
3 (C),
4 shall be fined under title 18, United States Code,
5 imprisoned not more than 5 years, or both.

6 “(2) EXCLUSION FROM PARTICIPATION.—

7 “(A) IN GENERAL.—No person or entity
8 who is convicted of a violation of paragraph (1)
9 may represent, or submit evidence on behalf of,
10 an individual applying for, or receiving, benefits
11 under this title.

12 “(B) NOTICE, EFFECTIVE DATE, AND PE-
13 RIOD OF EXCLUSION.—

14 “(i) IN GENERAL.—An exclusion
15 under this paragraph shall be effective at
16 such time, for such period, and upon such
17 reasonable notice to the public and to the
18 individual excluded as may be specified in
19 regulations consistent with clause (ii).

20 “(ii) EFFECTIVE DATE.—Such an ex-
21 clusion shall be effective with respect to
22 services furnished to any individual on or
23 after the effective date of the exclusion.
24 Nothing in this paragraph may be con-
25 strued to preclude consideration of any

1 medical evidence derived from services pro-
2 vided by a health care provider before the
3 effective date of the exclusion of the health
4 care provider under this paragraph.

5 “(iii) PERIOD OF EXCLUSION.—

6 “(I) IN GENERAL.—The Sec-
7 retary shall specify, in the notice of
8 exclusion under clause (i), the period
9 of the exclusion.

10 “(II) PREVIOUS OFFENSE.—In
11 the case of the exclusion of a person
12 or entity under subparagraph (A) who
13 has previously been subject to an ex-
14 clusion under such subparagraph—

15 “(aa) if the person or entity
16 has previously been subject to
17 such an exclusion only once, the
18 period of exclusion shall be not
19 less than 10 years; and

20 “(bb) if the person or entity
21 has previously been subject to
22 such an exclusion more than
23 once, the exclusion shall be per-
24 manent.

1 “(C) NOTICE TO STATE LICENSING AGEN-
2 CIES.—The Secretary shall—

3 “(i) promptly notify the appropriate
4 State or local agency or authority having
5 responsibility for the licensing or certifi-
6 cation of a person or entity excluded from
7 participation under this section of the fact
8 and circumstances of the exclusion;

9 “(ii) request that appropriate inves-
10 tigations be made and sanctions invoked in
11 accordance with applicable State law and
12 policy; and

13 “(iii) request that the State or local
14 agency or authority keep the Secretary
15 fully and currently informed with respect
16 to any actions taken in response to the re-
17 quest.

18 “(D) NOTICE, HEARING, AND JUDICIAL
19 REVIEW.—Any person or entity who is excluded
20 (or directed to be excluded) from participation
21 under this section is entitled to reasonable no-
22 tice and opportunity for a hearing by the Sec-
23 retary and to judicial review of such final agen-
24 cy decision to the same extent as is provided in
25 section 2205.

1 “(E) APPLICATION FOR TERMINATION OF
2 EXCLUSION.—

3 “(i) IN GENERAL.—An individual ex-
4 cluded from participation under this para-
5 graph may apply to the Secretary, in the
6 manner specified by the Secretary in regu-
7 lations and at the end of the period of ex-
8 clusion provided under subparagraph
9 (B)(iii) and at such other times as the Sec-
10 retary may provide, for termination of the
11 exclusion effected under this paragraph.

12 “(ii) CRITERIA FOR TERMINATION.—
13 The Secretary may terminate the exclusion
14 if the Secretary determines, on the basis of
15 the conduct of the applicant which oc-
16 curred after the date of the notice of exclu-
17 sion or which was unknown to the Sec-
18 retary at the time of the exclusion, that—

19 “(I) there is no basis under sub-
20 paragraph (A) for a continuation of
21 the exclusion; and

22 “(II) there are reasonable assur-
23 ances that the types of actions which
24 formed the basis for the original ex-

1 clusion have not recurred and will not
2 recur.

3 “(F) AVAILABILITY OF RECORDS OF EX-
4 CLUDED PERSONS AND ENTITIES.—Nothing in
5 this section shall be construed to have the effect
6 of limiting access by any applicant or bene-
7 ficiary under this title or the Secretary to
8 records maintained by any person or entity in
9 connection with services provided to the appli-
10 cant or beneficiary prior to the exclusion of
11 such person or entity under this paragraph.

12 “(G) REPORTING REQUIREMENT.—Any
13 person or entity participating in, or seeking to
14 participate in, the program under this title shall
15 inform the Secretary, in such form and manner
16 as the Secretary shall prescribe by regulation,
17 whether such person or entity has been con-
18 victed of a violation under paragraph (1).

19 “(d) REDETERMINATION OF ENTITLEMENT.—

20 “(1) IN GENERAL.—

21 “(A) PROCEDURES.—The Secretary shall
22 immediately redetermine the entitlement of in-
23 dividuals to paid family and medical leave ben-
24 efit benefits under this title if there is reason
25 to believe that fraud or similar fault was in-

1 involved in the application of the individual for
2 such benefits, unless a United States attorney,
3 or equivalent State prosecutor, with jurisdiction
4 over potential or actual related criminal cases,
5 certifies, in writing, that there is a substantial
6 risk that such action by the Secretary with re-
7 gard to beneficiaries in a particular investiga-
8 tion would jeopardize the criminal prosecution
9 of a person involved in a suspected fraud.

10 “(B) DISREGARD OF CERTAIN EVI-
11 DENCE.—When redetermining the entitlement,
12 or making an initial determination of entitle-
13 ment, of an individual under this title, the Sec-
14 retary shall disregard any evidence if there is
15 reason to believe that fraud or similar fault was
16 involved in the providing of such evidence.

17 “(2) SIMILAR FAULT DESCRIBED.—For pur-
18 poses of paragraph (1), similar fault is involved with
19 respect to a determination if—

20 “(A) an incorrect or incomplete statement
21 that is material to the determination is know-
22 ingly made; or

23 “(B) information that is material to the
24 determination is knowingly concealed.

1 “(3) TERMINATION OF BENEFITS.—If, after re-
2 determining pursuant to this subsection the entitle-
3 ment of an individual to monthly insurance benefits,
4 the Secretary determines that there is insufficient
5 evidence to support such entitlement, the Secretary
6 may terminate such entitlement and may treat bene-
7 fits paid on the basis of such insufficient evidence as
8 overpayments.

9 **“SEC. 2207. FUNDING FOR BENEFIT PAYMENTS, GRANTS,**
10 **AND PROGRAM ADMINISTRATION.**

11 “(a) FUNDING FOR BENEFIT PAYMENTS AND
12 GRANTS.—

13 “(1) IN GENERAL.—There are appropriated,
14 out of any funds in the Treasury not otherwise ap-
15 propriated, such sums as may be necessary to pay
16 benefits under section 2202 and for grants under
17 sections 2209 and 2210, subject to paragraph (2).

18 “(2) LIMITATION.—In no case shall a grant
19 under section 2209 exceed a total amount (for all
20 applicable individuals) equivalent to the sum of ben-
21 efits paid (including, in the case of a grant under
22 section 2209, the full cost of administering such
23 benefits) for each applicable individual (as described
24 under paragraph (3)) calculated on the basis of a

1 total number of hours of leave during the individ-
2 ual's benefit period equal to—

3 “(A) the product of 12 multiplied by the
4 number of hours in a regular workweek of the
5 individual (within the meaning of section
6 2203(d)), minus

7 “(B) the number of caregiving hours (as
8 defined in section 2202(c)) of such individual
9 credited in total to months during such benefit
10 period under this title.

11 “(3) APPLICABLE INDIVIDUAL.—For purposes
12 of paragraph (2), an ‘applicable individual’ is an in-
13 dividual, with respect to whom a grant under section
14 2209 is awarded, receiving paid family or medical
15 leave benefits for days of leave under a paid family
16 and medical leave benefit program of a legacy State
17 (as defined in section 2209(b)).

18 “(b) FUNDING FOR PROGRAM ADMINISTRATION.—
19 There are appropriated, out of any funds in the Treasury
20 not otherwise appropriated, such sums as may be nec-
21 essary for the following purposes (including through the
22 use of grants or contracts except where otherwise speci-
23 fied):

24 “(1) Costs related to taking applications, re-
25 sponding to public inquiries, assisting with problem

1 resolution, taking requests for appeals, and the pro-
2 vision of other necessary assistance to individuals
3 applying for or receiving benefits under this title, in-
4 cluding the following:

5 “(A) Costs related to staffing a national
6 toll-free telephone number (which shall not be
7 carried out through the use of grants or con-
8 tracts).

9 “(B) Costs related to technology to sup-
10 port a national toll-free telephone number and
11 to technology related to the design, construction
12 and maintenance of an online application and
13 customer service portal.

14 “(C) Costs related to mailed notices.

15 “(2) Costs related to determining eligibility
16 (which shall not be carried out through the use of
17 grants or contracts).

18 “(3) Costs related to ensuring program integ-
19 rity and combating fraud, including by issuing regu-
20 lations to do the following:

21 “(A) Ensure identity validation of appli-
22 cants and beneficiaries.

23 “(B) Verify the professional credentials of
24 relevant authorities who provide certifications
25 pursuant to section 2204(b)(2).

1 “(C) Ensure the accuracy of any wage and
2 self-employment income data used in the ad-
3 ministration of this title.

4 “(D) Ensure that the attestation require-
5 ment in section 2204(b)(3) has been satisfied
6 for each applicant and beneficiary.

7 “(E) Ensure the accuracy of periodic ben-
8 efit claim reports.

9 “(F) Provide for post-effectuation quality
10 review of approved claims and quality review of
11 denied claims (which shall not be carried out
12 through the use of grants or contracts).

13 “(4) Costs related to certification of payment of
14 benefits (which shall not be carried out through the
15 use of grants or contracts).

16 “(5) Costs related to appeals (which shall not
17 be carried out through the use of grants or con-
18 tracts).

19 “(6) Costs related to the administration by the
20 Secretary of the legacy State grant program under
21 section 2209 and the employer-sponsored plan grant
22 program under section 2210.

23 “(7) Costs related to developing systems of
24 records for purposes of administering the program
25 under this title (which shall not be carried out

1 through the use of grants or contracts, except that
2 costs related to technology to support such systems
3 of records may be carried out through the use of
4 grants or contracts).

5 “(8) Costs related to data exchange and shar-
6 ing, for which the Secretary shall enter into an
7 agreement with relevant data sources including the
8 National Directory of New Hires and shall seek to
9 enter into agreements with States to obtain such in-
10 formation as the Secretary may require to determine
11 eligibility and benefits payable under section 2202,
12 administer the grants in sections 2209 and 2210,
13 and verify such other information as the Secretary
14 determines may be necessary in carrying out the
15 provisions of this title.

16 “(9) Costs related to the training of employees,
17 grantees, and contractors, including training relating
18 to the prevention of discrimination in the adminis-
19 tration of this title on the basis of race, color, eth-
20 nicity, religion, sex, sexual orientation, gender iden-
21 tity, disability, age, national origin, family composi-
22 tion, or living arrangements.

23 “(10) Costs related to providing technical as-
24 sistance to legacy States under section 2209 and to
25 employers or third party administrators designated

1 by an employer of paid leave programs under section
2 2210.

3 “(11) Costs related to providing technical as-
4 sistance to small business employers with respect to
5 the requirements of the small business assistance
6 grants in section 2211 and the process by which
7 their employees may apply for benefits under section
8 2202; and

9 “(12) Any other costs necessary for the effec-
10 tive administration of this title.

11 **“SEC. 2208. FUNDING FOR OUTREACH, PUBLIC EDUCATION,**
12 **AND RESEARCH.**

13 “(a) FUNDING FOR OUTREACH AND PUBLIC EDU-
14 CATION.—There are appropriated, out of any funds in the
15 Treasury not otherwise appropriated, \$150,000,000 for
16 each of fiscal years 2022 through 2026 for the Secretary
17 to, with respect to benefits provided by the program under
18 this title—

19 “(1) engage in a robust program of culturally
20 and linguistically competent education and outreach
21 toward ensuring awareness of and access to such
22 benefits;

23 “(2) provide information to potential bene-
24 ficiaries regarding eligibility requirements, the
25 claims process, benefit amounts, maximum benefits

1 payable, notice requirements, the appeals process,
2 and nondiscrimination rights, including specific ben-
3 efit estimates based on the average weekly earnings
4 of a potential beneficiary; and

5 “(3) provide employers with a model notice to
6 be used to inform employees of the availability of
7 such benefits.

8 “(b) FUNDING FOR RESEARCH.—There are appro-
9 priated, out of any funds in the Treasury not otherwise
10 appropriated, \$150,000,000 for each of fiscal years 2023
11 through 2027 for the Secretary to—

12 “(1) develop and carry out grants for research
13 for the purpose of ensuring full access to the bene-
14 fits provided by the program under this title, includ-
15 ing through the detection and prevention of dispari-
16 ties on the basis of race, color, ethnicity, religion,
17 sex, sexual orientation, gender identity, disability,
18 age, national origin, income, language, job classifica-
19 tion, family composition, or living arrangements; and

20 “(2) annually make available to the public be-
21 ginning in fiscal year 2024 a report that includes—

22 “(A) the number of individuals who re-
23 ceived such benefits;

24 “(B) the purposes and durations for which
25 such benefits were received;

1 “(C) an analysis of benefit use by occupa-
2 tion, industry, wage levels, employer size, and
3 geography;

4 “(D) an analysis of disparities identified
5 by the grants for research authorized under this
6 subsection on the basis of race, color, ethnicity,
7 religion, sex, sexual orientation, gender identity,
8 disability, age, national origin, family composi-
9 tion, or living arrangements;

10 “(E) a description of the actions by the
11 Secretary to prevent disparities and ensure full
12 access to the benefits provided by the program
13 under this title;

14 “(F) a comparative analysis of paid family
15 and medical leave benefits received by individ-
16 uals through the program under section 2202,
17 through a legacy State paid family and medical
18 leave program described in section 2209, or
19 through an employer-sponsored program de-
20 scribed in section 2210 that takes into account
21 the number of individuals receiving benefits, the
22 characteristics of the benefits received, and the
23 patterns of leave-taking under each program;

24 “(G) the number of employers who re-
25 ceived a reimbursement grant under section

1 2210 and the number of employees of such em-
2 ployers who received paid family and medical
3 leave benefits under an employer-sponsored pro-
4 gram described in such section; and

5 “(H) the number of employers who re-
6 ceived one or more small business assistance
7 grants under section 2211 and the total number
8 of such grants provided.

9 **“SEC. 2209. FUNDING FOR STATE ADMINISTRATION OPTION**
10 **FOR LEGACY STATES.**

11 “(a) IN GENERAL.—In each calendar year beginning
12 with 2024, the Secretary shall make a grant to each State
13 that, for the calendar year preceding such calendar year
14 (or, in the case of a grant under this section in 2024, for
15 the portion of such preceding calendar year occurring
16 after June 30), was a legacy State and that met the data
17 sharing requirements of subsection (c), in an amount
18 equal to the lesser of—

19 “(1) an amount, as estimated by the Secretary,
20 in consultation with the Secretary of Labor, equal to
21 the total amount of paid family and medical leave
22 benefits that would have been paid under section
23 2202 (including the full Federal cost of admin-
24 istering such benefits) to individuals who received
25 benefits under a State program described in sub-

1 section (b) during the calendar year preceding such
2 calendar year (or, in the case of a grant under this
3 section in 2024, for the portion of such preceding
4 calendar year occurring after June 30) if the State
5 had not been a legacy State for such preceding cal-
6 endar year (or, in the case of a grant under this sec-
7 tion in 2024, for the portion of such preceding cal-
8 endar year occurring after June 30); or

9 “(2) an amount equal to the total cost of the
10 State paid family and medical leave program de-
11 scribed in subsection (b) for the calendar year pre-
12 ceding such calendar year (or, in the case of a grant
13 under this section in 2024, for the portion of such
14 preceding calendar year occurring after June 30),
15 including—

16 “(A) the total amount of paid family and
17 medical leave benefits that would have been
18 paid to individuals under such program for
19 leave that is exempt under such program on ac-
20 count of being otherwise paid under a program
21 provided by such individual’s employer; and

22 “(B) the full cost to the State of admin-
23 istering such program.

24 In any case in which, during any calendar year, the Sec-
25 retary has reason to believe that a State will be a legacy

1 State and meet the data sharing requirements of sub-
2 section (c) for such calendar year, the Secretary may make
3 estimated payments during such calendar year of the
4 grant which would be paid to such State in the succeeding
5 calendar year, to be adjusted as appropriate in the suc-
6 ceeding calendar year.

7 “(b) LEGACY STATE.—For purposes of this section,
8 the term ‘legacy State’ for a calendar year means a State
9 that the Secretary, in consultation with the Secretary of
10 Labor, determines—

11 “(1) has enacted, not later than the date of en-
12 actment of this title, a State law that provides paid
13 family and medical leave benefits; and

14 “(2) for any calendar year that begins on or
15 after the date that is 3 years after the date of enact-
16 ment of this title, has in effect, throughout such cal-
17 endar year, a State program enacted into law—

18 “(A) that provides paid family and medical
19 leave benefits—

20 “(i) for at least 12 full workweeks of
21 leave during each 12-month period to at
22 least all of those individuals in the State
23 who would be eligible for paid family and
24 medical leave benefits under section 2202
25 (without regard to section 2202(c)(2)(D))

1 during any part of such calendar year, pro-
2 vided that such State program—

3 “(I) shall provide paid family and
4 medical leave benefits for leave from
5 employment by the State or any polit-
6 ical subdivision thereof, except that
7 any State or local employees subject
8 to a collective bargaining agreement
9 may be excluded from such coverage
10 with the agreement of 90 percent of
11 the employees covered by the collective
12 bargaining agreement; and

13 “(II) may provide such benefits
14 for leave from Federal employment;
15 and

16 “(ii) at a wage replacement rate that
17 is at least equivalent to the wage replace-
18 ment rate under the program under this
19 title (without regard to section
20 2202(c)(2)(D)); and

21 “(B) that provides an annual notice to
22 each individual whose employment would be eli-
23 gible for such benefits under the State program.

24 “(c) DATA SHARING.—As a condition of receiving a
25 grant under subsection (a) in a calendar year, a State

1 shall enter into an agreement with the Secretary under
2 which the State shall provide the Secretary—

3 “(1) with information, to be provided periodi-
4 cally as determined by the Secretary, concerning in-
5 dividuals who received a paid leave benefit under a
6 State program described in subsection (b), including
7 each individual’s name, information to establish the
8 individual’s identity, dates for which such paid leave
9 benefits were paid, the amount of such paid leave
10 benefit, and, to the extent available, such other in-
11 formation concerning such individuals as the Sec-
12 retary may require for the purpose of carrying out
13 this section and section 2202(c)(2)(D);

14 “(2) not later than July 1 of such calendar
15 year, the amount described in subsection (a)(2) for
16 the calendar year preceding such calendar year; and

17 “(3) such other information as the Secretary
18 determines may be necessary in carrying out the
19 provisions of this title, including for the purposes of
20 promoting equity as described under section 2206(a)
21 and for research described under section 2208(b).

22 “(d) FUNDING FOR TRANSITIONAL COSTS FOR LEG-
23 ACY STATES.—

24 “(1) IN GENERAL.—There are appropriated to
25 the Secretary, out of any funds in the Treasury not

1 otherwise appropriated, such sums as necessary for
2 grants in accordance with this subsection.

3 “(2) TRANSITION GRANTS.—The Secretary
4 shall make a grant under this subsection to each
5 State that—

6 “(A) is a legacy State for the calendar
7 year in which occurs the date of enactment of
8 this title;

9 “(B) certifies to the Secretary that the
10 State intends to remain a legacy State and
11 meet the data sharing requirements of sub-
12 section (c) at least through the first calendar
13 year that begins on or after the date that is 3
14 years after the date of enactment of this title;
15 and

16 “(C) agrees to repay the full amount of
17 such grant if the State fails to remain a legacy
18 State and meet the data sharing requirements
19 of subsection (c) as certified in subparagraph
20 (B).

21 “(3) AMOUNT OF GRANT.—The amount of a
22 grant provided to a State under this subsection shall
23 be equal to $\frac{1}{2}$ of the sum of the State’s expenditures
24 from the date of enactment of this title through the
25 calendar year described in paragraph (2)(B) on—

1 “(A) the costs of creating new information
2 technology systems as needed to implement the
3 data sharing requirements of subsection (c) (in-
4 cluding staffing costs related to such systems);
5 and

6 “(B) other necessary costs incurred by the
7 State to meet the requirements of subsection
8 (b)(2)(A)(ii).

9 “(4) ESTIMATED ADVANCE PAYMENTS.—The
10 Secretary may make estimated payments of a grant
11 provided to a State under this subsection for any
12 calendar year, to be adjusted as appropriate in the
13 succeeding calendar year.

14 **“SEC. 2210. REIMBURSEMENT OPTION FOR EMPLOYER-**
15 **SPONSORED PAID LEAVE BENEFITS.**

16 “(a) IN GENERAL.—For each calendar year begin-
17 ning with 2023, the Secretary shall make a grant to each
18 employer that is an eligible employer for such calendar
19 year in an amount equal to—

20 “(1) in the case of an eligible employer spon-
21 soring a paid family and medical leave benefit pro-
22 gram with respect to which benefits are awarded and
23 paid under a contract with an insurer, an amount
24 equal to 90 percent of the product of—

1 “(A) the projected national average cost
2 per employee of providing paid family and med-
3 ical leave benefits as determined by the Sec-
4 retary for such calendar year under subsection
5 (c)(3) (or, in the case of calendar year 2023, $\frac{1}{2}$
6 of such projected national average cost); multi-
7 plied by

8 “(B) the number of employees (pro-rated
9 for part-time employees) covered under the pro-
10 gram for such calendar year (or, in the case of
11 calendar year 2023, for the portion of such cal-
12 endar year occurring after June 30); and

13 “(2) in the case of an eligible employer spon-
14 soring a self-insured paid family and medical leave
15 benefit program with respect to which benefits are
16 awarded and paid directly by the employer (or by a
17 third party administrator on behalf of the employer),
18 an amount equal to 90 percent of—

19 “(A) the amount of benefits paid under the
20 program for such calendar year to individuals
21 for up to 12 weeks of leave per individual (or,
22 in the case of calendar year 2023, for the por-
23 tion of such calendar year occurring after June
24 30); or

1 “(B) if lesser, the product of the national
2 average weekly benefit amount paid under sec-
3 tion 2203(a) during such calendar year (or, in
4 the case of calendar year 2023, during the por-
5 tion of such calendar year occurring after June
6 30) multiplied by the number of weeks of leave
7 (up to 12 per individual) paid by the employer
8 for all individuals under the program for the
9 calendar year (or such portion in the case of
10 calendar year 2023).

11 “(b) ELIGIBILITY; APPLICATION REQUIREMENTS.—

12 “(1) IN GENERAL.—For purposes of subsection
13 (a), an eligible employer for a calendar year is an
14 employer (other than the Federal Government or the
15 government of any State (or political subdivision
16 thereof) that is a legacy State for such calendar year
17 under section 2209) that satisfies all of the following
18 requirements:

19 “(A) NON-LEGACY STATE EMPLOYEES.—

20 The employer has one or more employees dur-
21 ing such calendar year whose employment with
22 such employer would not be eligible for paid
23 family or medical leave benefits under the law
24 of any legacy State (as defined in section
25 2209(b)) for such calendar year.

1 “(B) APPLICATION; SUBMISSION OF RE-
2 QUIRED INFORMATION.—Not later than the cer-
3 tification deadline specified in paragraph (2)(A)
4 for such calendar year, the employer—

5 “(i) notifies the Secretary that the
6 employer intends to seek a grant under
7 this section for such calendar year;

8 “(ii) certifies to the Secretary that the
9 employer will have in effect during such
10 calendar year a paid family and medical
11 leave benefit program that meets the re-
12 quirements of subsection (c) and, not later
13 than the submission deadline specified in
14 paragraph (2)(B) for such calendar year,
15 provides all documentation relating to such
16 program as the Secretary may request; and

17 “(iii) pays an application fee of
18 \$1,000 (or \$200 in the case of a renewed
19 application).

20 “(C) APPROVAL BY THE SECRETARY.—The
21 paid family and medical leave benefit program
22 referred to in subparagraph (B) is subsequently
23 approved by the Secretary as meeting all appli-
24 cable requirements.

1 “(D) INFORMATION SUBMISSION REQUIRE-
2 MENT.—At the time of application for such
3 grant for each calendar year, the employer—
4 “(i) submits to the Secretary—
5 “(I) an attestation that the paid
6 family and medical leave benefit pro-
7 gram referred to in subparagraph (B)
8 will remain in effect during the whole
9 of such calendar year (or, in the case
10 of a program not in effect at the be-
11 ginning of such calendar year, an at-
12 testation that such program will re-
13 main in effect until the end of such
14 calendar year); and
15 “(II) with respect to each em-
16 ployee of the employer covered by the
17 program for such calendar year, the
18 employee’s name, information to es-
19 tablish the employee’s identity, and in
20 the case of a part-time employee (for
21 purposes of determining the number
22 of employees (pro-rated for part-time
23 employees) covered under the program
24 for such calendar year under sub-
25 section (a)(1)(B)), the number of

1 hours the employee regularly works in
2 a week; and

3 “(ii) agrees to submit information to
4 the Secretary as described in subsection
5 (e).

6 “(E) MAINTENANCE OF RECORDS.—The
7 employer agrees to retain all records relating to
8 the employer’s paid family and medical leave
9 benefit program for not less than 3 years.

10 “(F) JOB PROTECTIONS AND OTHER EM-
11 PLOYEE RIGHTS.—As a condition of the grant,
12 the employer agrees—

13 “(i) that, on return from leave under
14 the program described in subparagraph
15 (B), the individual taking such leave will—

16 “(I) be restored by the employer
17 to the position of employment held by
18 the individual when the leave com-
19 menced; or

20 “(II) be restored to an equivalent
21 position with equivalent employment
22 benefits, pay, and other terms and
23 conditions of employment;

24 “(ii) to maintain coverage for the in-
25 dividual under any ‘group health plan’ (as

1 defined in section 2212) for the duration
2 of such leave at the level and under the
3 conditions coverage would have been pro-
4 vided if the individual had continued in
5 employment continuously for the duration
6 of such leave;

7 “(iii) in any case in which an em-
8 ployee receives an adverse determination
9 from the employer (or administering enti-
10 ty) with respect to paid family and medical
11 leave benefits under the program described
12 in subparagraph (B)—

13 “(I) to provide opportunity for
14 the employee to appeal such adverse
15 determination to the employer (or ad-
16 ministering entity); and

17 “(II) in any case in which the
18 employee elects to appeal the results
19 of such initial appeal to the Secretary
20 pursuant to section 2205(a)(1)(B)
21 and the final decision of the Secretary
22 is in the employee’s favor, to provide
23 for the payment of such paid family
24 and medical leave benefits in addition

1 to the costs to the Secretary of such
2 secondary appeal;

3 “(iv) to provide annual notice to all
4 employees of the availability of paid family
5 and medical leave benefits under the pro-
6 gram described in subparagraph (B) and
7 of the right to appeal any adverse deter-
8 mination with respect to such benefits; and

9 “(v) not to impose any fee on any em-
10 ployee related to the receipt of paid family
11 and medical leave benefits under the pro-
12 gram described in subparagraph (B).

13 “(G) *ADDITIONAL ASSURANCES.*—The em-
14 ployer provides assurances that the employer
15 (or administering entity)—

16 “(i) will not interfere with, restrain,
17 or deny the exercise of, or the attempt to
18 exercise, any right provided under such
19 policy;

20 “(ii) will notify an employee in any
21 case in which the employee is provided re-
22 imburseable benefits; and

23 “(iii) will not discharge, or in any
24 other manner discriminate against, any in-

1 dividual for opposing any practice prohib-
2 ited by such policy.

3 “(H) SPECIAL CONDITIONS IN THE CASE
4 OF CERTAIN EMPLOYERS.—

5 “(i) SELF-INSURED PRIVATE EMPLOY-
6 ERS.—In the case of a paid family and
7 medical leave benefit program of an em-
8 ployer (other than a State or political sub-
9 division thereof) with respect to which ben-
10 efits are awarded and paid directly by the
11 employer (or by a third party adminis-
12 trator on behalf of the employer)—

13 “(I) such employer employs at
14 least 50 employees described in sub-
15 paragraph (A);

16 “(II) such benefits are guaran-
17 teed by a surety bond held by the em-
18 ployer; and

19 “(III) such employer (or admin-
20 istering entity) holds funds in a dedi-
21 cated account for such benefits not
22 used for any other business purpose.

23 “(ii) SELF-INSURED STATE AND
24 LOCAL EMPLOYERS.—In the case of a paid
25 family and medical leave benefit program

1 of an employer that is a State (or political
2 subdivision thereof) with respect to which
3 benefits are awarded and paid directly by
4 the employer (or by a third party adminis-
5 trator on behalf of the employer), such
6 benefits are negotiated pursuant to a col-
7 lective bargaining agreement.

8 “(2) TIMING OF APPLICATION.—

9 “(A) CERTIFICATION.—The certification
10 deadline specified in this subparagraph for a
11 calendar year is—

12 “(i) for calendar year 2023, March
13 31, 2023; and

14 “(ii) for any calendar year after 2023,
15 90 days before the beginning of such cal-
16 endar year,

17 or, if later, the date that is 90 days before a
18 plan described in paragraph (1)(B) first goes
19 into effect.

20 “(B) SUBMISSION OF DOCUMENTATION.—

21 The submission deadline specified in this sub-
22 paragraph for a calendar year is—

23 “(i) for calendar year 2023, May 15,
24 2023; and

1 “(ii) for any calendar year after 2023,
2 45 days before the beginning of such cal-
3 endar year,
4 or, if later, the date that is 45 days before a
5 plan described in paragraph (1)(B) first goes
6 into effect.

7 “(c) EMPLOYER PROGRAM REQUIREMENTS.—

8 “(1) IN GENERAL.—A paid family and medical
9 leave benefit program shall not be considered to
10 meet the requirements of this subsection unless such
11 program consists of a written employer policy that
12 provides for the payment, through one or more em-
13 ployee benefit plans, of family and medical leave
14 benefits, which may be guaranteed through an in-
15 surer and which may be administered by an insurer
16 or by another third-party entity, that includes each
17 element in the model template described in para-
18 graph (2), and that provides for each of the fol-
19 lowing:

20 “(A) The provision of such benefits to all
21 employees described in subsection (b)(1)(A), re-
22 gardless of length of service, job type, member-
23 ship in a labor organization, seniority status, or
24 any other employee classification.

1 “(B) Each of the job protections and other
2 employee rights described in subsection
3 (b)(1)(F).

4 “(C) Each of the assurances described in
5 subsection (b)(1)(G).

6 “(D) Submission of information to the
7 Secretary as described in subsection (e).

8 “(2) MODEL TEMPLATE.—Not later than July
9 1, 2022, the Secretary shall make available to eligi-
10 ble employers a model template of a written policy
11 providing paid family and medical leave benefits—

12 “(A) at a wage replacement rate that is at
13 least as great as the wage replacement rate that
14 an employee would receive under the program
15 under this title (without regard to section
16 2202(c)(2)(C));

17 “(B) for a total number of weeks of paid
18 leave that is at least as great as the total num-
19 ber of weeks of paid leave that an employee
20 would receive under the program under this
21 title (without regard to such section);

22 “(C) for all of the reasons for which an in-
23 dividual would be considered to be engaged in
24 qualified caregiving under section

1 2202(c)(2)(A), regardless of any pre-existing
2 medical conditions;

3 “(D) for leave which may be taken inter-
4 mittently or on a reduced leave schedule;

5 “(E) that does not impose any fee on any
6 employee related to the receipt of such benefits.

7 “(F) which must be paid not less fre-
8 quently than monthly;

9 “(G) for which applications must be proc-
10 essed and notifications provided at least as
11 quickly as is provided under section 2204 for
12 benefits provided under section 2202(a); and

13 “(H) for which any information contained
14 in an application for such benefits shall be pre-
15 sumed to be true and accurate, unless the em-
16 ployer (or administering entity) demonstrates
17 by a preponderance of the evidence that infor-
18 mation contained in the application is false;

19 “(3) NATIONAL AVERAGE COST.—Not later
20 than October 1 of the calendar year before each cal-
21 endar year beginning with 2023, the Secretary shall
22 determine the projected national average cost per
23 employee for such calendar year of a paid family and
24 medical leave benefit program that meets the re-
25 quirements of paragraph (2) (assuming administra-

1 tive costs no greater than the average or projected
2 average administrative costs of providing benefits
3 under section 2202), taking into account projected
4 benefit levels, duration of benefits, and frequency of
5 use of the program in such calendar year.

6 “(d) TIMING OF PAYMENT; PENALTY FOR LATE FIL-
7 ING.—

8 “(1) INSURED EMPLOYERS.—A grant paid
9 under this section for a calendar year to an eligible
10 employer described in subsection (a)(1) shall be paid
11 by the Secretary not later than 30 days after the be-
12 ginning of such calendar year, except that in the
13 case of a grant under this section for calendar year
14 2023, such grant shall be paid by the Secretary not
15 later than August 1, 2023.

16 “(2) SELF-INSURED EMPLOYERS.—A grant
17 paid under this section for a calendar year to an eli-
18 gible employer described in subsection (a)(2) shall be
19 paid by the Secretary not later than March 31 of the
20 calendar year succeeding such calendar year.

21 “(3) PENALTY FOR LATE FILING.—In any case
22 in which an eligible employer seeking a grant under
23 this subsection for a calendar year fails to submit all
24 required documentation by the submission deadline

1 for such calendar year as required under subsection
2 (b)(1)(B)(ii)—

3 “(A) the grant for such calendar year for
4 such employer shall not be paid until 45 days
5 after the date of payment otherwise specified in
6 paragraph (1) or (2), as applicable; and

7 “(B) the amount of such grant shall be re-
8 duced by 2 percent for each 7 days by which
9 such submission deadline is exceeded.

10 “(e) INFORMATION SUBMISSION.—As a condition of
11 receiving a grant under subsection (a) for a calendar year,
12 an employer shall provide the Secretary with information,
13 at such times and in such manner as determined by the
14 Secretary, concerning individuals who received a paid
15 leave benefit under the paid family and medical leave ben-
16 efit program of the employer, including each individual’s
17 name, information to establish the individual’s identity,
18 dates for which such paid leave benefits were paid, the
19 amount of such paid leave benefit, and, to the extent avail-
20 able, such other information concerning such individuals
21 as the Secretary may require for the purpose of carrying
22 out this section and section 2202(c)(2)(C), and for other-
23 wise carrying out the provisions of this title, including for
24 the purposes of promoting equity as described under sec-

1 tion 2206(a) and for research described under section
2 2208(b).

3 “(f) ENFORCEMENT.—

4 “(1) IN GENERAL.—The Secretary shall con-
5 duct periodic reviews of employers receiving grants
6 under this section (and of entities administering
7 such grants). The Secretary may withdraw approval
8 of the paid family and medical leave benefit program
9 of an employer in any case in which the Secretary
10 finds that the employer (or administering entity) has
11 violated any requirement of this section, and may
12 disqualify an employer (or administering entity)
13 from receiving (or administering) subsequent grants
14 under this section in the case of repeated violations.

15 “(2) PENALTIES RELATING TO APPEALS.—In
16 any case in which the Secretary determines that a
17 pattern exists with respect to an employer (or ad-
18 ministering entity) in which the employer (or admin-
19 istering entity) has incorrectly denied claims for paid
20 leave benefits under the employer-sponsored pro-
21 gram and such claims have subsequently been ap-
22 proved by the Secretary pursuant to an appeal de-
23 scribed in section 2205(a)(1)(B), the Secretary may
24 impose such penalties on the employer (or admin-
25 istering entity) as the Secretary deems appropriate,

1 which may include a reduction in, or disqualification
2 from receiving (or administering), subsequent grants
3 under this section.

4 “(3) PENALTIES ON ADMINISTERING ENTI-
5 TIES.—In the case of a third-party entity admin-
6 istering a paid family and medical leave benefit pro-
7 gram of an employer, such entity shall notify such
8 employer in any case in which a penalty is imposed
9 under this subsection on the administering entity
10 not later than 30 days after the date on which such
11 penalty has been imposed. In any case in which the
12 Secretary determines that a pattern of misconduct
13 exists with respect to an entity administering bene-
14 fits under this section for multiple employers, the
15 Secretary may disqualify such entity from admin-
16 istering employer-sponsored programs receiving sub-
17 sequent grants under this section.

18 “(4) EMPLOYER AND ADMINISTRATOR AP-
19 PEALS.—An employer (or administering entity) with
20 respect to which a penalty is imposed under this
21 subsection may appeal such decision to the Secretary
22 only if such appeal is filed with the Secretary not
23 later than 60 days after the date of such decision.

24 “(g) GREATER BENEFITS PERMITTED.—Nothing in
25 this section shall be construed to prohibit an eligible em-

1 ployer from providing paid family and medical leave bene-
2 fits that exceed the requirements described in this section.

3 **“SEC. 2211. FUNDING FOR SMALL BUSINESS ASSISTANCE.**

4 “(a) IN GENERAL.—There are appropriated, out of
5 any funds in the Treasury not otherwise appropriated,
6 such sums as may be necessary for grants in accordance
7 with this section.

8 “(b) SMALL BUSINESS ASSISTANCE GRANTS.—The
9 Secretary shall make a grant to each eligible employer (as
10 defined in subsection (g)) who employs a covered indi-
11 vidual (as so defined) if such eligible employer satisfies
12 the requirements of subsection (c).

13 “(c) GRANT REQUIREMENTS.—An eligible employer
14 seeking a grant under this section with respect to a cov-
15 ered individual described in subsection (b) shall—

16 “(1) not later than 90 days after such indi-
17 vidual returns from qualified leave (as defined in
18 subsection (g)) from the employer, submit an appli-
19 cation to the Secretary in such manner as the Sec-
20 retary shall provide;

21 “(2) attest to the Secretary that the employer
22 reasonably expects to, during the period in which
23 such individual is taking such qualified leave, incur
24 costs attributable to replacing the labor of such indi-
25 vidual during such period in excess of the wages that

1 would be paid to the individual during such period
2 if such leave were not taken;

3 “(3) agree that, on return from such qualified
4 leave, the individual will—

5 “(A) be restored by the employer to the
6 position of employment held by the individual
7 when the leave commenced; or

8 “(B) be restored to an equivalent position
9 with equivalent employment benefits, pay, and
10 other terms and conditions of employment;

11 “(4) agree to maintain coverage for the indi-
12 vidual under any ‘group health plan’ (as defined in
13 section 2212) for the duration of such qualified leave
14 at the level and under the conditions coverage would
15 have been provided if the individual had continued in
16 employment continuously for the duration of such
17 leave;

18 “(5) upon the award of such grant, notify the
19 individual of their rights under paragraphs (3) and
20 (4).

21 “(d) AMOUNT OF GRANT.—The amount of a grant
22 to an eligible employer with respect to a covered individual
23 shall be an amount equal to the product of 2.5 multiplied
24 by the average weekly wage of the State in which the indi-
25 vidual’s worksite is located for the most recent calendar

1 year. For purposes of this subsection, the average weekly
2 wage of a State for a calendar year shall be determined
3 and annually published by the Secretary on the basis of
4 data prepared by the Bureau of Labor Statistics that is
5 based on a quarterly census of employers in the State of
6 wages paid for unemployment insurance-covered employ-
7 ment.

8 “(e) LIMITATIONS.—In no case may an eligible em-
9 ployer—

10 “(1) receive more than 1 grant under this sec-
11 tion with respect to the same covered individual in
12 a single calendar year; or

13 “(2) receive more than 10 total grants under
14 this section in a single calendar year.

15 “(f) ENFORCEMENT.—In any case in which—

16 “(1) an employer’s attestation with respect to
17 costs incurred made pursuant to subsection (c)(2) is
18 not made in good faith; or

19 “(2) an employer who receives a grant under
20 this section with respect to a covered individual fails
21 to satisfy the requirements of paragraph (3) or (4)
22 of subsection (c) with respect to such individual,
23 the Secretary may require the employer to repay the full
24 amount of such grant (including any applicable interest)

1 and may permanently prohibit the employer from applying
2 for any subsequent grants under this section.

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

4 “(1) COVERED INDIVIDUAL.—For purposes of
5 this section, the term ‘covered individual’ means an
6 individual employed by an eligible employer who
7 takes 4 or more weeks of leave from such employer,
8 or anticipates taking 4 or more weeks, during the in-
9 dividual’s benefit period for which the individual re-
10 ceives paid family and medical leave benefits—

11 “(A) under section 2202(a);

12 “(B) under the law of a legacy State (as
13 defined in section 2209(b)); or

14 “(C) under an eligible employer-sponsored
15 plan under section 2210,

16 but only if the eligible employer has received no
17 other State or Federal grant intended to cover the
18 costs described in subsection (c)(2) with respect to
19 such individual.

20 “(2) ELIGIBLE EMPLOYER.—The term ‘eligible
21 employer’ means any person (other than a govern-
22 mental agency) who regularly employs at least 1 and
23 not more than 50 employees.

24 “(3) QUALIFIED LEAVE.—The term ‘qualified
25 leave’ means leave taken by an individual with re-

1 spect to which the individual is eligible for paid fam-
2 ily and medical leave benefits under section 2202,
3 under the law of a legacy State (as defined in sec-
4 tion 2209(b)), or under an eligible employer-spon-
5 sored plan under section 2210.

6 **“SEC. 2212. DEFINITIONS.**

7 “For purposes of this title the following definitions
8 apply:

9 “(1) GROUP HEALTH PLAN.—The term ‘group
10 health plan’ has the meaning given such term in sec-
11 tion 5000(b)(1) of the Internal Revenue Code of
12 1986.

13 “(2) NATIONAL AVERAGE WAGE INDEX.—The
14 term ‘national average wage index’ has the meaning
15 given such term in section 209(k)(1).

16 “(3) SECRETARY.—The term ‘Secretary’ means
17 the Secretary of the Treasury.

18 “(4) SELF-EMPLOYMENT INCOME.—The term
19 ‘self-employment income’ has the meaning given the
20 term in section 1402(b) of the Internal Revenue
21 Code of 1986 for purposes of the taxes imposed by
22 section 1401(b) of such Code. For purposes of sec-
23 tion 2202(a) and 2203(b)(3), the Secretary shall de-
24 termine rules for the crediting of self-employment
25 income to calendar quarters, under which—

1 “(A) in the case of a taxable year which is
2 a calendar year, self-employment income shall
3 be credited equally to each quarter of such cal-
4 endar year; and

5 “(B) in the case of any other taxable year,
6 such income shall be credited equally to the cal-
7 endar quarter in which such taxable year ends
8 and to each of the next three or fewer preceding
9 quarters any part of which is in such taxable
10 year.

11 “(5) STATE.—The term ‘State’ means any
12 State of the United States or the District of Colum-
13 bia or any territory or possession of the United
14 States.

15 “(6) WAGES.—The term ‘wages’ has the mean-
16 ing given such term in section 3121(a) of the Inter-
17 nal Revenue Code of 1986 for purposes of the taxes
18 imposed by sections 3101(b) and 3111(b) of such
19 Code, except that such term also includes—

20 “(A) compensation, as defined in section
21 3231(e) of such Code for purposes of the Rail-
22 road Retirement Tax Act; and

23 “(B) unemployment compensation, as de-
24 fined in section 85(b) of such Code.

1 “(7) WEEK.—The term ‘week’ means a 7-day
2 period beginning on a Sunday.”.

3 **SEC. 130002. ACCESS TO WAGE INFORMATION FROM THE**
4 **NATIONAL DIRECTORY OF NEW HIRES FOR**
5 **THE PURPOSE OF ADMINISTERING PAID**
6 **LEAVE.**

7 (a) IN GENERAL.—Section 453(j) of the Social Secu-
8 rity Act (42 U.S.C. 653(j)) is amended—

9 (1) by redesignating paragraphs (5) through
10 (11) as paragraphs (6) through (12), respectively;
11 and

12 (2) by adding after paragraph (4) the following:

13 “(5) PROVISION OF NEW HIRE INFORMATION
14 FOR PURPOSES OF FAMILY AND MEDICAL LEAVE
15 PROGRAM.—

16 “(A) IN GENERAL.—The National Direc-
17 tory of New Hires shall provide the Secretary
18 of the Treasury with all information in the Na-
19 tional Directory relating to wages paid to indi-
20 viduals.

21 “(B) USE AND MAINTENANCE OF INFOR-
22 MATION BY THE SECRETARY OF THE TREAS-
23 URY.—The Secretary of the Treasury may use
24 information provided under this paragraph only
25 for purposes of administering the paid family

1 and medical leave benefit program under title
2 XXII, and shall maintain such information in
3 the records of the Secretary of the Treasury for
4 such time as the Secretary of the Treasury
5 deems necessary for the administration of such
6 program.”.

7 (b) CONFORMING AMENDMENT.—Section
8 453(i)(2)(C) of such Act (42 U.S.C. 653(i)(2)(C)) is
9 amended by striking “(j)(5)” and inserting “(j)(6)”.

10 **Subtitle B—Retirement**

11 **SEC. 131001. AMENDMENT OF 1986 CODE.**

12 Except as otherwise expressly provided, whenever in
13 this subtitle an amendment or repeal is expressed in terms
14 of an amendment to, or repeal of, a section or other provi-
15 sion, the reference shall be considered to be made to a
16 section or other provision of the Internal Revenue Code
17 of 1986.

18 **PART 1—AUTOMATIC CONTRIBUTION PLANS AND** 19 **ARRANGEMENTS**

20 **SEC. 131101. TAX IMPOSED ON EMPLOYERS FAILING TO** 21 **MAINTAIN OR FACILITATE AUTOMATIC CON-** 22 **TRIBUTION PLAN OR ARRANGEMENT.**

23 (a) AUTOMATIC CONTRIBUTION PLAN OR ARRANGE-
24 MENT.—

1 (1) IN GENERAL.—Section 414 is amended by
2 adding at the end the following:

3 “(aa) AUTOMATIC CONTRIBUTION PLAN OR AR-
4 RANGEMENT.—For purposes of this title—

5 “(1) IN GENERAL.—The term ‘automatic con-
6 tribution plan or arrangement’ means—

7 “(A) a defined contribution plan that—

8 “(i) is described in clause (i), (ii), or
9 (iv) of section 219(g)(5)(A),

10 “(ii) includes a qualified cash or de-
11 ferred arrangement or a salary reduction
12 arrangement, and

13 “(iii) meets the notice, eligibility, con-
14 tribution, investment, fee, and lifetime in-
15 come requirements of paragraphs (2), (3),
16 (4), (5), (6), and (7), respectively,

17 “(B) an automatic IRA arrangement de-
18 scribed in paragraph (8),

19 “(C) an arrangement described in section
20 408(p) that meets the notice, contribution, in-
21 vestment, and fee requirements described in
22 paragraphs (2), (4), (5), and (6), and

23 “(D) a plan described in clause (i), (ii),
24 (iv), (v), or (vi) of section 219(g)(5)(A) that is
25 established and maintained by an employer as

1 of the date of enactment of the Act to provide
2 for reconciliation pursuant to title II of S. Con.
3 Res. 14, or a plan described in section
4 219(g)(5)(A)(iv) that is not subject to title I of
5 the Employee Retirement Income Security Act
6 of 1974 and offers annuity contracts, or makes
7 custodial accounts available to employees, as of
8 such date.

9 “(2) NOTICE REQUIREMENTS.—A plan or ar-
10 rangement shall be treated as meeting the notice re-
11 quirements of this paragraph with respect to an em-
12 ployee if the plan or arrangement meets the notice
13 requirements of, or similar to, the notice require-
14 ments of section 401(k)(13)(E), excluding any such
15 notice requirements that are not applicable or rel-
16 evant to the such plan or arrangement.

17 “(3) ELIGIBILITY REQUIREMENTS.—

18 “(A) IN GENERAL.—The requirements of
19 this paragraph shall be treated as met if all em-
20 ployees of the employer are eligible to partici-
21 pate in an automatic contribution plan or ar-
22 rangement maintained or facilitated by the em-
23 ployer.

24 “(B) CERTAIN EXCLUSIONS.—The fol-
25 lowing employees may be excluded from consid-

1 eration in determining whether the require-
2 ments of this paragraph are met:

3 “(i) INDIVIDUALS LESS THAN 21
4 YEARS OLD.—Any employee who has not
5 attained age 21.

6 “(ii) CERTAIN OTHER EMPLOYEES.—
7 Any employee described in section
8 410(b)(3).

9 “(iii) SERVICE REQUIREMENTS.—Any
10 employee who has not completed at least
11 one of the following periods of service with
12 the employer maintaining or facilitating
13 the plan or arrangement:

14 “(I) The period permitted under
15 section 410(a)(1) (determined without
16 regard to subparagraph (B)(i) there-
17 of).

18 “(II) A period of 2 consecutive
19 12-month periods during each of
20 which the employee has at least 500
21 hours of service.

22 “(C) SPECIAL RULES FOR CONTROLLED
23 GROUPS.—Eligible employees within an em-
24 ployer need not be eligible to participate in the
25 same automatic contribution plan or arrange-

1 ment. For purposes of this subsection, the term
2 ‘employer’ shall include all employers treated as
3 a single employer under subsection (b), (c),
4 (m), or (o) of section 414.

5 “(D) ENTRY DATES.—Rules similar to the
6 rules of section 410(a)(4) shall apply with re-
7 spect to employees who have satisfied the age
8 and service requirements referenced in subpara-
9 graph (B) and who are otherwise entitled to
10 participate in a plan or arrangement.

11 “(4) CONTRIBUTION REQUIREMENTS.—

12 “(A) IN GENERAL.—The requirements of
13 this paragraph shall be treated as met if, under
14 the plan or arrangement, each employee eligible
15 to participate in the plan or arrangement is
16 treated as having elected to have the employer
17 make elective contributions in an amount equal
18 to the qualified percentage of compensation.

19 “(B) ELECTION OUT.—The election treat-
20 ed as having been made under subparagraph
21 (A) shall cease to apply with respect to any em-
22 ployee if such employee makes an affirmative
23 election—

24 “(i) not to have such contributions
25 made, or

1 “(ii) to make elective contributions at
2 a level specified in such affirmative elec-
3 tion.

4 “(C) QUALIFIED PERCENTAGE.—For pur-
5 poses of this paragraph, and except as provided
6 in subparagraph (D)(i), the term ‘qualified per-
7 centage’ means, with respect to any employee,
8 any percentage determined under the plan or
9 arrangement if such percentage is applied uni-
10 formly, does not exceed 15 percent (10 percent
11 during the period described in clause (i)), and
12 is at least—

13 “(i) 6 percent during the period end-
14 ing on the last day of the first plan year
15 which begins after the date on which the
16 first elective contribution described in sub-
17 paragraph (A) is made with respect to
18 such employee,

19 “(ii) 7 percent during the first plan
20 year following the plan year described in
21 clause (i),

22 “(iii) 8 percent during the first plan
23 year following the plan year described in
24 clause (ii),

1 “(iv) 9 percent during the first plan
2 year following the plan year described in
3 clause (iii), and

4 “(v) 10 percent during any subse-
5 quent plan year.

6 “(D) RULES RELATING TO AUTOMATIC
7 IRA ARRANGEMENTS.—For purposes of this
8 paragraph—

9 “(i) QUALIFIED PERCENTAGE.—In
10 the case of an automatic IRA arrange-
11 ment, the term ‘qualified percentage’
12 means, with respect to an employee for any
13 plan year, a percentage equal to the min-
14 imum percentage described for such plan
15 year under subparagraph (C).

16 “(ii) PAYROLL DEDUCTION CONTRIBU-
17 TIONS.—In the case of an automatic IRA
18 arrangement, any reference in this para-
19 graph to elective contributions shall be
20 treated as including a reference to payroll
21 deduction contributions.

22 “(5) INVESTMENT REQUIREMENTS.—

23 “(A) IN GENERAL.—

24 “(i) DEFAULT INVESTMENTS.—A plan
25 or arrangement shall be treated as meeting

1 the requirements of this paragraph if in
2 the absence of an investment election by a
3 participant or beneficiary, amounts are in-
4 vested only in the class of assets or funds
5 described in subparagraph (B).

6 “(ii) REQUIRED INVESTMENT OP-
7 TIONS IN AUTOMATIC IRA ARRANGE-
8 MENT.—In addition to the default invest-
9 ment requirement of clause (i), an auto-
10 matic IRA arrangement shall be treated as
11 meeting the requirements of this para-
12 graph if the arrangement also allows the
13 participant to invest in any of the class of
14 assets or funds described in subparagraph
15 (B), (C), (D), or (E), and provides for no
16 other investment options.

17 “(B) TARGET DATE/LIFECYCLE OPTION.—
18 The class of assets or funds described in this
19 clause is the class of assets or funds that con-
20 stitutes a qualified default investment alter-
21 native under Department of Labor regulation
22 section 2550.404c-5(e)(4)(i).

23 “(C) PRINCIPAL PRESERVATION.—The
24 class of assets or funds described in this clause
25 is the class of assets or funds that is designed

1 to protect the principal of the individual on an
2 ongoing basis.

3 “(D) BALANCED OPTION.—The class of
4 assets or funds described in this clause is the
5 class of assets or funds that constitutes a quali-
6 fied default investment alternative under De-
7 partment of Labor regulation section
8 2550.404e-5(e)(4)(ii).

9 “(E) OTHER.—Any other class of assets or
10 funds determined by the Secretary to be a
11 qualified investment for purposes of this sec-
12 tion.

13 “(6) FEE REQUIREMENTS.—In the case of any
14 plan or arrangement not otherwise subject to title I
15 of the Employee Retirement Income Security Act of
16 1974, under the fee requirements of this paragraph,
17 no participant may be charged unreasonable fees or
18 expenses.

19 “(7) LIFETIME INCOME REQUIREMENTS.—

20 “(A) IN GENERAL.—A plan or arrange-
21 ment shall be treated as meeting the lifetime in-
22 come requirement described in this paragraph if
23 the plan or arrangement permits participants to
24 elect to receive at least 50 percent of their vest-

1 ed account balance in a form of distribution de-
2 scribed in section 401(a)(38)(B)(iii).

3 “(B) EXCEPTION.—

4 “(i) IN GENERAL.—This paragraph
5 shall not apply with respect to any partici-
6 pant whose vested account balance is
7 \$200,000 or less at the time of distribu-
8 tion.

9 “(ii) NOT TREATED AS DISCRIMINA-
10 TORY IN FAVOR OF HIGHLY COMPENSATED
11 EMPLOYEES.—A plan shall not be treated
12 as failing to meet the requirements of sec-
13 tion 401(a)(4) solely by reason of applying
14 the exception of clause (i) to the require-
15 ments of subparagraph (A).

16 “(8) AUTOMATIC IRA ARRANGEMENT.—

17 “(A) IN GENERAL.—For purposes of this
18 paragraph, the term ‘automatic IRA arrange-
19 ment’ means, with respect to an employer (and
20 trustee or issuer designated by the employer),
21 an arrangement facilitated by the employer
22 which meets the requirements of this paragraph
23 and the eligibility, contribution, investment, and
24 fee requirements of paragraphs (3), (4), (5),
25 and (6), and under which an employee—

1 “(i) may elect—

2 “(I) to have the employer make
3 payroll deduction deposits on behalf of
4 the individual as payroll deduction
5 contributions to an individual retire-
6 ment account, or

7 “(II) to have such payments paid
8 to the employee directly in cash,

9 “(ii) is treated as having made the
10 election under clause (i)(I) at the level de-
11 termined under paragraph (4)(D) until the
12 individual makes an affirmative election
13 not to have such contributions made (or to
14 have such contributions made at a level
15 specified in the affirmative election), and

16 “(iii) may elect to modify the manner
17 in which such amounts are invested for
18 such plan year.

19 “(B) ADMINISTRATIVE REQUIREMENTS.—

20 “(i) PAYMENTS.—The requirements of
21 this subparagraph are met with respect to
22 any automatic IRA arrangement if the em-
23 ployer makes the payments elected or
24 treated as elected under subparagraph
25 (A)(i) on or before the last day of the

1 month following the month in which the
2 compensation otherwise would have been
3 payable to the employee in cash.

4 “(ii) NOTICE OF ELECTION PERIOD.—
5 The requirements of this paragraph shall
6 be treated as met with respect to any year
7 if the employer notifies each employee eli-
8 gible to participate, within a reasonable pe-
9 riod of time before the beginning of such
10 year (and, for the first year the employee
11 is so eligible, a reasonable period of time
12 before the first day such employee is so eli-
13 gible), of—

14 “(I) the opportunity to elect to
15 have contributions made, or to be
16 treated as so electing, under clause
17 (i)(I), or (ii), of subparagraph (A),

18 “(II) the opportunity to elect not
19 to have payroll deduction contribu-
20 tions made or to have such contribu-
21 tions made at a different percentage
22 or in a different amount, and

23 “(III) the opportunity under sub-
24 paragraph (A)(iii) to modify the man-

1 ner in which such amounts are in-
2 vested for such year.

3 The employer shall provide such notice in
4 paper form or, if the employee so elects, in
5 electronic form.

6 “(C) LIMITS ON CONTRIBUTIONS.—An em-
7 ployer shall not be treated as failing to satisfy
8 the requirements of this section or any other
9 provision of this title merely because—

10 “(i) aggregate payroll deduction con-
11 tributions by or on behalf of an individual
12 to individual retirement accounts of the in-
13 dividual exceed the deductible amount in
14 effect under section 219(b)(5) (determined
15 without regard to subparagraph (B) there-
16 of) for any taxable year in which any pay-
17 roll deduction contributions by the em-
18 ployer under an automatic IRA arrange-
19 ment are made, or

20 “(ii) the employer chooses to limit the
21 payroll deduction contributions under this
22 subsection on behalf of an employee for
23 any calendar year in a manner reasonably
24 designed to avoid exceeding such deduct-
25 ible amount.

1 “(D) DEFAULT TREATMENT AS ROTH
2 IRA.—An employee on whose behalf payroll de-
3 duction contributions are made to an individual
4 retirement account under subparagraph (A)
5 may elect, at such time and in such manner
6 and form as the Secretary may prescribe,
7 whether to treat the individual retirement ac-
8 count as designated as a Roth IRA. If no such
9 election is made, the account shall be treated as
10 so designated.

11 “(E) DEPOSITS TO INDIVIDUAL RETIRE-
12 MENT ACCOUNTS OF A DESIGNATED TRUSTEE
13 OR ISSUER.—

14 “(i) IN GENERAL.—An employer shall
15 not be treated as failing to satisfy the re-
16 quirements of this section, or any other
17 provision of this title, merely because the
18 employer makes all payroll deduction con-
19 tributions on behalf of all employees (or all
20 employees who do not specify an individual
21 retirement account, trustee, or issuer to re-
22 ceive the contributions) to individual retire-
23 ment accounts specified in clause (ii).

24 “(ii) INDIVIDUAL RETIREMENT AC-
25 COUNTS OTHER THAN THOSE SELECTED

1 BY EMPLOYEE.—An employer may elect to
2 have payroll deduction contributions for all
3 employees participating in an automatic
4 IRA arrangement made to individual re-
5 tirement accounts of a trustee or issuer
6 under the arrangement that has been des-
7 ignated by the employer, but only if the
8 provider of such accounts, and the invest-
9 ments therein, are identified on the website
10 established under subparagraph (F)(iii).
11 The preceding sentence shall not apply un-
12 less each participant is notified in writing
13 that the participant’s balance may be
14 transferred without cost or penalty to an-
15 other individual retirement account estab-
16 lished by or on behalf of the participant.
17 Such notice shall be in paper form or, if
18 the employee so elects, electronic form.

19 “(iii) EMPLOYERS MAY PERMIT EM-
20 PLOYEE TO CHOOSE IRA.—If the employer
21 so elects, the arrangement may provide for
22 an employee election to have payroll deduc-
23 tion contributions made to any individual
24 retirement account specified by the em-
25 ployee.

1 “(iv) REGULATIONS.—The Secretary
2 may issue such regulations as are nec-
3 essary to carry out the purposes of this
4 subparagraph, including establishment of
5 procedures to assist employers in con-
6 necting with certified and available pro-
7 viders of individual retirement accounts
8 and to communicate to individuals the im-
9 portance of investment diversification.

10 “(F) MODEL NOTICE, ETC.—The Secretary
11 shall—

12 “(i) provide a model notice, written in
13 a manner calculated to be understandable
14 to the average worker, that is simple for
15 employers to use—

16 “(I) to notify employees of the
17 requirement under this section for the
18 employer to provide certain employees
19 with the opportunity to participate in
20 an automatic IRA arrangement, and

21 “(II) to satisfy the requirements
22 of subparagraph (B)(ii),

23 “(ii) provide model forms for enroll-
24 ment, including automatic enrollment, in
25 an automatic IRA arrangement,

1 “(iii) establish a website or other elec-
2 tronic means that small employers and in-
3 dividuals can access and use to obtain in-
4 formation on automatic IRA arrangements
5 (including clear, standardized, easy-to-com-
6 pare information on fees and expenses and
7 investment returns in a format prescribed
8 by the Secretary) and to obtain notices and
9 forms, and

10 “(iv) establish a process—

11 “(I) for the provider of an auto-
12 matic IRA arrangement to dem-
13 onstrate to the Secretary that the ar-
14 rangement is described in this para-
15 graph and meets the requirements
16 specified in paragraph (1)(B), and

17 “(II) to certify any arrangement
18 that the Secretary determines so dem-
19 onstrates, to regularly monitor compli-
20 ance and update such determinations
21 and certifications, and to list all ar-
22 rangements so certified on the website
23 described in clause (iii) as appropriate
24 for use by employers and participants.

1 The information referred to in clause (iii) shall
2 be provided in a manner designed to assist em-
3 ployers and providers by facilitating the identi-
4 fication by employers of private-sector providers
5 of individual retirement accounts, including the
6 provider’s investment options, that are appro-
7 priate for use in automatic IRA arrangements.

8 “(G) SAFE HARBOR FOR CERTAIN STATE-
9 PROVIDED ARRANGEMENTS.—An arrangement
10 facilitated by an employer shall not fail to be
11 treated as an automatic IRA arrangement
12 merely because such arrangement is provided or
13 otherwise offered, in whole or in part, by a
14 State.

15 “(H) INDIVIDUAL RETIREMENT AC-
16 COUNT.—For purposes of this paragraph, the
17 term ‘individual retirement account’ shall have
18 the meaning given such term by section 408(a),
19 except that such term shall include individual
20 retirement annuities (as defined in section
21 408(b)).”.

22 (2) OTHER RULES APPLICABLE TO AUTOMATIC
23 IRA ARRANGEMENTS.—

24 (A) PENALTY FOR FAILURE TO TIMELY
25 REMIT CONTRIBUTIONS TO AUTOMATIC IRA AR-

1 RANGEMENTS.—Section 4975(c) is amended by
2 adding at the end the following new paragraph:

3 “(7) SPECIAL RULE FOR AUTOMATIC IRA AR-
4 RANGEMENTS.—For purposes of paragraph (1), if
5 an employer is required under an automatic IRA ar-
6 rangement (as defined in section 414(aa)(1)(B)) to
7 deposit amounts withheld from an employee’s com-
8 pensation into an individual retirement account
9 (within the meaning of section 414(aa)(8)(H)) but
10 fails to do so within the time prescribed under sec-
11 tion 414(aa)(8)(B)(i), such amounts shall be treated
12 as assets of the individual retirement account.”.

13 (B) WAIVER OF EARLY WITHDRAWAL PEN-
14 ALTY FOR CERTAIN DISTRIBUTIONS FOLLOWING
15 INITIAL ELECTION TO PARTICIPATE IN AUTO-
16 MATIC IRA ARRANGEMENT.—Section 72(t) is
17 amended by adding at the end the following
18 new paragraph:

19 “(11) DISTRIBUTION FOLLOWING INITIAL
20 ELECTION TO PARTICIPATE IN AUTOMATIC IRA AR-
21 RANGEMENT.—Paragraph (1) shall not apply in the
22 case of a distribution—

23 “(A) to an individual from an individual
24 retirement account (within the meaning of sec-
25 tion 414(aa)(8)(H)) that is part of an auto-

1 matic IRA arrangement (as defined in section
2 414(aa)(8)(A)), and

3 “(B) made not later than 90 days after the
4 initial election under section
5 414(aa)(8)(A)(ii).”.

6 (C) AUTOMATIC IRA ADVISORY GROUP.—

7 (i) IN GENERAL.—Not later than 90
8 days after the date of the enactment of
9 this Act, the Secretary of the Treasury
10 shall establish an Automatic IRA Advisory
11 Group (hereinafter in this subparagraph
12 referred to as the “Advisory Group”). The
13 purpose of the Advisory Group shall be to
14 make recommendations, advise, and assist
15 in the Secretary’s implementation and ad-
16 ministration of paragraphs (5), (6), and
17 (8) of section 414(aa) of the Internal Rev-
18 enue Code of 1986 with respect to auto-
19 matic IRA arrangements in the best finan-
20 cial interest of savers, including—

21 (I) the procedures and criteria
22 for the periodic certification, website
23 listing, and monitoring of investment
24 options that meet the requirements of
25 those paragraphs,

1 (II) user-friendly disclosure re-
2 garding investment returns, terms,
3 fees, and expenses to facilitate com-
4 parison,

5 (III) the use of low-cost invest-
6 ment options,

7 (IV) the appropriate use of elec-
8 tronic and paper methods to provide
9 notice and disclosure,

10 (V) any possible learnings or effi-
11 ciencies based on the Secretary's pro-
12 cedures and experience in approving
13 nonbank individual retirement account
14 trustees, and

15 (VI) such other related matters
16 as may be determined by the Sec-
17 retary.

18 (ii) MEMBERSHIP.—The Advisory
19 Group shall consist of not more than 15
20 members and shall be composed of—

21 (I) such individuals as the Sec-
22 retary may consider appropriate to
23 provide expertise regarding the finan-
24 cial needs and challenges of lower-
25 and middle-income households,

1 (II) at least one individual who is
2 an expert in retirement-related con-
3 sumer protections or who represents
4 the general public, and

5 (III) at least one representative
6 of the Department of the Treasury.

7 (iii) COMPENSATION.—The members
8 of the Advisory Group shall serve without
9 compensation.

10 (iv) ADMINISTRATIVE SUPPORT.—The
11 Department of the Treasury shall provide
12 appropriate administrative support to the
13 Advisory Group, including technical assist-
14 ance. The Advisory Group may use the
15 services and facilities of such Department,
16 with or without reimbursement, as deter-
17 mined by such Department.

18 (v) REPORT BY ADVISORY GROUP.—
19 Not later than 1 year after the date of the
20 enactment of this Act, the Advisory Group
21 shall submit to the Secretary of the Treas-
22 ury a report containing its recommenda-
23 tions. The Secretary may request that the
24 Advisory Group submit subsequent reports.

1 (b) EXCISE TAX FOR FAILURE TO MAINTAIN OR FA-
2 CILITATE AUTOMATIC CONTRIBUTION PLANS OR AR-
3 RANGEMENTS.—

4 (1) IN GENERAL.—Chapter 43 is amended by
5 adding at the end the following new section:

6 **“SEC. 4980J. FAILURE TO MAINTAIN OR FACILITATE AUTO-**
7 **MATIC CONTRIBUTION PLANS OR ARRANGE-**
8 **MENTS.**

9 “(a) GENERAL RULE.—

10 “(1) IN GENERAL.—There is hereby imposed a
11 tax on the failure of an employer to maintain or fa-
12 cilitate an automatic contribution plan or arrange-
13 ment.

14 “(2) EXCEPTIONS.—

15 “(A) Paragraph (1) shall not apply to an
16 employer to the extent such employer partici-
17 pates in an arrangement under a qualified
18 State law.

19 “(B) Paragraph (1) shall not apply to an
20 employer with respect to any employee who is
21 eligible to participate in a different automatic
22 contribution plan or arrangement than one or
23 more other employees of the employer.

24 “(b) AMOUNT OF TAX.—

1 “(1) IN GENERAL.—The amount of the tax im-
2 posed by subsection (a) on any failure with respect
3 to an employee shall be \$10 for each day in the non-
4 compliance period with respect to such failure.

5 “(2) NONCOMPLIANCE PERIOD.—For purposes
6 of this section, the term ‘noncompliance period’
7 means, with respect to any failure, the period—

8 “(A) beginning on the date such failure
9 first occurs, and

10 “(B) ending on the earlier of—

11 “(i) the date such failure is corrected,
12 or

13 “(ii) with respect to any employer, the
14 date that is 3 months after the last date
15 on which the employee is required to be eli-
16 gible to participate in an automatic con-
17 tribution plan or arrangement maintained
18 or facilitated by such employer.

19 “(3) ADJUSTMENT FOR INFLATION.—

20 “(A) IN GENERAL.—In the case of any
21 failure relating to maintaining or facilitating a
22 plan or arrangement in a calendar year begin-
23 ning after 2023, the \$10 amount under para-
24 graph (1) shall be increased by an amount
25 equal to such dollar amount multiplied by the

1 cost-of-living adjustment determined under sec-
2 tion 1(f)(3) for the calendar year determined by
3 substituting ‘calendar year 2022’ for ‘calendar
4 year 2016’ in subparagraph (A)(ii) thereof.

5 “(B) ROUNDING.—If any amount adjusted
6 under subparagraph (A) is not a whole dollar
7 amount, such amount shall be rounded to the
8 nearest whole dollar amount.

9 “(c) LIMITATIONS ON AMOUNT OF TAX.—

10 “(1) TAX NOT TO APPLY WHERE FAILURE NOT
11 DISCOVERED EXERCISING REASONABLE DILI-
12 GENCE.—No tax shall be imposed by subsection (a)
13 on any failure during any period for which it is es-
14 tablished to the satisfaction of the Secretary that
15 none of the persons referred to in subsection (e)
16 knew, nor exercising reasonable diligence would have
17 known, that such failure existed.

18 “(2) TAX NOT TO APPLY TO FAILURES COR-
19 RECTED WITHIN 9½ MONTHS.—No tax shall be im-
20 posed by subsection (a) on any failure if—

21 “(A) such failure was due to reasonable
22 cause and not to willful neglect, and

23 “(B) such failure is corrected during the
24 9½-month period beginning on the first date
25 any of the persons referred to in subsection (e)

1 knew that such failure existed, or exercising
2 reasonable diligence would have known.

3 “(3) OVERALL LIMITATION FOR UNINTEN-
4 TIONAL FAILURES.—In the case of failures which
5 are due to reasonable cause and not to willful ne-
6 glect—

7 “(A) GENERAL RULE.—The tax imposed
8 by subsection (a) for failures during the taxable
9 year of the employer shall not exceed \$500,000.

10 “(B) TAXABLE YEARS IN THE CASE OF
11 CERTAIN CONTROLLED GROUPS.—For purposes
12 of this subparagraph, if not all persons who are
13 treated as a single employer for purposes of this
14 section have the same taxable year, the taxable
15 years taken into account shall be determined
16 under principles similar to the principles of sec-
17 tion 1561.

18 “(4) WAIVER BY SECRETARY.—In the case of a
19 failure which is due to reasonable cause and not to
20 willful neglect, the Secretary may waive part or all
21 of the tax imposed by subsection (a) to the extent
22 that the payment of such tax would be excessive rel-
23 ative to the failure involved.

24 “(d) TAX NOT TO APPLY IN CERTAIN CASES.—This
25 section shall not apply in the case of—

1 “(1) any employer with respect to a plan or ar-
2 rangement that, during the prior calendar year, was
3 maintained or facilitated only by employers each of
4 which had no more than 5 employees receiving at
5 least \$5,000 of compensation from the employer for
6 such year,

7 “(2) any employer with respect to a govern-
8 mental plan (within the meaning of section 414(d)),

9 “(3) any employer with respect to a church plan
10 (within the meaning of section 414(e)), or

11 “(4) any employer that has been in existence
12 for fewer than 2 years, taking into account all pred-
13 ecessor employers.

14 “(e) LIABILITY FOR TAX.—The employer shall be lia-
15 ble for the tax imposed by subsection (a) on a failure. All
16 employers, determined without regard to subsection (f)(2),
17 shall be jointly and severally liable for the liability of any
18 other employer with which they are aggregated under sub-
19 section (f)(2).

20 “(f) DEFINITIONS.—For purposes of this section—

21 “(1) AUTOMATIC CONTRIBUTION PLAN OR AR-
22 RANGEMENT.—The term ‘automatic contribution
23 plan or arrangement’ has the meaning given such
24 term under section 414(aa), and

1 “(2) EMPLOYER.—The term ‘employer’ includes
2 all employers treated as a single employer under
3 subsection (b), (c), (m), or (o) of section 414.

4 “(3) QUALIFIED STATE LAW.—The term ‘quali-
5 fied State law’ means a State law (as it may be
6 amended from time to time) that—

7 “(A) was enacted before the date of the
8 enactment of the Act to provide for reconcili-
9 ation pursuant to title II of S. Con. Res. 14,
10 and

11 “(B)(i) requires certain employers to facili-
12 tate an automatic IRA arrangement pursuant
13 to a payroll deduction savings program of the
14 State, or

15 “(ii) allows certain employers to contribute
16 to, or participate in, a plan described in section
17 413(c) of such Code established and maintained
18 by the State.”.

19 “(2) CLERICAL AMENDMENT.—The table of sec-
20 tions for chapter 43 is amended by adding at the
21 end the following new item:

 “Sec. 4980J. Failure to maintain or facilitate automatic contribution plans or
 arrangements.”.

22 “(c) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to plan years beginning after De-
24 cember 31, 2022.

1 **SEC. 131102. DEFERRAL-ONLY ARRANGEMENTS.**

2 (a) IN GENERAL.—Section 401(k) is amended by
3 adding at the end the following new paragraph:

4 “(16) DEFERRAL-ONLY ARRANGEMENT.—

5 “(A) IN GENERAL.—A deferral-only ar-
6 rangement shall be treated as meeting the re-
7 quirements of paragraph (3)(A)(ii).

8 “(B) DEFERRAL-ONLY ARRANGEMENT.—

9 For purposes of this paragraph, the term ‘de-
10 ferral-only arrangement’ means any cash or de-
11 ferred arrangement which meets—

12 “(i) the automatic deferral require-
13 ments of subparagraph (C),

14 “(ii) the elective contribution require-
15 ment of subparagraph (D), and

16 “(iii) the requirements of subpara-
17 graph (E) of paragraph (13).

18 “(C) AUTOMATIC DEFERRAL.—

19 “(i) IN GENERAL.—The requirements
20 of this subparagraph shall be treated as
21 met if, under the arrangement, each em-
22 ployee eligible to participate in the ar-
23 rangement is treated as having elected to
24 have the employer make elective contribu-
25 tions in an amount equal to the qualified
26 percentage of compensation.

1 “(ii) ELECTION OUT.—The election
2 treated as having been made under clause
3 (i) shall cease to apply with respect to any
4 employee if such employee makes an af-
5 firmative election—

6 “(I) to not have such contribu-
7 tions made, or

8 “(II) to make elective contribu-
9 tions at a level specified in such af-
10 firmative election.

11 “(iii) QUALIFIED PERCENTAGE.—For
12 purposes of this subparagraph, with re-
13 spect to any employee, the term ‘qualified
14 percentage’ means, in lieu of the meaning
15 given such term in paragraph (13)(C)(iii),
16 any percentage determined under the ar-
17 rangement if such percentage is applied
18 uniformly, does not exceed 15 percent (10
19 percent during the period described in sub-
20 clause (I)) and is at least—

21 “(I) 6 percent during the period
22 ending on the last day of the first
23 plan year which begins after the date
24 on which the first elective contribution

1 described in clause (i) is made with
2 respect to such employee,

3 “(II) 7 percent during the first
4 plan year following the plan year de-
5 scribed in subclause (I),

6 “(III) 8 percent during the first
7 plan year following the plan year de-
8 scribed in subclause (II),

9 “(IV) 9 percent during the first
10 plan year following the plan year de-
11 scribed in subclause (III), and

12 “(V) 10 percent during any sub-
13 sequent plan year.

14 “(D) ELECTIVE CONTRIBUTIONS.—

15 “(i) IN GENERAL.—The requirements
16 of this subparagraph are met if under the
17 plan containing the arrangement—

18 “(I) the only contributions which
19 may be made are elective contribu-
20 tions of employees who are eligible to
21 participate in the arrangement, and

22 “(II) the aggregate amount of
23 such elective contributions which may
24 be made with respect to any employee
25 for any calendar year shall not exceed

1 the amount in effect for the taxable
2 year under section 219(b)(5) (deter-
3 mined without regard to subpara-
4 graph (B) thereof).

5 “(ii) CROSS REFERENCE.—For catch-
6 up contributions for individuals age 50 or
7 over, see section 414(v).”

8 (b) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS
9 AGE 50 AND OVER.—

10 (1) Section 414(v)(2)(B)(i) is amended by in-
11 serting “, 401(k)(16),” after “401(k)(11)”.

12 (2) Section 414(v)(2)(B) is amended by adding
13 at the end thereof the following clause:

14 “(iii) In the case of an applicable em-
15 ployer plan described in section
16 401(k)(16), the applicable dollar amount is
17 \$1,000.”

18 (3) Section 414(v)(2)(C) is amended—

19 (A) by striking “(B)(i) and” and inserting
20 “(B)(i),” and by inserting after “subparagraph
21 (B)(ii)” the following: “, and the \$1,000
22 amount described in subparagraph (B)(iii)”,

23 (B) inserting after “2005” the following:
24 “(the calendar quarter beginning July 1, 2020,

1 in the case of the \$1,000 amount described in
2 subparagraph (B)(iii)”, and

3 (C) by inserting before the period at the
4 end the following “(\$100 in the case of an in-
5 crease in the amount described in subparagraph
6 (B)(iii) which is not a multiple of \$100)”.

7 (c) PLANS NOT TREATED AS TOP-HEAVY PLANS.—
8 Section 416(g)(4)(H)(i) is amended by striking “or
9 401(k)(13)” and inserting “401(k)(13), or 401(k)(16)”.

10 (d) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to plan years beginning after De-
12 cember 31, 2022.

13 **SEC. 131103. INCREASE IN CREDIT LIMITATION FOR SMALL**
14 **EMPLOYER PENSION PLAN STARTUP COSTS**
15 **INCLUDING FOR AUTOMATIC CONTRIBUTION**
16 **PLAN OR ARRANGEMENT.**

17 (a) YEARS FOR WHICH CREDIT IS ALLOWED.—Sec-
18 tion 45E(b)(1) is amended by striking “2 taxable years”
19 and inserting “4 taxable years”.

20 (b) SPECIAL RULE FOR EMPLOYERS WITH 25 OR
21 FEWER EMPLOYEES.—Section 45E(a) is amended by in-
22 serting before the period at the end the following: “(100
23 percent of such costs in the case of an eligible employer
24 with 25 or fewer employees, as determined by substituting
25 ‘25’ for ‘100’ in section 408(p)(2)(C)(i))”.

1 (c) CREDIT NOT TO APPLY TO CERTAIN PLANS OR
2 ARRANGEMENTS.—

3 (1) NO CREDIT WITH RESPECT TO DEFERRAL-
4 ONLY ARRANGEMENTS.—Section 45E(d)(2) is
5 amended by inserting “(other than a deferral-only
6 arrangement (as defined in section 401(k)(16)(B))”
7 before the period at the end.

8 (2) TERMINATION WITH RESPECT TO PLANS
9 OTHER THAN AUTOMATIC CONTRIBUTION PLANS OR
10 ARRANGEMENTS.—Section 45E is amended by add-
11 ing at the end the following new subsection:

12 “(f) CREDIT TERMINATED FOR NON-AUTOMATIC
13 CONTRIBUTION PLANS OR ARRANGEMENTS AFTER
14 2022.—In the case of taxable years beginning after De-
15 cember 31, 2022, no credit shall be allowed under this sec-
16 tion for amounts paid or incurred with respect to an eligi-
17 ble employer plan that is not an automatic contribution
18 plan or arrangement (as defined in section 414(aa)).”.

19 (d) EFFECTIVE DATE.—The amendment made by
20 this section shall apply to taxable years beginning after
21 December 31, 2021.

1 **SEC. 131104. CREDIT FOR CERTAIN SMALL EMPLOYER**
2 **AUTOMATIC RETIREMENT ARRANGEMENTS.**

3 (a) IN GENERAL.—Subpart D of part IV of sub-
4 chapter A of chapter 1 is amended by adding at the end
5 the following new section:

6 **“SEC. 45U. CREDIT FOR CERTAIN SMALL EMPLOYER AUTO-**
7 **MATIC RETIREMENT ARRANGEMENTS.**

8 “(a) GENERAL RULE.—For purposes of section 38,
9 in the case of an eligible employer, the small employer
10 automatic retirement arrangement credit determined
11 under this section for any taxable year in the credit period
12 is \$500.

13 “(b) DEFINITIONS.—For purposes of this section—

14 “(1) ELIGIBLE EMPLOYER.—The term ‘eligible
15 employer’ means, with respect to the calendar year
16 in which the taxable year begins, an employer
17 which—

18 “(A)(i) participates in an automatic IRA
19 arrangement (as defined in section 414(aa)(8)),
20 or an arrangement described in
21 4980J(a)(2)(A), or

22 “(ii) maintains a deferral-only arrange-
23 ment (as defined in section 401(k)(16)),

24 “(B) is described in 408(p)(2)(C)(i), and

25 “(C) did not maintain an eligible employer
26 plan during the portion of the calendar year

1 preceding the commencement of such arrange-
2 ment, or adoption of such deferral-only arrange-
3 ment, and the 2 preceding calendar years.

4 “(2) CREDIT PERIOD.—The term ‘credit period’
5 means the first 4 calendar years beginning after the
6 date of the enactment of this section in which the
7 eligible employer participates in the arrangement or
8 maintains the deferral-only arrangement.

9 “(3) ELIGIBLE EMPLOYER PLAN.—The term
10 ‘eligible employer plan’ means a qualified employer
11 plan within the meaning of section 4972(d).

12 “(c) OTHER RULES.—For purposes of this section,
13 the rules of section 45E(e) shall apply.”.

14 (b) CREDIT ALLOWED AS PART OF GENERAL BUSI-
15 NESS CREDIT.—Section 38(b) of is amended by striking
16 “plus” at the end of paragraph (32), by striking the period
17 at the end of paragraph (33) and inserting “, plus”, and
18 by adding at the end the following new paragraph:

19 “(34) the small employer automatic retirement
20 arrangement credit determined under section
21 45U(a).”.

22 (c) CLERICAL AMENDMENT.—The table of sections
23 for subpart D of part IV of subchapter A of chapter 1
24 is amended by adding at the end the following new item:

“Sec. 45U. Credit for certain small employer automatic retirement arrange-
ments.”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 2021.

4 **PART 2—SAVER’S MATCH**

5 **SEC. 131201. MATCHING PAYMENTS FOR ELECTIVE DEFER-**
6 **RAL AND IRA CONTRIBUTIONS BY CERTAIN**
7 **INDIVIDUALS.**

8 (a) IN GENERAL.—Subchapter B of chapter 65 is
9 amended by adding at the end the following new section:
10 **“SEC. 6433. MATCHING PAYMENTS FOR ELECTIVE DEFER-**
11 **RAL AND IRA CONTRIBUTIONS BY CERTAIN**
12 **INDIVIDUALS.**

13 “(a) IN GENERAL.—

14 “(1) ALLOWANCE OF CREDIT.—Any eligible in-
15 dividual who makes qualified retirement savings con-
16 tributions for the taxable year shall be allowed a
17 credit for such taxable year in an amount equal to
18 the applicable percentage of so much of the qualified
19 retirement savings contributions made by such eligi-
20 ble individual for the taxable year as does not exceed
21 \$1,000.

22 “(2) PAYMENT OF CREDIT.—The credit under
23 this section shall be—

24 “(A) treated as allowed by subpart C of
25 part IV of subchapter A of chapter 1, and

1 “(B) paid by the Secretary as a contribu-
2 tion (as soon as practicable after the eligible in-
3 dividual has filed a tax return making a claim
4 for such credit for the taxable year) to the ap-
5 plicable retirement savings vehicle of an eligible
6 individual.

7 “(b) APPLICABLE PERCENTAGE.—For purposes of
8 this section—

9 “(1) IN GENERAL.—Except as provided in para-
10 graph (2), the applicable percentage is 50 percent.

11 “(2) PHASEOUT.—The percentage under para-
12 graph (1) shall be reduced (but not below zero) by
13 the number of percentage points which bears the
14 same ratio to 50 percentage points as—

15 “(A) the excess of—

16 “(i) the taxpayer’s modified adjusted
17 gross income for such taxable year, over

18 “(ii) the applicable dollar amount,
19 bears to

20 “(B) the phaseout range.

21 If any reduction determined under this paragraph is
22 not a whole percentage point, such reduction shall be
23 rounded to the next lowest whole percentage point.

24 “(3) APPLICABLE DOLLAR AMOUNT; PHASEOUT
25 RANGE.—

1 “(A) JOINT RETURNS.—Except as pro-
2 vided in subparagraph (B)—

3 “(i) the applicable dollar amount is
4 \$50,000, and

5 “(ii) the phaseout range is \$20,000.

6 “(B) OTHER RETURNS.—In the case of—

7 “(i) a head of a household (as defined
8 in section 2(b)), the applicable dollar
9 amount and the phaseout range shall be $\frac{3}{4}$
10 of the amounts applicable under subpara-
11 graph (A) (as adjusted under subsection
12 (h)), and

13 “(ii) any taxpayer who is not filing a
14 joint return and who is not a head of a
15 household (as so defined), the applicable
16 dollar amount and the phaseout range
17 shall be $\frac{1}{2}$ of the amounts applicable
18 under subparagraph (A) (as so adjusted).

19 “(4) EXCEPTION; MINIMUM CREDIT.—In the
20 case of an eligible individual with respect to whom
21 (without regard to this paragraph) the credit deter-
22 mined under subsection (a)(1) is greater than zero
23 but less than \$100, the credit allowed under this
24 section shall be \$100.

1 “(c) ELIGIBLE INDIVIDUAL.—For purposes of this
2 section—

3 “(1) IN GENERAL.—The term ‘eligible indi-
4 vidual’ means any individual if such individual has
5 attained the age of 18 as of the close of the taxable
6 year.

7 “(2) DEPENDENTS AND FULL-TIME STUDENTS
8 NOT ELIGIBLE.—The term ‘eligible individual’ shall
9 not include—

10 “(A) any individual with respect to whom
11 a deduction under section 151 is allowed to an-
12 other taxpayer for a taxable year beginning in
13 the calendar year in which such individual’s
14 taxable year begins, and

15 “(B) any individual who is a student (as
16 defined in section 152(f)(2)).

17 “(d) QUALIFIED RETIREMENT SAVINGS CONTRIBU-
18 TIONS.—For purposes of this section—

19 “(1) IN GENERAL.—The term ‘qualified retire-
20 ment savings contributions’ means, with respect to
21 any taxable year, the sum of—

22 “(A) the amount of the qualified retire-
23 ment contributions (as defined in section
24 219(e)) made by the eligible individual,

25 “(B) the amount of—

1 “(i) any elective deferrals (as defined
2 in section 402(g)(3)) of such individual,
3 and

4 “(ii) any elective deferral of com-
5 pensation by such individual under an eli-
6 gible deferred compensation plan (as de-
7 fined in section 457(b)) of an eligible em-
8 ployer described in section 457(e)(1)(A),

9 “(C) the amount of voluntary employee
10 contributions by such individual to any qualified
11 retirement plan (as defined in section 4974(c)),
12 and

13 “(D) the amount of contributions made by
14 such individual to the ABLE account (within
15 the meaning of section 529A) of which such in-
16 dividual is the designated beneficiary.

17 Such term shall not include any amount attributable
18 to a payment under subsection (a)(2).

19 “(2) REDUCTION FOR CERTAIN DISTRIBUTIONS.—

21 “(A) IN GENERAL.—The qualified retire-
22 ment savings contributions determined under
23 paragraph (1) for a taxable year shall be re-
24 duced (but not below zero) by the aggregate
25 distributions received by the individual during

1 the testing period from any entity of a type to
2 which contributions under paragraph (1) may
3 be made.

4 “(B) TESTING PERIOD.—For purposes of
5 subparagraph (A), the testing period, with re-
6 spect to a taxable year, is the period which in-
7 cludes—

8 “(i) such taxable year,

9 “(ii) the 2 preceding taxable years,

10 and

11 “(iii) the period after such taxable
12 year and before the due date (including ex-
13 tensions) for filing the return of tax for
14 such taxable year.

15 “(C) EXCEPTED DISTRIBUTIONS.—There
16 shall not be taken into account under subpara-
17 graph (A)—

18 “(i) any distribution referred to in
19 section 72(p), 401(k)(8), 401(m)(6),
20 402(g)(2), 404(k), or 408(d)(4),

21 “(ii) any distribution to which section
22 408(d)(3) or 408A(d)(3) applies,

23 “(iii) any portion of a distribution if
24 such portion is transferred or paid in a
25 rollover contribution (as defined in section

1 402(c), 403(a)(4), 403(b)(8), 408A(e), or
2 457(e)(16)) to an account or plan to which
3 qualified retirement contributions can be
4 made, and

5 “(iv) the amount of distributions
6 under a qualified ABLE program (within
7 the meaning of section 529A) that is equal
8 to amounts not included in gross income
9 with respect to such distributions under
10 section 529A(e)(1)(B) (relating to distribu-
11 tions for qualified disability expenses).

12 “(D) TREATMENT OF DISTRIBUTIONS RE-
13 CEIVED BY SPOUSE OF INDIVIDUAL.—For pur-
14 poses of determining distributions received by
15 an individual under subparagraph (A) for any
16 taxable year, any distribution received by the
17 spouse of such individual shall be treated as re-
18 ceived by such individual if such individual and
19 spouse file a joint return for such taxable year
20 and for the taxable year during which the
21 spouse receives the distribution.

22 “(e) APPLICABLE RETIREMENT SAVINGS VEHI-
23 CLE.—

24 “(1) IN GENERAL.—The term ‘applicable retire-
25 ment savings vehicle’ means an account or plan

1 elected by the eligible individual under paragraph
2 (2).

3 “(2) ELECTION.—Any such election to have
4 contributed the amount determined under subsection
5 (a) shall be to an account or plan which—

6 “(A) is a Roth IRA or a designated Roth
7 account (within the meaning of section 402A)
8 of an applicable retirement plan (as defined in
9 section 402A(e)(1)),

10 “(B) is for the benefit of the eligible indi-
11 vidual,

12 “(C) accepts contributions made under this
13 section, and

14 “(D) is designated by such individual (in
15 such form and manner as the Secretary may
16 provide).

17 “(f) OTHER DEFINITIONS AND SPECIAL RULES.—

18 “(1) MODIFIED ADJUSTED GROSS INCOME.—
19 For purposes of this section, the term ‘modified ad-
20 justed gross income’ means adjusted gross income—

21 “(A) determined without regard to sections
22 911, 931, and 933, and

23 “(B) determined without regard to any ex-
24 clusion or deduction allowed for any qualified

1 retirement savings contribution made during
2 the taxable year.

3 “(2) TREATMENT OF CONTRIBUTIONS.—In the
4 case of any contribution under subsection (a)(2)—

5 “(A) except as otherwise provided in this
6 section or by the Secretary under regulations,
7 such contribution shall be treated as—

8 “(i) an elective deferral made by the
9 individual which is a designated Roth con-
10 tribution, if contributed to an applicable
11 retirement plan, or

12 “(ii) as a Roth IRA contribution made
13 by such individual, if contributed to a Roth
14 IRA, and

15 “(B) such contribution shall not be taken
16 into account with respect to any applicable limi-
17 tation under sections 402(g)(1), 403(b),
18 408(a)(1), 408(b)(2)(B), 408A(c)(2), 414(v)(2),
19 415(c), or 457(b)(2), and shall be disregarded
20 for purposes of sections 401(a)(4), 401(k)(3),
21 401(k)(11)(B)(i)(III), and 416.

22 “(3) TREATMENT OF QUALIFIED PLANS, ETC.—
23 A plan or arrangement to which a contribution is
24 made under this section shall not be treated as vio-
25 lating any requirement under section 401, 403,

1 408A, or 457 solely by reason of accepting such con-
2 tribution.

3 “(4) ERRONEOUS CREDITS.—

4 “(A) IN GENERAL.—If any contribution is
5 erroneously paid under subsection (a)(2), in-
6 cluding a payment that is not made to an appli-
7 cable retirement savings vehicle, the amount of
8 such erroneous payment shall be treated as an
9 underpayment of tax (other than for purposes
10 of part II of subchapter A of chapter 68) for
11 the taxable year in which the Secretary deter-
12 mines the payment is erroneous.

13 “(B) DISTRIBUTION OF ERRONEOUS CRED-
14 ITS.—In the case of a contribution to which
15 subparagraph (A) applies—

16 “(i) section 72 shall not apply to the
17 distribution of such contribution (and any
18 income attributable thereto) if such dis-
19 tribution is received not later than the day
20 prescribed by law (including extensions of
21 time) for filing the individual’s return for
22 such taxable year, and

23 “(ii) any plan or arrangement from
24 which such a distribution is made under
25 this subparagraph shall not be treated as

1 violating any requirement under section
2 401, 403, 408A, or 457 solely by reason of
3 making such distribution.

4 “(g) PROVISION BY SECRETARY OF INFORMATION
5 RELATING TO CONTRIBUTIONS.—In the case of an
6 amount elected by an eligible individual to be contributed
7 to an account or plan under subsection (e)(2), the Sec-
8 retary shall provide guidance to the custodian of the ac-
9 count or the plan sponsor, as the case may be, detailing
10 the treatment of such contribution under subsection (f)(2)
11 and the reporting requirements with respect to such con-
12 tribution under section 131201(c)(2) of the Act to provide
13 for reconciliation pursuant to title II of S. Con. Res. 14.

14 “(h) INFLATION ADJUSTMENTS.—

15 “(1) IN GENERAL.—In the case of any taxable
16 year beginning in a calendar year after 2020, each
17 of the dollar amounts in subsections (a)(1) and
18 (b)(3)(A)(i) shall be increased by an amount equal
19 to—

20 “(A) such dollar amount, multiplied by

21 “(B) the cost-of-living adjustment deter-
22 mined under section 1(f)(3) for the calendar
23 year in which the taxable year begins, deter-
24 mined by substituting ‘calendar year 2019’ for

1 ‘calendar year 2016’ in subparagraph (A)(ii)
2 thereof.

3 “(2) ROUNDING.—Any increase determined
4 under paragraph (1) shall be rounded to the nearest
5 multiple of—

6 “(A) \$100 in the case of an adjustment of
7 the amount in subsection (a)(1), and

8 “(B) \$1,000 in the case of an adjustment
9 of the amount in subsection (b)(3)(A)(i).”.

10 (b) TREATMENT OF CERTAIN POSSESSIONS.—

11 (1) PAYMENTS TO POSSESSIONS WITH MIRROR
12 CODE TAX SYSTEMS.—The Secretary of the Treas-
13 ury shall pay to each possession of the United States
14 which has a mirror code tax system amounts equal
15 to the loss (if any) to that possession by reason of
16 the amendments made by this section. Such
17 amounts shall be determined by the Secretary of the
18 Treasury based on information provided by the gov-
19 ernment of the respective possession.

20 (2) PAYMENTS TO OTHER POSSESSIONS.—The
21 Secretary of the Treasury shall pay to each posses-
22 sion of the United States which does not have a mir-
23 ror code tax system amounts estimated by the Sec-
24 retary of the Treasury as being equal to the aggre-
25 gate benefits (if any) that would have been provided

1 to residents of such possession by reason of the
2 amendments made by this section if a mirror code
3 tax system had been in effect in such possession.
4 The preceding sentence shall not apply unless the re-
5 spective possession has a plan, which has been ap-
6 proved by the Secretary of the Treasury, under
7 which such possession will promptly distribute such
8 payments to its residents.

9 (3) COORDINATION WITH CREDIT ALLOWED
10 AGAINST UNITED STATES INCOME TAXES.—No cred-
11 it shall be allowed against United States income
12 taxes under section 6433 of the Internal Revenue
13 Code of 1986 (as added by this section) to any per-
14 son—

15 (A) to whom a credit is allowed against
16 taxes imposed by the possession by reason of
17 the amendments made by this section, or

18 (B) who is eligible for a payment under a
19 plan described in paragraph (2).

20 (4) MIRROR CODE TAX SYSTEM.—For purposes
21 of this subsection, the term “mirror code tax sys-
22 tem” means, with respect to any possession of the
23 United States, the income tax system of such posses-
24 sion if the income tax liability of the residents of
25 such possession under such system is determined by

1 reference to the income tax laws of the United
2 States as if such possession were the United States.

3 (5) TREATMENT OF PAYMENTS.—For purposes
4 of section 1324 of title 31, United States Code, the
5 payments under this subsection shall be treated in
6 the same manner as a refund due from a credit pro-
7 vision referred to in subsection (b)(2) of such sec-
8 tion.

9 (c) ADMINISTRATIVE PROVISIONS.—

10 (1) DEFICIENCIES.—Section 6211(b)(4) is
11 amended by striking “and 7527A” and inserting
12 “7527A, and 6433”.

13 (2) REPORTING.—The Secretary of the Treas-
14 ury shall—

15 (A) amend Form 5500 to require separate
16 reporting of the aggregate amount of contribu-
17 tions received by the plan during the year under
18 section 6433 of the Internal Revenue Code of
19 1986 (as added by this section), and

20 (B) amend Form 5498 to require similar
21 reporting with respect to individual retirement
22 accounts (as defined in section 408 of such
23 Code) and individual retirement annuities (as
24 defined in section 408(b) of such Code).

1 (d) PAYMENT AUTHORITY.—Section 1324(b)(2) of
2 title 31, United States Code, is amended by striking “or
3 7527A” and inserting “7527A, or 6433”.

4 (e) CONFORMING AMENDMENTS.—

5 (1) Section 25B is amended by striking sub-
6 sections (a) through (f) and inserting the following:
7 “For payment of credit related to qualified retirement sav-
8 ings contributions, see section 6433.”.

9 (2) The table of sections for subchapter B of
10 chapter 65 is amended by adding at the end the fol-
11 lowing new item:

“Sec. 6433. Matching payments for elective deferral and IRA contributions by
certain individuals.”.

12 (f) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to taxable years beginning after
14 December 31, 2024.

15 **SEC. 131202. DEADLINE TO FUND IRA WITH TAX REFUND.**

16 (a) IN GENERAL.—Section 219(f)(3) is amended—

17 (1) by striking “is made not later than” and in-
18 serting “is made—

19 “(i) not later than”,

20 (2) by striking the period at the end and insert-
21 ing “, or”, and

22 (3) by adding at the end the following new
23 clause:

1 “(ii) by direct deposit by the Sec-
2 retary pursuant to an election on the re-
3 turn for such taxable year to contribute all
4 or a portion of any amount owed to the
5 taxpayer to an individual retirement ac-
6 count of the taxpayer, but only if the re-
7 turn is filed not later than the date de-
8 scribed in clause (i).”.

9 (b) **EFFECTIVE DATE.**—The amendments made by
10 this section shall apply to taxable years beginning after
11 December 31, 2022.

12 **Subtitle C—Child Care Access and** 13 **Equity**

14 **SEC. 132001. CHILD CARE ACCESS.**

15 Part A of title IV of the Social Security Act (42
16 U.S.C. 601–619) is amended by inserting after section
17 418 the following:

18 **“SEC. 418A. CHILD CARE ACCESS.**

19 “(a) **ESTABLISHING STATE CHILD CARE INFORMA-**
20 **TION NETWORKS.**—

21 “(1) **DEVELOPMENT.**—The Secretary shall con-
22 duct a stakeholder engagement process to make rec-
23 ommendations about the development and implemen-
24 tation of the State Child Care Information Networks
25 to be operated by the States, Indian tribes, and ter-

1 ritories. The stakeholder engagement process may
2 include parents, center-based child care providers,
3 home-based child care providers, child care policy ex-
4 perts, trade associations, labor unions, and other or-
5 ganizations representing child care providers.

6 “(2) MODELS.—The Secretary may use funds
7 made available to the Secretary for administrative
8 purposes to establish national technology models for
9 State Child Care Information Networks, and guid-
10 ance on development and establishment of interoper-
11 able data governance systems that address privacy
12 and allow for sharing and storing data across infor-
13 mation systems, including guidance on alignment
14 with State child care consumer education websites.

15 “(3) DATA EXCHANGE STANDARDS AND INTER-
16 OPERABILITY.—

17 “(A) DESIGNATION AND USE OF DATA EX-
18 CHANGE STANDARDS.—

19 “(i) DESIGNATION.—The Secretary
20 shall, in consultation with an interagency
21 work group established by the Office of
22 Management and Budget and considering
23 State government perspectives, designate
24 data exchange standards for necessary cat-
25 egories of information that the Child Care

1 Information Network is required to elec-
2 tronically exchange with another agency
3 under applicable Federal law.

4 “(ii) DATA EXCHANGE STANDARDS
5 MUST BE NONPROPRIETARY AND INTER-
6 OPERABLE.—The data exchange standards
7 designated under clause (i) shall, to the ex-
8 tent practicable, be nonproprietary and
9 interoperable.

10 “(iii) OTHER REQUIREMENTS.—In
11 designating data exchange standards under
12 this subparagraph, the Secretary shall, to
13 the extent practicable, incorporate—

14 “(I) interoperable standards de-
15 veloped and maintained by an inter-
16 national voluntary consensus stand-
17 ards body, as defined by the Office of
18 Management and Budget;

19 “(II) interoperable standards de-
20 veloped and maintained by intergov-
21 ernmental partnerships, such as the
22 National Information Exchange
23 Model; and

24 “(III) interoperable standards
25 developed and maintained by Federal

1 entities with authority over con-
2 tracting and financial assistance.

3 “(B) DATA EXCHANGE STANDARDS FOR
4 FEDERAL REPORTING.—

5 “(i) DESIGNATION.—The Secretary
6 shall, in consultation with an interagency
7 work group established by the Office of
8 Management and Budget, and considering
9 State government perspectives, designate
10 data exchange standards to govern Federal
11 reporting and exchange requirements
12 under applicable Federal law.

13 “(ii) REQUIREMENTS.—The data ex-
14 change reporting standards required by
15 clause (i) shall, to the extent practicable—

16 “(I) incorporate a widely accept-
17 ed, nonproprietary, searchable, com-
18 puter-readable format;

19 “(II) be consistent with and im-
20 plement applicable accounting prin-
21 ciples;

22 “(III) be implemented in a man-
23 ner that is cost-effective and improves
24 program efficiency and effectiveness;
25 and

1 “(IV) be capable of being contin-
2 ually upgraded as necessary.

3 “(iii) INCORPORATION OF NONPROPRI-
4 ETARY STANDARDS.—In designating data
5 exchange standards under this subpara-
6 graph, the Secretary shall, to the extent
7 practicable, incorporate existing nonpropr-
8 etary standards.

9 “(iv) RULE OF INTERPRETATION.—
10 Nothing in this subparagraph shall be con-
11 strued to require a change to existing data
12 exchange standards for Federal reporting
13 under this section if the Secretary finds
14 the standards to be effective and efficient.

15 “(4) STATE REQUIREMENTS.—A State meets
16 the requirements of this paragraph with respect to
17 a quarter if—

18 “(A) during the quarter, the State has
19 maintained an up-to-date, publicly available
20 compilation of child care providers who are reg-
21 istered, licensed, or regulated by the State (in
22 this section referred to as the ‘State Child Care
23 Information Network’), that includes, with re-
24 spect to each such provider—

1 “(i) where the provider is located, and
2 a description of any fees imposed by the
3 provider and the services offered by the
4 provider;

5 “(ii) whether the provider is providing
6 child care services that may be funded
7 under section 418;

8 “(iii) the hours of operation of the
9 provider;

10 “(iv) whether the provider offers child
11 care to the general public, and if so, where
12 an application for child care services from
13 the provider may be obtained, or a direct
14 link to such an application;

15 “(v) the total number of children, by
16 age group, for whom the provider is pro-
17 viding child care services, and how many
18 openings are available with the provider by
19 age group;

20 “(vi) whether the provider has a wait-
21 ing list for child care services, and if so,
22 the average length of time parents are on
23 the waiting list before being offered child
24 care services and how to join the list;

1 “(vii) the type of child care (such as
2 family child care or center-based care) pro-
3 vided, differentiating between licensed and
4 license-exempt child care providers; and

5 “(viii) information about the lan-
6 guages spoken by staff of the child care
7 provider, and such other information as
8 the Secretary may require to help parents
9 determine whether the provider can meet
10 their child care needs and the parents can
11 enroll a child in care, such as quality indi-
12 cators or accreditation status;

13 “(B) the State Child Care Information
14 Network—

15 “(i) by grant or contract, has been
16 maintained or jointly maintained by—

17 “(I) a child care resource and re-
18 ferral agency that has operated in the
19 last fiscal year;

20 “(II) a local child care resource
21 and referral agency that has operated
22 in the most recently completed fiscal
23 year and has applied to become a
24 State Child Information Network; or

1 “(III) the lead agency, the State
2 licensing entity, or other appropriate
3 entities;

4 “(ii) may have been maintained in co-
5 ordination with, or jointly with, other fed-
6 erally funded systems, so long as there is
7 no supplantation of funding; and

8 “(iii) has been made—

9 “(I) publicly available, including
10 through the Internet and by tele-
11 phone, to families seeking information
12 about obtaining child care services;
13 and

14 “(II) accessible to State, county,
15 and other government staff involved
16 in the provision of child care;

17 “(C) the State requires each provider listed
18 in the State Child Care Information Network
19 (or, at the option of the provider, another entity
20 designated by the provider) to update the infor-
21 mation described in clauses (v) and (vi) of sub-
22 paragraph (A) on a weekly basis, and to update
23 all other information described in subparagraph
24 (A) not less frequently than quarterly, and en-
25 sures that publicly available information in the

1 State Child Care Information Network indicates
2 when the slot availability information about the
3 provider was most recently updated; and

4 “(D) the State has submitted to the Sec-
5 retary a plan that includes an estimate of the
6 total capacity of licensed, regulated, and reg-
7 istered provider slots, and a description of the
8 eligible expenditures the State will make in the
9 quarter, which may be submitted with other
10 plans required by the Secretary.

11 “(b) FUNDING STATE CHILD CARE INFORMATION
12 NETWORKS.—

13 “(1) START-UP FUNDS.—

14 “(A) GRANTS.—For each fiscal year speci-
15 fied in subparagraph (C), the Secretary shall
16 make grants to lead agencies to conduct activi-
17 ties related to the planning and implementation
18 of State Child Care Information Networks,
19 which may include scaling systems such as non-
20 profit community-based referral registries,
21 staffed Family Child Care Networks, and child
22 care resource and referral systems.

23 “(B) DISTRIBUTION.—The Secretary shall
24 distribute the grant funds to the States that are
25 not territories in accordance with the formula

1 referred to in section 418(a)(2)(B), and to the
2 territories according to relative need.

3 “(C) APPROPRIATION.—Out of any money
4 in the Treasury not otherwise appropriated,
5 there are appropriated to the Secretary
6 \$200,000,000 for each of fiscal years 2022 and
7 2023 for grants under this paragraph.

8 “(2) MATCHING GRANTS.—

9 “(A) IN GENERAL.—The Secretary shall
10 pay to each State that meets the requirements
11 of subsection (a)(4) with respect to a calendar
12 quarter in any of fiscal years 2022 through
13 2026 an amount equal to 75 percent of the eli-
14 gible expenditures of the State in the quarter,
15 subject to subsection (d)(3).

16 “(B) ELIGIBLE EXPENDITURES.—In this
17 section, the term ‘eligible expenditures’ means
18 all of the following, but only to the extent
19 supplementing, and not supplanting, funds
20 made available under other law:

21 “(i) STATE CHILD CARE INFORMATION
22 NETWORK.—Expenditures to carry out
23 subsection (a)(4).

24 “(ii) EASE OF APPLICATION FOR SUB-
25 SIDIZED CHILD CARE CERTIFICATE.—Ex-

1 penditures to establish an option, as indi-
2 cated by the State in a plan describing
3 planned eligible expenditures (which may
4 be submitted with other plans required by
5 the Secretary)—

6 “(I) for a family to file an appli-
7 cation for a subsidized child care cer-
8 tificate with a child care provider, for
9 the provider to submit the application
10 to the State for processing, or for the
11 lead agency, a local child care re-
12 source and referral agency, or other
13 entity under grant or contract to re-
14 spond to the family;

15 “(II) to establish a statewide
16 common application for child care,
17 which—

18 “(aa) allows an application
19 with respect to a child to be sub-
20 mitted simultaneously to multiple
21 child care providers;

22 “(bb) allows the application
23 to be for a particular site and
24 schedule;

1 “(cc) is considered an appli-
2 cation directly to each such pro-
3 vider involved for purposes of any
4 decision of the provider regarding
5 a wait list or an open slot based
6 on the application date;

7 “(dd) safeguards confiden-
8 tial information; and

9 “(ee) allows for such a pro-
10 vider to seek and collect informa-
11 tion not on the common applica-
12 tion so that the provider may de-
13 termine the priority to be given
14 to the applicant on any waiting
15 list or for other specialized ad-
16 mission criteria such as disability
17 services; or

18 “(III) to enable child care pro-
19 viders to respond to families through
20 other application methods.

21 “(iii) EXPENDITURES FOR TECH-
22 NOLOGY NEEDED TO PARTICIPATE IN THE
23 STATE CHILD CARE INFORMATION NET-
24 WORK.—Expenditures for child care pro-
25 viders, lead agencies, and contractors to

1 support system-building and system-imple-
2 mentation activities associated with the
3 State Child Care Information Network, in-
4 cluding data interoperability and the in-
5 stallation and maintenance of equipment
6 and software needed to develop, implement,
7 maintain, and provide electronic access to
8 the State Child Care Information Network.

9 “(iv) PARTICIPATION INCENTIVES.—
10 Expenditures to provide financial incen-
11 tives and support to child care providers
12 for whom participating in the State Child
13 Care Information Network would be costly
14 or time consuming. In providing the incen-
15 tives, a lead agency—

16 “(I) shall take into account the
17 differential burden on varying types of
18 providers to ensure that the incentives
19 are sufficient to encourage all types of
20 providers, including family-based pro-
21 viders, to participate in the State
22 Child Care Information Network;

23 “(II) may coordinate with staffed
24 Family Child Care Networks, child
25 care resource and referral organiza-

1 tions, labor unions, labor-management
2 partnerships, or other community-
3 based organizations, to ensure that
4 home-based providers are able to par-
5 ticipate in the State Child Care Infor-
6 mation Network; and

7 “(III) may reimburse coordi-
8 nating partners and other entities for
9 expenses associated with helping pro-
10 viders participate in the Child Care
11 Information Network and provide in-
12 formation required under subsection
13 (a)(4)(A).

14 “(C) APPROPRIATION.—Out of any money
15 in the Treasury not otherwise appropriated,
16 there are appropriated to the Secretary for each
17 of fiscal years 2022 through 2026 such sums as
18 are necessary for grants under this paragraph.

19 “(c) HHS PARTICIPATING CHILD CARE PROVIDER
20 CERTIFICATION.—

21 “(1) IN GENERAL.—The Secretary shall—

22 “(A) maintain current information on child
23 care providers who are qualified to receive the
24 HHS Participating Child Care Provider Certifi-
25 cation for a calendar quarter, and historical in-

1 formation on child care providers who were so
2 qualified for a prior calendar quarter, including
3 a quarter in a prior year, (in this section re-
4 ferred to as the ‘HHS Participating Child Care
5 Provider Certification’) based on the informa-
6 tion submitted by lead agencies;

7 “(B) update the list of providers who are
8 so qualified, 1 month before the end of each
9 quarter, and electronically share with the Inter-
10 nal Revenue Service current and historical in-
11 formation on the providers who are so qualified;
12 and

13 “(C) at the end of each calendar year and
14 on request of any provider listed in the HHS
15 Participating Child Care Provider Certification
16 who has qualified for the certification for an en-
17 tire calendar quarter, provide the provider and
18 the lead agency of the jurisdiction in which the
19 provider is located written documentation of the
20 quarters with respect to which the provider was
21 so qualified.

22 “(2) QUALIFICATIONS.—A child care provider is
23 qualified to receive the HHS Participating Child
24 Care Provider Certification for a calendar quarter if
25 the provider—

1 “(A)(i) is licensed with a State as a pro-
2 vider of child care services, or is in a license-
3 exempt category of providers that meets all
4 health and safety standards and has zero unre-
5 solved violations;

6 “(ii) is providing child care services that
7 may be funded under section 418;

8 “(iii) has submitted to the State Child
9 Care Information Network, on a weekly basis,
10 the information on all available child care slots
11 with the provider required under subsection
12 (a)(4)(A)(v), and the waiting list information
13 required under subsection (a)(4)(A)(vi);

14 “(iv) makes child care slots available to the
15 general public, when available, subject to any
16 clearly explained priority system; and

17 “(v) is in compliance with other require-
18 ments set by the State regarding applications
19 for or inquiries about available child care slots;
20 or

21 “(B) was so qualified for the entire 3-
22 month period preceding the most recent update
23 made under paragraph (1)(B).

24 “(d) ADMINISTRATIVE PROVISIONS.—

1 “(1) ACCURACY CHECKS.—The Secretary shall
2 periodically conduct accuracy checks of randomly
3 sampled child care providers participating in any
4 State Child Care Information Network to determine
5 whether the providers are updating their slot avail-
6 ability on a weekly basis, and if not, estimate the
7 statewide rate at which the providers are doing so.

8 “(2) PRIVACY; SECURITY.—The Secretary shall
9 issue guidance regarding data interoperability (in ac-
10 cordance with the data exchange standards for inter-
11 operability) and the privacy and security of person-
12 ally identifiable information in any State Child Care
13 Information Network.

14 “(3) PENALTY FOR EXCESSIVE ERRORS IN
15 STATE CHILD CARE INFORMATION NETWORK.—The
16 percentage specified in subsection (b)(2)(A) with re-
17 spect to a State shall be 70 percent if—

18 “(A) a check conducted under paragraph
19 (1) of this subsection reveals that the number
20 of child care providers erroneously included or
21 erroneously not included in the State Child
22 Care Information Network is at least 10 per-
23 cent of the number of providers included in the
24 network; and

1 **“SEC. 418B. INFRASTRUCTURE GRANTS TO IMPROVE CHILD**
2 **CARE SAFETY.**

3 “(a) CHILD CARE FACILITIES GRANTS.—

4 “(1) GRANTS TO STATES.—

5 “(A) IN GENERAL.—The Secretary shall
6 award grants to States for the purpose of help-
7 ing child care providers acquire, construct, ren-
8 ovate, or improve child care facilities, including
9 adapting, reconfiguring, or expanding facilities.

10 “(B) DURATION OF GRANTS.—The Sec-
11 retary shall award grants under this paragraph
12 within 12 months after the date of the enact-
13 ment of this section, for a period of not more
14 than 5 years.

15 “(C) PLAN APPROVAL REQUIRED BEFORE
16 USING GRANT.—A State to which a grant is
17 made under this paragraph shall not obligate or
18 expend the grant funds unless the State has
19 submitted to the Secretary, and the Secretary
20 has approved, a plan that—

21 “(i) includes an analysis or assess-
22 ment, in such form and manner as the
23 Secretary may require, of the need of the
24 State for child care infrastructure;

25 “(ii) is submitted at such time, in
26 such manner, and containing such other

1 information as the Secretary may require,
2 which information shall—

3 “(I) be disaggregated as the Sec-
4 retary may require; and

5 “(II) include a plan to use a por-
6 tion of the grant funds to report to
7 the Secretary on the effects of using
8 the grant funds to improve child care
9 facilities, including center-based and
10 home-based child care facilities; and

11 “(iii) complies with paragraph (3), if
12 applicable.

13 “(D) REQUIREMENT.—In allocating grants
14 awards under this paragraph, the Secretary
15 shall require approved plans to include elements
16 that—

17 “(i) provide for improving center-
18 based and home-based child care programs
19 to meet or surpass State health and safety
20 standards, or include a project designed so
21 that a facility is expected to meet or sur-
22 pass State health and safety standards on
23 completion of the project;

1 “(ii) aim to meet specific needs across
2 urban, suburban, or rural areas as deter-
3 mined by the State;

4 “(iii) show evidence of collaboration
5 with—

6 “(I) local government officials;

7 “(II) other State agencies;

8 “(III) nongovernmental organiza-
9 tions, such as—

10 “(aa) certified community
11 development financial institutions
12 as defined in section 103 of the
13 Community Development Bank-
14 ing and Financial Institutions
15 Act of 1994 (12 U.S.C. 4702)
16 that have been certified by the
17 Community Development Finan-
18 cial Institutions Fund (12 U.S.C.
19 4703); and

20 “(bb) organizations that
21 have demonstrated experience
22 in—

23 “(AA) providing tech-
24 nical or financial assistance
25 for the acquisition, construc-

1 tion, renovation, or improve-
2 ment of child care facilities;
3 “ (BB) providing tech-
4 nical, financial, or manage-
5 rial assistance to child care
6 providers; and
7 “ (CC) securing private
8 sources of capital financing
9 for child care facilities or
10 other community develop-
11 ment projects eligible for as-
12 sistance from a child care
13 assistance program; and
14 “ (IV) local community organiza-
15 tions, such as—
16 “ (aa) child care providers;
17 “ (bb) community care agen-
18 cies;
19 “ (cc) resource and referral
20 agencies; and
21 “ (dd) labor unions and other
22 employers of infrastructure
23 trades that pay the prevailing
24 wage; and

1 “(iv) provide for improving the facili-
2 ties of child care providers who qualify for
3 the HHS Participating Child Care Pro-
4 vider Certification for at least 1 fiscal
5 quarter before the date of application for
6 the grant.

7 “(E) MATCHING REQUIREMENT.—

8 “(i) IN GENERAL.—As a condition of
9 the receipt of a grant under this para-
10 graph, a State shall agree to make avail-
11 able, directly or through donations from
12 public or private entities, contributions
13 with respect to the costs to be covered by
14 the grant, which may be provided in cash
15 or in kind, in an amount equal to 10 per-
16 cent of the funds provided through the
17 grant.

18 “(ii) DETERMINATION OF AMOUNT
19 CONTRIBUTED.—Such a matching con-
20 tribution may include philanthropic or pri-
21 vate-sector funds.

22 “(F) AMOUNT LIMIT.—The annual amount
23 of a grant under this paragraph may not exceed
24 \$250,000,000.

1 “(G) PROHIBITION.—The Secretary may
2 not, as a condition of making a grant under
3 this paragraph or section 418D, retain an inter-
4 est in any property, including any project in-
5 volving a privately-owned family child care
6 home or tribal land.

7 “(H) REPORT.—Not later than 6 months
8 after the last day of the grant period, a State
9 to which a grant is made under this paragraph
10 shall submit to the Secretary the report re-
11 ferred to in subparagraph (C)(ii)(II)—

12 “(i) to determine the effects of the
13 grant in constructing, renovating, or im-
14 proving child care facilities, including any
15 changes in response to public health guide-
16 lines or efforts associated with natural dis-
17 aster emergency preparedness and re-
18 sponse and any effects on access to child
19 care; and

20 “(ii) to provide such other information
21 as the Secretary may require.

22 “(I) RETURN OF GRANT IF PLAN NOT AP-
23 PROVED WITHIN 2 YEARS.—A State to which a
24 grant is made under this paragraph shall remit
25 the grant to the Secretary if the Secretary has

1 not provided the approval required by subpara-
2 graph (C) within 2 years after the date the
3 grant is made.

4 “(2) GRANTS TO INTERMEDIARY ORGANIZA-
5 TIONS.—

6 “(A) IN GENERAL.—The Secretary may
7 award grants to intermediary organizations,
8 such as certified community development finan-
9 cial institutions or other organizations with
10 demonstrated experience in child care facilities
11 financing, for the purpose of providing technical
12 assistance, capacity-building, and financial
13 products to develop or finance child care facili-
14 ties.

15 “(B) APPLICATION.—A grant under this
16 paragraph may be made only to an inter-
17 mediary organization that submits to the Sec-
18 retary an application at such time, in such
19 manner, and containing such information as the
20 Secretary may require, that complies with para-
21 graph (3) if applicable.

22 “(C) CONSULTATION.—In selecting inter-
23 mediary organizations for grants under this
24 paragraph, the Secretary shall conduct con-
25 sultations with organizations that—

1 “(i) demonstrate experience in child
2 care facility financing or related commu-
3 nity facility financing;

4 “(ii) demonstrate the capacity to as-
5 sist States and local governments in devel-
6 oping child care facilities and programs;

7 “(iii) demonstrate the ability to lever-
8 age grant funding to support financing
9 tools to build the capacity of child care
10 providers, such as through credit enhance-
11 ments;

12 “(iv) propose to focus on child care
13 facilities that operate under nontraditional
14 hours;

15 “(v) propose to meet a diversity of
16 needs across urban, suburban, and rural
17 areas at varying types of center-based,
18 home-based, and other child care settings,
19 including early care programs located in
20 buildings in which the care center is the
21 sole occupant or in mixed-use properties;
22 and

23 “(vi) propose to focus on child care
24 facilities primarily serving low-income pop-

1 ulations and children who have not at-
2 tained 13 years of age.

3 “(D) AMOUNT LIMIT.—The amount of a
4 grant under this paragraph may not exceed
5 \$15,000,000.

6 “(E) ANNUAL REPORT REQUIRED.—As a
7 condition of receiving funds under this para-
8 graph, the recipient shall submit annual reports
9 to the lead agency of the jurisdiction in which
10 the recipient is located documenting how the re-
11 cipient has expended the funds and updating
12 the planned future expenditures described in
13 the application submitted by the recipient for
14 the funds.

15 “(3) LABOR STANDARDS.—In the case of an
16 application for a grant under this subsection for a
17 project to construct, renovate, or improve a child
18 care facility, including a project to adapt, recon-
19 figure, or expand such a facility, the application
20 shall include a written assurance that all laborers
21 and mechanics employed by contractors or sub-
22 contractors in the performance of construction, al-
23 teration, or repair, as part of the project, shall be
24 paid wages at rates not less than those prevailing on
25 similar work in the locality as determined by the

1 Secretary of Labor in accordance with subchapter
2 IV of chapter of part A of subtitle II of title 40,
3 United States Code (commonly referred to as the
4 ‘Davis-Bacon Act’), and with respect to the labor
5 standards specified in such subchapter, the Sec-
6 retary of Labor shall have the authority and func-
7 tions set forth in Reorganization Plan Numbered 14
8 of 1950 (15 Fed. Reg. 3176; 5 U.S.C. App.).

9 “(4) USE OF FUNDS.—

10 “(A) INFRASTRUCTURE IMPROVEMENT.—

11 “(i) IN GENERAL.—A recipient of
12 funds under this subsection may use the
13 funds only to acquire, construct, renovate,
14 or otherwise physically improve the infra-
15 structure of a building primarily used for
16 the provision of child care services by a
17 child care provider, subject to clause (ii).

18 “(ii) PROHIBITION.—A recipient of
19 funds under this subsection may not use
20 the funds for modernization, renovation, or
21 repair of facilities—

22 “(I) that are primarily used for
23 sectarian instruction or religious wor-
24 ship; or

1400

1 “(II) in which a substantial por-
2 tion of the functions of the facilities
3 are subsumed in a religious mission.

4 “(B) RULES APPLICABLE TO LEAD AGEN-
5 CIES.—A lead agency that is a recipient of
6 funds under this subsection may use not more
7 than 5 percent of the funds for administrative
8 purposes which may be in addition to evaluation
9 and reporting activities, and shall use the bal-
10 ance of the funds to enter into grants or con-
11 tracts, on a competitive basis, with entities to
12 carry out projects to acquire, construct, ren-
13 ovate, or complete other physical improvements
14 to buildings in which child care services are
15 provided or will be provided on completion of
16 the project.

17 “(b) APPROPRIATION.—Out of any funds in the
18 Treasury not otherwise appropriated, there is appro-
19 priated \$15,000,000,000 for fiscal year 2022 to carry out
20 this section, which shall remain available through fiscal
21 year 2026.

22 “(c) RESERVATIONS OF FUNDS.—

23 “(1) TERRITORIES.—The Secretary shall re-
24 serve \$100,000,000 of the amount made available to
25 carry out this section, for grants to territories.

1 “(2) ADMINISTRATION.—The Secretary may re-
2 serve not more than \$200,000,000 of the amount
3 made available to carry out this section, for adminis-
4 trative costs.

5 “(3) ASSESSMENTS AND DEVELOPMENT
6 PLANS.—The Secretary shall reserve for each lead
7 agency not more than \$100,000 to conduct assess-
8 ments and develop plans for obligating and expend-
9 ing funds provided under this section, which may be
10 expended by a lead agency immediately on receipt.

11 “(4) DATA EXCHANGE STANDARDS FOR INTER-
12 OPERABILITY.—The Secretary may reserve not more
13 than \$200,000 of the amount made available to
14 carry out this section to implement data exchange
15 standards for interoperability.

16 “(d) LIMITATION ON AVAILABILITY OF FUNDS FOR
17 GRANTS FOR INTERMEDIARY ORGANIZATIONS.—Not more
18 than \$2,250,000,000 of the total amount made available
19 to carry out this section may be used to carry out sub-
20 section (a)(2).”.

21 **SEC. 132003. TECHNICAL ASSISTANCE.**

22 Part A of title IV of the Social Security Act (42
23 U.S.C. 601–619) is further amended by inserting after
24 section 418B the following:

1 **“SEC. 418C. TECHNICAL ASSISTANCE.**

2 “(a) IN GENERAL.—

3 “(1) CHILD CARE INFORMATION NETWORK.—

4 The Secretary shall provide technical assistance to
5 lead agencies to support the development and imple-
6 mentation of, and ongoing full participation in, State
7 Child Care Information Networks provided for in
8 section 418A(a)(4).

9 “(2) CHILD CARE INFRASTRUCTURE.—The Sec-
10 retary shall provide technical assistance—

11 “(A) to child care small business owners,
12 entrepreneurs, nonprofit organizations, and
13 child care infrastructure grant recipients, for
14 the purpose of starting new licensed child care
15 businesses, or re-opening a closed child care fa-
16 cility, in areas in which there is a child care
17 shortage or that are at risk of having such a
18 shortage;

19 “(B) to State and local governments to
20 incentivize public-private partnerships to iden-
21 tify excess buildings and land and conduct fea-
22 sibility studies, for new or expanded child care
23 options that could be available to child care en-
24 trepreneurs and infrastructure grantees, or
25 used for publicly-run child care facilities; and

1 “(C) to support child care business tech-
2 nical assistance, which may include strategies to
3 support management training and shared serv-
4 ices initiatives including provider networks such
5 as child care center alliances and family child
6 care home provider networks, as well as funda-
7 mental business support needs such as budg-
8 eting and fiscal management skills, business
9 planning, understanding the cost of quality, and
10 core best business practices such as record-
11 keeping and payment reconciliation.

12 “(3) SUPPLEMENTING NATIONAL TECHNICAL
13 ASSISTANCE EFFORTS.—The Secretary may provide
14 technical assistance to States (and submit to the
15 Congress reports on technical assistance activities)
16 to increase child care availability and affordability,
17 including by—

18 “(A) providing technical assistance on best
19 practices for conducting market rate surveys
20 and establishing State reimbursement rates and
21 price-per-child rates for child care for children
22 who have not attained 13 years of age;

23 “(B) increasing child care availability in
24 tribal communities for families with children
25 who have not attained 13 years of age;

1 “(C) improving the effectiveness and af-
2 fordability of child care assistance programs in
3 meeting the needs of low-income parents; or

4 “(D) collecting, managing, analyzing, and
5 reporting child care administrative data, and
6 use the data to support documentation of
7 changes in child care availability and afford-
8 ability.

9 “(b) ADMINISTRATIVE PROVISION.—The Secretary
10 may carry out this section through means including the
11 use of grants or cooperative agreements.

12 “(c) APPROPRIATION.—Out of any funds in the
13 Treasury not otherwise appropriated, there is appro-
14 priated \$17,500,000 for each of fiscal years 2022 through
15 2026 to carry out this section.”.

16 **SEC. 132004. TRIBAL CHILD CARE ACCESS AND GROWTH.**

17 Part A of title IV of the Social Security Act (42
18 U.S.C. 601–619) is further amended by inserting after
19 section 418C the following:

20 **“SEC. 418D. TRIBAL CHILD CARE ACCESS AND GROWTH.**

21 “(a) HHS CONSULTATIONS WITH INDIAN TRIBES.—
22 Of the amount appropriated under subsection (e) for each
23 fiscal year, the Secretary shall use not more than
24 \$1,000,000 to—

1 “(1) conduct such consultations with Indian
2 tribes and tribal organizations as are necessary to
3 determine how to better conduct consumer outreach
4 and education and provide timely availability for
5 child care slots, improve child care infrastructure,
6 and otherwise inform best practices and guidelines
7 for carrying out the activities described in subsection
8 (b); and

9 “(2) provide technical assistance to the lead
10 agencies of Indian tribes and tribal organizations
11 with respect to carrying out the activities.

12 “(b) ACTIVITIES DESCRIBED.—The activities de-
13 scribed in this subsection are the following:

14 “(1) Planning, start-up, implementation, and
15 maintenance costs associated with establishing and
16 funding a Child Care Information Network designed
17 to help parents determine which child care providers
18 can meet their child care needs and to give parents
19 ease of access in enrolling their children in child
20 care.

21 “(2) Coordinating with the Secretary regarding
22 the HHS Participating Child Care Provider Certifi-
23 cation provided for in section 418A(c).

24 “(3) Conducting infrastructure projects to im-
25 prove the safety of child care facilities.

1 “(c) GRANTS.—

2 “(1) IN GENERAL.—Of the amount appro-
3 priated under subsection (e) for each fiscal year, the
4 Secretary shall use not less than \$199,000,000 to
5 make grants to the lead agencies of Indian tribes
6 and tribal organizations for activities described in
7 subsection (b), which are to be carried out in accord-
8 ance with such rules as the Secretary may prescribe,
9 taking into account the results of the consultations
10 conducted under subsection (a)(1).

11 “(2) ALLOCATION.—The Secretary may make
12 grants under this subsection according to relative
13 need.

14 “(d) NONSUPPLANTATION.—An entity to which an
15 amount is provided under this section shall use the
16 amount to supplement, but not supplant, other funds pro-
17 vided for any purpose or activity for which the amount
18 is used.

19 “(e) APPROPRIATION.—Out of any funds in the
20 Treasury not otherwise appropriated, there is appro-
21 priated to the Secretary \$200,000,000 for each of fiscal
22 years 2022 through 2026 to carry out this section.”.

1 **SEC. 132005. RAISING THE FLOOR FOR CHILD CARE PRO-**
2 **VIDER WAGES.**

3 (a) PLANNING FOR CHILD CARE WAGE GRANTS FOR
4 SMALL BUSINESSES.—

5 (1) IN GENERAL.—For the purpose of main-
6 taining an effective and diverse child care workforce,
7 effective upon enactment, through the end of fiscal
8 year 2022, the Secretary of Health and Human
9 Services shall, regarding the development and imple-
10 mentation of the Child Care Wage Grant program
11 provided for in section 418E of the Social Security
12 Act (as added by subsection (b) of this section)—

13 (A) issue guidance or technical assistance
14 to lead agencies (as defined in such section)
15 with respect to—

16 (i) consultation with field engagement
17 organizations (as defined in such section);

18 (ii) wage supplement calculations,
19 with the option of providing a bonus that
20 may not be more than the equivalent of an
21 annual wage;

22 (iii) application requirements;

23 (iv) reporting requirements;

24 (v) anti-discrimination protection
25 measures; and

26 (vi) other related activities;

1 (B) engage in hiring, training, developing
2 work plans, developing outreach materials, and
3 other administrative overhead activities; and

4 (C) consult with relevant entities such as
5 tribal leaders, governors, county and local gov-
6 ernment, and community stakeholders.

7 (2) FUNDING.—Out of any money in the Treas-
8 ury not otherwise appropriated, there is appro-
9 priated to the Secretary of Health and Human Serv-
10 ices \$10,000,000, to remain available through Sep-
11 tember 30, 2022, to carry out this paragraph.

12 (b) IMPLEMENTATION.—Part A of title IV of the So-
13 cial Security Act (42 U.S.C. 601–619) is further amended
14 by inserting after section 418D the following:

15 **“SEC. 418E. CHILD CARE WAGE GRANTS FOR SMALL BUSI-
16 NESSES.**

17 **“(a) GRANTS TO LEAD AGENCIES.—**

18 **“(1) GRANTS.—**

19 **“(A) IN GENERAL.—**The Secretary shall
20 make grants to reimburse State, tribal, and ter-
21 ritorial lead agencies for the amount of child
22 care wage grants made to qualifying child care
23 providers under lead agency child care wage
24 grant programs, and for documented costs of
25 administering the programs that are directly re-

1 lated to determining provider eligibility, making
2 payments, data collection, and verifying pro-
3 vider compliance with program rules.

4 “(B) LIMITATION ON REIMBURSEMENT
5 FOR DOCUMENTED ADMINISTRATIVE COSTS.—

6 The amount of the reimbursement for the docu-
7 mented administrative costs shall not exceed 5
8 percent of the total amount of the child care
9 wage grants.

10 “(2) CONSULTATION REQUIRED AS A CONDI-
11 TION OF ELIGIBILITY.—A lead agency shall not be
12 eligible for a grant under this section with respect
13 to a child care wage grant program unless the lead
14 agency has consulted with field engagement organi-
15 zations in developing and implementing the program,
16 including application process, eligibility determina-
17 tions, community outreach, and such other aspects
18 of the program as the Secretary deems appropriate,
19 and if, after the consultation, the lead agency in-
20 tends to operate a child care wage grant program
21 for small businesses, the lead agency shall submit to
22 the Secretary a certification that the lead agency has
23 conducted such a consultation and intends to submit
24 a claim for reimbursement with respect to program
25 expenditures at the end of the fiscal year.

1 “(b) STATE CHILD CARE WAGE GRANT PROGRAM.—

2 “(1) IN GENERAL.—A lead agency child care
3 wage grant program is a program operated by a lead
4 agency under which a child care wage grant is made
5 to qualified child care providers for the 1-year period
6 covered by the grant, in an amount equal to the ag-
7 gregate of the eligible child care wage supplements
8 provided by the qualified child care provider during
9 the year, which year shall not begin before October
10 1, 2022.

11 “(2) REPORTING REQUIREMENT.—

12 “(A) IN GENERAL.—A recipient of a child
13 care wage grant from a lead agency shall sub-
14 mit to the lead agency every fiscal quarter a re-
15 port that includes documentation of how the
16 grant has been expended including the number
17 of full or part-time workers providing child care
18 and whether each such worker worked for the
19 full year, a description of the wage levels and
20 demographics of the child care employees of the
21 qualified child care provider, and such other in-
22 formation as the Secretary may require, and
23 may allow field engagement organizations to
24 support grant recipients in meeting quarterly
25 reporting requirements.

1 “(B) AUTHORITY TO EXTEND DEAD-
2 LINE.—A lead agency may approve a request
3 from such a recipient to extend the reporting
4 deadline for 90 days, but shall accompany such
5 an approval with a notice that failure to submit
6 all information required in the report will result
7 in future ineligibility for such a grant.

8 “(c) REIMBURSEMENT; ADVANCE ESTIMATED PAY-
9 MENT.—A lead agency may submit to the Secretary a re-
10 quest for reimbursement or estimated advance payment of
11 the costs of operating the lead agency child care wage
12 grant program for the 1-year period covered by the re-
13 quest, which shall include documentation of the grant
14 awards made to qualified child care providers under the
15 program, an assurance that not more than 5 percent of
16 the costs in the reimbursement request are for administra-
17 tive costs, an assurance that the State will repay any ad-
18 vances based on payments to child care providers that
19 were in excess of costs allowable under this section (includ-
20 ing payments for workers who did not work for the full
21 year) or based on State administrative costs in excess of
22 5 percent, and the following:

23 “(1) Qualified child care provider application
24 data, including the number of qualified child care
25 providers and the proportion of applications that

1 were approved under the program, documentation of
2 rejected applications, including the reason for dis-
3 qualification, and demographic data of applicants.

4 “(2) Qualified child care provider wage subsidy
5 data, including wage levels, the size and type of the
6 qualified child care provider, the number of children
7 served by the qualified child care provider,
8 verification that the child care wage grant provided
9 to the qualified child care provider was not used to
10 supplant Federal funds, verification that the quali-
11 fied child care provider performs child care services
12 as the primary function of the qualified child care
13 provider, verification that qualifying child care pro-
14 vider applications are approved for 1 year, and docu-
15 mentation of the number of full-time and part-time
16 child care employees (which may include sole propri-
17 etors) including the portion of the year for which
18 each employee was employed with that provider to
19 provide child care.

20 “(3) Certification that each qualified child care
21 provider is not eligible to receive a child care payroll
22 tax credit under section 3135 of the Internal Rev-
23 enue Code of 1986 with respect to wages paid to any
24 child care employee of the qualified child care pro-
25 vider.

1 “(4) Qualified child care provider demographic
2 data, including racial, ethnic, and gender data of the
3 qualified child care provider and child care employ-
4 ees.

5 “(5) Documentation of qualified child care pro-
6 vider wages, and documentation of child care wages
7 that, in the absence of a grant made under this sec-
8 tion, would have been paid at not less than the ap-
9 plicable minimum rate.

10 “(6) Documentation that each qualified child
11 care provider is licensed by, registered with, or regu-
12 lated by the State.

13 “(7) Documentation that each qualified child
14 care provider was so qualified throughout the year
15 with respect to which reimbursement is sought.

16 “(8) Documentation that each employee for
17 which a grant is sought was employed for the full
18 year, or if not, for what portion of the year they
19 were employed.

20 “(9) Such other relevant items as the Secretary
21 may require.

22 “(d) PENALTIES.—

23 “(1) MISUSE OF CHILD CARE WAGE GRANT.—
24 If the Secretary finds that a qualified child care pro-
25 vider has used funds provided under this section

1 with respect to a year other than to supplement the
2 applicable minimum rate of child care wages for an
3 employee engaged in child care work for the reported
4 period, the qualified child care provider shall—

5 “(A) repay to the lead agency all funds so
6 provided to the child care provider for the year;
7 and

8 “(B) be ineligible for the succeeding 2
9 years to receive funds made available under this
10 section.

11 “(2) DECREASE IN NUMBER OF CHILD CARE
12 EMPLOYEES.—If a recipient of a child care wage
13 grant for a year reports under subsection (b)(2)(A)
14 that the number of child care employees of the re-
15 cipient has decreased during the year, then—

16 “(A) the lead agency shall proportionately
17 decrease the amount of the child care wage
18 grant (if any) payable to the recipient for the
19 next year; or

20 “(B) if the recipient is not awarded a child
21 care wage grant for the next year, the recipient
22 shall remit to the lead agency a portion of the
23 grant equal to the proportionate decrease in the
24 number of child care employees of the provider.

1 “(e) APPROPRIATION.—Out of any money in the
2 Treasury not otherwise appropriated, there is appro-
3 priated to the Secretary for each of fiscal years 2023
4 through 2026 such sums as may be necessary for reim-
5 bursements or estimated payments referred to in sub-
6 section (a).

7 “(f) DEFINITIONS.—In this section:

8 “(1) APPLICABLE MINIMUM RATE.—The term
9 ‘applicable minimum rate’ means the rate at which
10 basic pay is payable for a position at level 3, step
11 1, of the General Schedule under subchapter III of
12 chapter 53 of title 5, United States Code, including
13 any applicable locality-based comparability payment
14 under section 5304 of such title or similar authority,
15 at the time such wages are paid and determined
16 with respect to the locality in which services are pro-
17 vided.

18 “(2) CHILD CARE WAGES.—The term ‘child
19 care wages’ means—

20 “(A) wages paid to an employee for serv-
21 ices in providing child care; and

22 “(B) an owner’s draw in lieu of wages, in
23 the case of a sole proprietor who provides child
24 care services or an owner who directly provides
25 child care services alongside employees.

1 “(3) CHILD CARE EMPLOYEE.—The term ‘child
2 care employee’ means an employee—

3 “(A) who is employed by a qualified child
4 care provider;

5 “(B) who provides child care services as a
6 primary function of employment; and

7 “(C) whose wages do not qualify under
8 section 3135(a) of the Internal Revenue Code
9 of 1986.

10 “(4) ELIGIBLE CHILD CARE WAGE SUPPLE-
11 MENT.—

12 “(A) IN GENERAL.—The term ‘eligible
13 child care wage supplement’ means, with re-
14 spect to a year, a supplement to child care
15 wages of an employee (or owner), but only to
16 the extent that the total amount of the child
17 care wage supplements provided to the em-
18 ployee (or owner) during the year—

19 “(i) in the case of a full-time em-
20 ployee (or an owner who works on a full-
21 time basis), is not more than \$16,000; or

22 “(ii) in the case of a part-time em-
23 ployee (or an owner who works on a part-
24 time basis), is not more than \$10,000.

1 In the case of any employee who is not em-
2 ployed as a child care employee for the full
3 year, the maximum dollar amounts set forth in
4 the preceding sentence shall be proportionately
5 reduced.

6 “(B) INFLATION ADJUSTMENT.—Each dol-
7 lar amount in effect under subparagraph (A)
8 with respect to a year shall be increased by a
9 percentage equal to the percentage (if any) by
10 which the Consumer Price Index for all urban
11 consumers (U.S. city average) increased during
12 the 12-month period ending with the last month
13 for which Consumer Price Index data is avail-
14 able.

15 “(5) FIELD ENGAGEMENT ORGANIZATION.—
16 The term ‘field engagement organization’ means any
17 nonprofit, community-based organization, labor
18 union, trade association, staffed family child care
19 network, child care resource and referral organiza-
20 tion, or local government entity with experience pro-
21 viding representation, technical assistance, or com-
22 munity supports to child care providers or individ-
23 uals seeking to enter or re-enter the child care mar-
24 ket.

1 “(6) QUALIFIED CHILD CARE PROVIDER.—The
2 term ‘qualified child care provider’ means an entity
3 who—

4 “(A) provides child care services as the pri-
5 mary function of the entity;

6 “(B) is registered with, or regulated or li-
7 censed by, the State as a child care provider;

8 “(C) at the time of application for a child
9 care wage grant under this section, does not
10 have an unresolved violation of a State law or
11 regulation pertaining to health or safety in the
12 provision of child care services;

13 “(D) has at least 1 employee whose wages
14 may not be taken into account under section
15 3135(a) of the Internal Revenue Code of 1986
16 because the employee is a sole proprietor or re-
17 ports self-employment income;

18 “(E) as of the time of the application, pays
19 child care wages at a rate that is at least the
20 applicable minimum rate, and certifies that the
21 entity will not reduce the hourly wage rate of
22 any employee during the 1-year period for
23 which the entity has applied for a child care
24 wage grant under this section; and

1 “(F) has submitted to the lead agency all
2 data requested by the Secretary under this sec-
3 tion;

4 “(G) has submitted the application to the
5 lead agency, which has approved the applica-
6 tion; and

7 “(H) has not failed to include all informa-
8 tion required to be included in any quarterly re-
9 port required by subsection (b)(2) to be sub-
10 mitted by the entity with respect to the year
11 preceding the year for which the application is
12 submitted.”.

13 **SEC. 132006. COMMON PROVISIONS.**

14 (a) DEFINITIONS.—Section 419 of the Social Secu-
15 rity Act (42 U.S.C. 619) is amended by adding at the end
16 the following:

17 “(6) LEAD AGENCY.—The term ‘lead agency’
18 means, with respect to a jurisdiction, the lead agen-
19 cy responsible for administering the child care as-
20 sistance program of the jurisdiction.

21 “(7) TERRITORY.—The term ‘territory’ means
22 the Commonwealth of Puerto Rico, the United
23 States Virgin Islands, Guam, American Samoa, and
24 the Commonwealth of the Northern Mariana Is-
25 lands.”.

1 (b) REPORTS TO THE CONGRESS.—Section 411 of
2 such Act (42 U.S.C. 611) is amended by adding at the
3 end the following:

4 “(e) REPORTS ON CERTAIN STATE CHILD CARE EX-
5 PENDITURES.—The Secretary shall submit to the Com-
6 mittee on Ways and Means of the House of Representa-
7 tives and the Committee on Finance of the Senate biennial
8 reports on—

9 “(1) eligible expenditures (as defined in section
10 418A(b)(2)(B)) by the States, and on expenditures
11 by the Secretary under section 418A during the pe-
12 riod covered by the report;

13 “(2) the extent to which payments under sec-
14 tion 418A have been made with respect to the ex-
15 penditures;

16 “(3) to the extent that any funds made avail-
17 able to carry out such section have not been ex-
18 pended, the reasons therefor; and

19 “(4) expenditures under section 418C.”.

20 (c) INAPPLICABILITY OF PAYMENT LIMITATION.—
21 Section 1108(a) of such Act (42 U.S.C. 1308(a)) is
22 amended by inserting “418A, 418B, 418C, 418D, 418E,”
23 before “or”.

1 **Subtitle D—Trade Adjustment**
2 **Assistance**

3 **SEC. 133001. SHORT TITLE.**

4 This subtitle may be cited as the “Trade Adjustment
5 Assistance Modernization Act of 2021”.

6 **SEC. 133002. APPLICATION OF PROVISIONS RELATING TO**
7 **TRADE ADJUSTMENT ASSISTANCE.**

8 (a) **EFFECTIVE DATE; APPLICABILITY.**—Except as
9 otherwise provided in this subtitle, the provisions of chap-
10 ters 2 through 6 of title II of the Trade Act of 1974, as
11 in effect on June 30, 2021, and as amended by this sub-
12 title, shall—

13 (1) take effect on the date of the enactment of
14 this Act; and

15 (2) apply with respect to petitions for certifi-
16 cation filed under chapter 2, 3, 4, or 6 of title II of
17 the Trade Act of 1974 on or after such date of en-
18 actment.

19 (b) **REFERENCE.**—Except as otherwise provided in
20 this subtitle, whenever in this subtitle an amendment or
21 repeal is expressed in terms of an amendment to, or repeal
22 of, a provision of chapters 2 through 6 of title II of the
23 Trade Act of 1974, the reference shall be considered to
24 be made to a provision of any such chapter, as in effect
25 on June 30, 2021.

1 (c) REPEAL OF SNAPBACK.—Section 406 of the
2 Trade Adjustment Assistance Reauthorization Act of
3 2015 (Public Law 114–27; 129 Stat. 379) is repealed.

4 **PART 1—TRADE ADJUSTMENT ASSISTANCE FOR**
5 **WORKERS**

6 **SEC. 133101. FILING PETITIONS.**

7 Section 221(a)(1) of the Trade Act of 1974 (19
8 U.S.C. 2271(a)(1)) is amended—

9 (1) by amending subparagraph (A) to read as
10 follows:

11 “(A) One or more workers in the group of
12 workers.”; and

13 (2) in subparagraph (C), by striking “or a
14 State dislocated worker unit” and inserting “a State
15 dislocated worker unit, or workforce intermediaries,
16 including labor-management organizations that carry
17 out re-employment and training services”.

18 **SEC. 133102. GROUP ELIGIBILITY REQUIREMENTS.**

19 (a) IN GENERAL.—Section 222(a)(2) of the Trade
20 Act of 1974 (19 U.S.C. 2272(a)(2)) is amended—

21 (1) in subparagraph (A)—

22 (A) in clause (i), by inserting “, failed to
23 increase, or will decrease absolutely due to a
24 scheduled or imminently anticipated, long-term

1 decrease in or reallocation of the production ca-
2 pacity of the firm” after “absolutely”; and

3 (B) in clause (iii)—

4 (i) by striking “to the decline” and in-
5 sserting “to any decline or absence of in-
6 crease”; and

7 (ii) by striking “or” at the end;

8 (2) in subparagraph (B)(ii), by striking the pe-
9 riod at the end and inserting “; or”; and

10 (3) by adding at the end the following:

11 “(C)(i) the sales or production, or both, of such
12 firm have decreased;

13 “(ii)(I) exports of articles produced or services
14 supplied by such workers’ firm have decreased; or

15 “(II) imports of articles or services necessary
16 for the production of articles or services supplied by
17 such firm have decreased; and

18 “(iii) the decrease in exports or imports de-
19 scribed in clause (ii) contributed to such workers’
20 separation or threat of separation and to the decline
21 in the sales or production of such firm.”.

22 (b) REPEAL.—Section 222 of the Trade Act of 1974
23 (19 U.S.C. 2272) is amended—

24 (1) in subsections (a) and (b), by striking “im-
25 portantly” each place it appears; and

1 (2) in subsection (c)—

2 (A) by striking paragraph (1); and

3 (B) by redesignating paragraphs (2)
4 through (4) as paragraphs (1) through (3), re-
5 spectively.

6 (c) ELIGIBILITY OF STAFFED WORKERS AND TELE-
7 WORKERS.—Section 222 of the Trade Act of 1974 (19
8 U.S.C. 2272), as amended by subsection (b), is further
9 amended by adding at the end the following:

10 “(f) TREATMENT OF STAFFED WORKERS AND TELE-
11 WORKERS.—

12 “(1) IN GENERAL.—For purposes of subsection
13 (a), workers in a firm include staffed workers and
14 teleworkers.

15 “(2) DEFINITIONS.—In this subsection:

16 “(A) STAFFED WORKER.—The term
17 ‘staffed worker’ means a worker who performs
18 work under the operational control of a firm
19 that is the subject of a petition filed under sec-
20 tion 221, even if the worker is directly em-
21 ployed by another firm.

22 “(B) TELEWORKER.—The term ‘tele-
23 worker’ means a worker who works remotely
24 but who reports to the location listed for a firm
25 in a petition filed under section 221.’”.

1 **SEC. 133103. APPLICATION OF DETERMINATIONS OF ELIGI-**
2 **BILITY TO WORKERS EMPLOYED BY SUCCES-**
3 **SORS-IN-INTEREST.**

4 Section 223 of the Trade Act of 1974 (19 U.S.C.
5 2273) is amended by adding at the end the following:

6 “(f) TREATMENT OF WORKERS OF SUCCESSORS-IN-
7 INTEREST.—If the Secretary certifies a group of workers
8 of a firm as eligible to apply for adjustment assistance
9 under this chapter, a worker of a successor-in-interest to
10 that firm shall be covered by the certification to the same
11 extent as a worker of that firm.”.

12 **SEC. 133104. PROVISION OF BENEFIT INFORMATION TO**
13 **WORKERS.**

14 Section 225 of the Trade Act of 1974 (19 U.S.C.
15 2275) is amended—

16 (1) in subsection (a), by inserting after the sec-
17 ond sentence the following new sentence: “The Sec-
18 retary shall make every effort to provide such infor-
19 mation and assistance to workers in their native lan-
20 guage.”; and

21 (2) in subsection (b)—

22 (A) by redesignating paragraph (2) as
23 paragraph (3);

24 (B) by inserting after paragraph (1) the
25 following:

1 “(2) The Secretary shall provide a second notice to
2 a worker described in paragraph (1) before the worker has
3 exhausted all rights to any unemployment insurance to
4 which the worker is entitled (other than additional com-
5 pensation described in section 231(a)(3)(B) funded by a
6 State and not reimbursed from Federal funds).”;

7 (C) in paragraph (3), as redesignated by
8 paragraph (1), by striking “newspapers of gen-
9 eral circulation” and inserting “appropriate
10 print or digital outlets”; and

11 (D) by adding at the end the following:

12 “(4) For purposes of providing sustained outreach re-
13 garding the benefits available under this chapter to work-
14 ers covered by a certification made under this subchapter,
15 the Secretary may take any necessary actions, including
16 the following:

17 “(A) Collecting the email addresses and tele-
18 phone numbers of such workers from the employers
19 of such workers to provide sustained outreach to
20 such workers.

21 “(B) Partnering with the certified or recognized
22 union, a community-based worker organization, or
23 other duly authorized representatives of such work-
24 ers.

1 “(C) Hiring peer support workers to perform
2 sustained outreach to other workers covered by that
3 certification.

4 “(D) Using advertising methods and public in-
5 formation campaigns, including social media, in ad-
6 dition to notice published in print or digital outlets
7 under paragraph (3).”.

8 **SEC. 133105. QUALIFYING REQUIREMENTS FOR WORKERS.**

9 (a) MODIFICATION OF CONDITIONS.—

10 (1) IN GENERAL.—Section 231(a) of the Trade
11 Act of 1974 (19 U.S.C. 2291(a)) is amended—

12 (A) by striking paragraph (2);

13 (B) by redesignating paragraphs (3), (4),
14 and (5) as paragraphs (2), (3), and (4), respec-
15 tively; and

16 (C) in paragraph (4) (as redesignated), by
17 striking “paragraphs (1) and (2)” each place it
18 appears and inserting “paragraph (1)”.

19 (2) CONFORMING AMENDMENTS.—(A) Section
20 232 of the Trade Act of 1974 (19 U.S.C. 2292) is
21 amended by striking “section 231(a)(3)(B)” each
22 place it appears and inserting “section
23 231(a)(2)(B)”.

24 (B) Section 233(a) of the Trade Act of 1974
25 (19 U.S.C. 2293(a)) is amended—

1 (i) in paragraph (1), by striking “section
2 231(a)(3)(A)” and inserting “section
3 231(a)(2)(A)”; and

4 (ii) in paragraph (2)—

5 (I) by striking “adversely affected em-
6 ployment” and all that follows through
7 “(A) within” and inserting “adversely af-
8 fected employment within”;

9 (II) by striking “, and” and inserting
10 a period; and

11 (III) by striking subparagraph (B).

12 (b) WAIVERS OF TRAINING REQUIREMENTS.—Sec-
13 tion 231(c)(1) of the Trade Act of 1974 (19 U.S.C.
14 2291(c)(1)) is amended—

15 (1) by redesignating subparagraphs (A), (B),
16 and (C) as subparagraphs (C), (D), and (E), respec-
17 tively; and

18 (2) by inserting before subparagraph (C) (as re-
19 designated) the following:

20 “(A) RECALL.—The worker has been noti-
21 fied that the worker will be recalled by the firm
22 from which the separation occurred.

23 “(B) RETIREMENT.—The worker is within
24 2 years of meeting all requirements for entitle-
25 ment to either—

1 “(i) old-age insurance benefits under
2 title II of the Social Security Act (42
3 U.S.C. 401 et seq.) (except for application
4 therefor); or

5 “(ii) a private pension sponsored by
6 an employer or labor organization.”.

7 **SEC. 133106. MODIFICATION TO TRADE READJUSTMENT AL-**
8 **LOWANCES.**

9 Section 233 of the Trade Act of 1974 (19 U.S.C.
10 2293) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (2), by inserting after
13 “104-week period” the following: “(or, in the
14 case of an adversely affected worker who re-
15 quires a program of prerequisite education or
16 remedial education (as described in section
17 236(a)(5)(D)) in order to complete training ap-
18 proved for the worker under section 236, the
19 130-week period)”;

20 (B) in paragraph (3), by striking “65 addi-
21 tional weeks in the 78-week period” and insert-
22 ing “78 additional weeks in the 91-week pe-
23 riod”; and

24 (C) in the flush text, by striking “78-week
25 period” and inserting “91-week period”;

1 (2) by striking subsection (d); and

2 (3) by amending subsection (f) to read as fol-
3 lows:

4 “(f) PAYMENT OF TRADE READJUSTMENT ALLOW-
5 ANCES TO COMPLETE TRAINING.—Notwithstanding any
6 other provision of this section, in order to assist an ad-
7 versely affected worker to complete training approved for
8 the worker under section 236 that includes a program of
9 prerequisite education or remedial education (as described
10 in section 236(a)(5)(D)), and in accordance with regula-
11 tions prescribed by the Secretary, payments may be made
12 as trade readjustment allowances for up to 26 additional
13 weeks in the 26-week period that follows the last week of
14 entitlement to trade readjustment allowances otherwise
15 payable under this chapter.”.

16 **SEC. 133107. AUTOMATIC EXTENSION OF TRADE READJUST-**
17 **MENT ALLOWANCES.**

18 (a) IN GENERAL.—Part I of subchapter B of chapter
19 2 of title II of the Trade Act of 1974 (19 U.S.C. 2291
20 et seq.) is amended by inserting after section 233 the fol-
21 lowing new section:

22 **“SEC. 233A. AUTOMATIC EXTENSION OF TRADE READJUST-**
23 **MENT ALLOWANCES.**

24 “(a) IN GENERAL.—Notwithstanding the limitations
25 under section 233(a), the Secretary shall extend the period

1 during which trade readjustment allowances are payable
2 to an adversely affected worker who completes training ap-
3 proved under section 236 by the Secretary during a period
4 of heightened unemployment with respect to the State in
5 which such worker seeks benefits, for the shorter of—

6 “(1) the 26-week period beginning on the date
7 of completion of such training; or

8 “(2) the period ending on the date on which the
9 adversely affected worker secures employment.

10 “(b) **JOB SEARCH REQUIRED.**—A worker shall only
11 be eligible for an extension under subsection (a) if the
12 worker is complying with the job search requirements as-
13 sociated with unemployment insurance in the applicable
14 State.

15 “(c) **PERIOD OF HEIGHTENED UNEMPLOYMENT DE-**
16 **FINED.**—In this section, the term ‘period of heightened
17 unemployment’ with respect to a State means a 90-day
18 period during which, in the determination of the Sec-
19 retary, either of the following average rates equals or ex-
20 ceeds 5.5 percent:

21 “(1) The average rate of total unemployment in
22 such State (seasonally adjusted) for the period con-
23 sisting of the most recent 3-month period for which
24 data for all States are published before the close of
25 such period.

1 “(2) The average rate of total unemployment in
2 all States (seasonally adjusted) for the period con-
3 sisting of the most recent 3-month period for which
4 data for all States are published before the close of
5 such period.”.

6 (b) CLERICAL AMENDMENT.—The table of contents
7 for the Trade Act of 1974 is amended by inserting after
8 the item relating to section 233 the following:

 “Sec. 233A. Automatic extension of trade readjustment allowances.”.

9 **SEC. 133108. EMPLOYMENT AND CASE MANAGEMENT SERV-**
10 **ICES.**

11 Section 235 of the Trade Act of 1974 (19 U.S.C.
12 2295) is amended—

13 (1) in paragraph (3)—

14 (A) by inserting after “regional areas” the
15 following: “(including information about reg-
16 istered apprenticeship programs, on-the-job
17 training opportunities, and other work-based
18 learning opportunities)”; and

19 (B) by inserting after “suitable training”
20 the following: “, information regarding the
21 track record of a training provider’s ability to
22 successfully place participants into suitable em-
23 ployment”;

24 (2) by redesignating paragraph (8) as para-
25 graph (10); and

1 (3) by inserting after paragraph (7) the fol-
2 lowing:

3 “(8) Information related to direct job place-
4 ment, including facilitating the extent to which em-
5 ployers within the community commit to employing
6 workers who would benefit from the employment and
7 case management services under this section.

8 “(9) Sustained outreach to groups of workers
9 likely to be certified as eligible for adjustment assist-
10 ance under this chapter and members of certified
11 worker groups who have not yet applied for or been
12 enrolled in benefits or services under this chapter,
13 especially such groups and members from under-
14 served communities.”.

15 **SEC. 133109. TRAINING.**

16 Section 236 of the Trade Act of 1974 (19 U.S.C.
17 2296(a)) is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (1)(D), by inserting “,
20 with a demonstrated ability to place partici-
21 pants into employment” before the comma at
22 the end;

23 (B) in paragraph (3), by adding at the end
24 before the period the following: “, except that
25 every effort shall be made to ensure that em-

1 ployment opportunities are available upon the
2 completion of training”; and

3 (C) in paragraph (5)—

4 (i) in subparagraph (G), by striking “,
5 and” and inserting a comma;

6 (ii) in subparagraph (H)(ii), by strik-
7 ing the period at the end and inserting “,
8 and”; and

9 (iii) by adding at the end before the
10 flush text the following:

11 “(I) pre-apprenticeship training.”; and

12 (2) by adding at the end the following:

13 “(h) REIMBURSEMENT FOR OUT-OF-POCKET TRAIN-
14 ING EXPENSES.—If the Secretary approves training for
15 a worker under paragraph (1) of subsection (a), the Sec-
16 retary may reimburse the worker for out-of-pocket ex-
17 penses relating to training program described in para-
18 graph (5) of that subsection that were incurred by the
19 worker on and after the date of the worker’s total or par-
20 tial separation and before the date on which the certifi-
21 cation of eligibility under section 222 that covers the work-
22 er is issued.”.

1 **SEC. 133110. JOB SEARCH, RELOCATION, AND CHILD CARE**
2 **ALLOWANCES.**

3 (a) **JOB SEARCH ALLOWANCES.**—Section 237 of the
4 Trade Act of 1974 (19 U.S.C. 2297) is amended—

5 (1) in subsection (a)(1), by striking “may use
6 funds made available to the State to carry out sec-
7 tions 235 through 238” and inserting “shall use,
8 from funds made available to the State to carry out
9 sections 235 through 238A, such amounts as may be
10 necessary”;

11 (2) in subsection (a)(2), in the matter pre-
12 ceding subparagraph (A), by striking “may grant”
13 and inserting “shall grant”; and

14 (3) in subsection (b)—

15 (A) in paragraph (1), by striking “not
16 more than 90 percent” and inserting “100 per-
17 cent”;

18 (B) in paragraph (2), by striking “\$1,250”
19 and inserting “\$2,000 (subject to adjustment
20 under paragraph (4))”; and

21 (C) by adding at the end the following;

22 “(4) **ADJUSTMENT OF MAXIMUM ALLOWANCE**
23 **LIMITATION FOR INFLATION.**—

24 “(A) **IN GENERAL.**—The Secretary of
25 Labor shall adjust the maximum allowance limi-
26 tation under paragraph (2) on the date that is

1 30 days after the date of the enactment of this
2 paragraph, and at the beginning of each fiscal
3 year thereafter, to reflect the percentage (if
4 any) of the increase in the average of the Con-
5 sumer Price Index for the preceding 12-month
6 period compared to the Consumer Price Index
7 for fiscal year 2020.

8 “(B) SPECIAL RULES FOR CALCULATION
9 OF ADJUSTMENT.—In making an adjustment
10 under subparagraph (A), the Secretary—

11 “(i) shall round the amount of any in-
12 crease in the Consumer Price Index to the
13 nearest dollar; and

14 “(ii) may ignore any such increase of
15 less than 1 percent.

16 “(C) CONSUMER PRICE INDEX DEFINED.—
17 For purposes of this paragraph, the term ‘Con-
18 sumer Price Index’ means the Consumer Price
19 Index for All Urban Consumers published by
20 the Bureau of Labor Statistics of the Depart-
21 ment of Labor.”.

22 (b) RELOCATION ALLOWANCES.—Section 238 of the
23 Trade Act of 1974 (19 U.S.C. 2298) is amended—

24 (1) in subsection (a)(1), by striking “may use
25 funds made available to the State to carry out sec-

1 tions 235 through 238” and inserting “shall use,
2 from funds made available to the State to carry out
3 sections 235 through 238A, such amounts as may be
4 necessary”;

5 (2) in subsection (a)(2), in the matter pre-
6 ceding subparagraph (A), by striking “may be grant-
7 ed” and inserting “shall be granted”;

8 (3) in subsection (b)—

9 (A) in paragraph (1), by striking “not
10 more than 90 percent” and inserting “100 per-
11 cent”; and

12 (B) in paragraph (2), by striking “\$1,250”
13 and inserting “\$2,000 (subject to adjustment
14 under subsection (d))”; and

15 (4) by adding at the end the following:

16 “(d) ADJUSTMENT OF MAXIMUM PAYMENT LIMITA-
17 TION FOR INFLATION.—

18 “(1) IN GENERAL.—The Secretary of Labor
19 shall adjust the maximum payment limitation under
20 subsection (b)(2) on the date that is 30 days after
21 the date of the enactment of this subsection, and at
22 the beginning of each fiscal year thereafter, to re-
23 flect the percentage (if any) of the increase in the
24 average of the Consumer Price Index for the pre-

1 ceding 12-month period compared to the Consumer
2 Price Index for fiscal year 2020.

3 “(2) SPECIAL RULES FOR CALCULATION OF AD-
4 JUSTMENT.—In making an adjustment under para-
5 graph (1), the Secretary—

6 “(A) shall round the amount of any in-
7 crease in the Consumer Price Index to the near-
8 est dollar; and

9 “(B) may ignore any such increase of less
10 than 1 percent.

11 “(3) CONSUMER PRICE INDEX DEFINED.—For
12 purposes of this subsection, the term ‘Consumer
13 Price Index’ means the Consumer Price Index for
14 All Urban Consumers published by the Bureau of
15 Labor Statistics of the Department of Labor.”.

16 (c) CHILD CARE ALLOWANCES.—

17 (1) IN GENERAL.—Part II of subchapter B of
18 chapter 2 of title II of the Trade Act of 1974 (19
19 U.S.C. 2295 et seq.) is amended by adding at the
20 end the following:

21 **“SEC. 238A. CHILD CARE ALLOWANCES.**

22 “(a) CHILD CARE ALLOWANCES AUTHORIZED.—

23 “(1) IN GENERAL.—Each State shall use, from
24 funds made available to the State to carry out sec-
25 tions 235 through 238A, such amounts as may be

1 necessary to allow an adversely affected worker cov-
2 ered by a certification issued under subchapter A of
3 this chapter to file an application for a child care al-
4 lowance with the Secretary, and the Secretary may
5 grant the child care allowance, subject to the terms
6 and conditions of this section.

7 “(2) CONDITIONS FOR GRANTING ALLOW-
8 ANCE.—A child care allowance shall be granted if
9 the allowance will assist an adversely affected worker
10 to attend training or seek suitable employment, by
11 providing for the care of one or more of the minor
12 dependents of the worker.

13 “(b) AMOUNT OF ALLOWANCE.—Any child care al-
14 lowance granted to a worker under subsection (a) shall
15 not exceed \$2,000 per minor dependent per year.

16 “(c) ADJUSTMENT OF MAXIMUM ALLOWANCE LIM-
17 TATION FOR INFLATION.—

18 “(1) IN GENERAL.—The Secretary of Labor
19 shall adjust the maximum allowance limitation under
20 subsection (b) on the date that is 30 days after the
21 date of the enactment of this subsection, and at the
22 beginning of each fiscal year thereafter, to reflect
23 the percentage (if any) of the increase in the average
24 of the Consumer Price Index for the preceding 12-

1 month period compared to the Consumer Price
2 Index for fiscal year 2020.

3 “(2) SPECIAL RULES FOR CALCULATION OF AD-
4 JUSTMENT.—In making an adjustment under para-
5 graph (1), the Secretary—

6 “(A) shall round the amount of any in-
7 crease in the Consumer Price Index to the near-
8 est dollar; and

9 “(B) may ignore any such increase of less
10 than 1 percent.

11 “(3) CONSUMER PRICE INDEX DEFINED.—For
12 purposes of this subsection, the term ‘Consumer
13 Price Index’ means the Consumer Price Index for
14 All Urban Consumers published by the Bureau of
15 Labor Statistics of the Department of Labor.”.

16 (2) CONFORMING AMENDMENTS.—

17 (A) LIMITATIONS ON ADMINISTRATIVE EX-
18 PENSES AND EMPLOYMENT AND CASE MANAGE-
19 MENT SERVICES.—Section 235A of the Trade
20 Act of 1974 (19 U.S.C. 2295a) is amended in
21 the matter preceding paragraph (1) by striking
22 “through 238” and inserting “through 238A”.

23 (B) TRAINING.—Section 236(a)(2) of the
24 Trade Act of 1974 (19 U.S.C. 2296(a)(2)) is
25 amended—

1 (i) in subparagraph (A), by striking
2 “and 238” and inserting “238, and
3 238A”;

4 (ii) in subparagraph (B), by striking
5 “and 238” each place it appears and in-
6 serting “238, and 238A”;

7 (iii) in subparagraph (C)(i), by strik-
8 ing “and 238” and inserting “238, and
9 238A”;

10 (iv) in subparagraph (C)(v), by strik-
11 ing “and 238” and inserting “238, and
12 238A”; and

13 (v) in subparagraph (E), by striking
14 “and 238” each place it appears and in-
15 serting “238, and 238A”.

16 (3) CLERICAL AMENDMENT.—The table of con-
17 tents for the Trade Act of 1974 is amended by add-
18 ing after the item relating to section 238 the fol-
19 lowing new item:

“Sec. 238A. Child care allowances.”.

20 **SEC. 133111. AGREEMENTS WITH STATES.**

21 (a) COORDINATION.—Section 239(f) of the Trade Act
22 of 1974 (19 U.S.C. 2311(f)) is amended—

23 (1) by striking “(f) Any agreement” and insert-
24 ing the following:

25 “(f)(1) Any agreement”; and

1 (2) by adding at the end the following:

2 “(2) In arranging for training programs to be
3 carried out under this chapter, each cooperating
4 State agency shall, among other factors, take into
5 account and measure the progress of the extent to
6 which such programs—

7 “(A) achieve a satisfactory rate of comple-
8 tion and placement in jobs that provide a living
9 wage and that increase economic security;

10 “(B) assist workers in developing the
11 skills, networks, and experiences necessary to
12 advance along a career path;

13 “(C) assist workers from underserved com-
14 munities to establish a work history, dem-
15 onstrate success in the workplace, and develop
16 the skills that lead to entry into and retention
17 in unsubsidized employment; and

18 “(D) adequately serve individuals who face
19 the greatest barriers to employment, including
20 people with low incomes, people of color, immi-
21 grants, persons with disabilities, and formerly
22 incarcerated individuals.

23 “(3) Each cooperating State agency shall facili-
24 tate joint cooperation between training programs,
25 representatives of workers, employers, and commu-

1 nities, especially in underserved rural and urban re-
2 gions, to ensure a fair and engaging workplace that
3 balances the priorities and well-being of workers
4 with the needs of businesses.

5 “(4) Each cooperating State agency shall seek,
6 including through agreements and training programs
7 described in this subsection, to ensure the reemploy-
8 ment of adversely affected workers upon completion
9 of training as described in section 236.”.

10 (b) ADMINISTRATION.—Section 239(g) of the Trade
11 Act of 1974 (19 U.S.C. 2311(g)) is amended—

12 (1) by redesignating—

13 (A) paragraphs (1) through (4) as para-
14 graphs (3) through (6), respectively; and

15 (B) paragraph (5) as paragraph (8);

16 (2) by inserting before paragraph (3) (as redesi-
17 gnated) the following:

18 “(1) review each layoff of more than 5 workers
19 in a firm to determine whether trade played a role
20 in the layoff and whether workers in such firm are
21 potentially eligible to receive benefits under this
22 chapter,

23 “(2) perform sustained outreach to firms to fa-
24 cilitate and assist with filing petitions under section

1 221 and collecting necessary supporting informa-
2 tion,”;

3 (3) in paragraph (3) (as redesignated), by strik-
4 ing “who applies for unemployment insurance of”
5 and inserting “identified under paragraph (1) of un-
6 employment insurance benefits and”;

7 (4) in paragraph (4) (as redesignated), by in-
8 serting “and assist with” after “facilitate”;

9 (5) in paragraph (6) (as redesignated), by strik-
10 ing “and” at the end;

11 (6) by inserting after paragraph (6) (as redesign-
12 ated) the following:

13 “(7) perform sustained outreach to workers
14 from underserved communities and to firms that em-
15 ploy a majority or a substantial percentage of work-
16 ers from underserved communities and develop a
17 plan, in consultation with the Secretary, for address-
18 ing common barriers to receiving services that such
19 workers have faced,”;

20 (7) in paragraph (8) (as redesignated), by strik-
21 ing “funds provided to carry out this chapter are in-
22 sufficient to make such services available, make ar-
23 rangements to make such services available through
24 other Federal programs” and inserting “support
25 services are needed beyond what this chapter can

1 provide, make arrangements to coordinate such serv-
2 ices available through other Federal programs” ;
3 and

4 (8) by adding at the end the following:

5 “(9) develop a strategy to engage with local
6 workforce development institutions, including local
7 community colleges and other educational institu-
8 tions, and

9 “(10) develop a comprehensive strategy to pro-
10 vide agency staffing to support the requirements of
11 paragraphs (1) through (9).”.

12 (c) STAFFING.—Section 239 of the Trade Act of
13 1974 (19 U.S.C. 2311) is amended by striking subsection
14 (k) and inserting the following:

15 “(k) STAFFING.—An agreement entered into under
16 this section shall provide that the cooperating State or co-
17 operating State agency shall require that any individual
18 engaged in functions (other than functions that are not
19 inherently governmental) to carry out the trade adjust-
20 ment assistance program under this chapter shall be a
21 State employee covered by a merit system of personnel ad-
22 ministration.”.

1 **SEC. 133112. REEMPLOYMENT TRADE ADJUSTMENT ASSIST-**
2 **ANCE PROGRAM.**

3 Section 246(a) of the Trade Act of 1974 (19 U.S.C.
4 2318(a)) is amended—

5 (1) in paragraph (3)(B)(ii), by striking
6 “\$50,000” and inserting “\$70,000 (subject to ad-
7 justment under paragraph (8))”;

8 (2) in paragraph (5)(B)(i), by striking
9 “\$10,000” and inserting “\$20,000 (subject to ad-
10 justment under paragraph (8))”; and

11 (3) by adding at the end the following:

12 “(8) ADJUSTMENT OF SALARY LIMITATION AND
13 TOTAL AMOUNT OF PAYMENTS FOR INFLATION.—

14 “(A) IN GENERAL.—The Secretary of
15 Labor shall adjust the salary limitation under
16 paragraph (3)(B)(ii) and the amount under
17 paragraph (5)(B)(i) on the date that is 30 days
18 after the date of the enactment of this para-
19 graph, and at the beginning of each fiscal year
20 thereafter, to reflect the percentage (if any) of
21 the increase in the average of the Consumer
22 Price Index for the preceding 12-month period
23 compared to the Consumer Price Index for fis-
24 cal year 2020.

1 “(B) SPECIAL RULES FOR CALCULATION
2 OF ADJUSTMENT.—In making an adjustment
3 under subparagraph (A), the Secretary—

4 “(i) shall round the amount of any in-
5 crease in the Consumer Price Index to the
6 nearest dollar; and

7 “(ii) may ignore any such increase of
8 less than 1 percent.

9 “(C) CONSUMER PRICE INDEX DEFINED.—
10 For purposes of this paragraph, the term ‘Con-
11 sumer Price Index’ means the Consumer Price
12 Index for All Urban Consumers published by
13 the Bureau of Labor Statistics of the Depart-
14 ment of Labor.”.

15 **SEC. 133113. EXTENSION OF TRADE ADJUSTMENT ASSIST-**
16 **ANCE TO PUBLIC AGENCY WORKERS.**

17 (a) DEFINITIONS.—Section 247 of the Trade Act of
18 1974 (19 U.S.C. 2319) is amended—

19 (1) in paragraph (3)—

20 (A) in the matter preceding subparagraph
21 (A), by striking “The” and inserting “Subject
22 to section 222(d)(5), the”; and

23 (B) in subparagraph (A), by striking “or
24 service sector firm” and inserting “, service sec-
25 tor firm, or public agency”; and

1 (2) by adding at the end the following:

2 “(20) The term ‘public agency’ means a depart-
3 ment or agency of a State or local government or of
4 the Federal Government.”.

5 (b) GROUP ELIGIBILITY REQUIREMENTS.—Section
6 222 of the Trade Act of 1974 (19 U.S.C. 2272), as
7 amended by subsections (b) and (c) of section 133102, is
8 further amended—

9 (1) by redesignating subsections (c), (d), (e),
10 and (f) as subsections (d), (e), (f), and (g), respec-
11 tively;

12 (2) by inserting after subsection (b) the fol-
13 lowing:

14 “(c) ADVERSELY AFFECTED WORKERS IN PUBLIC
15 AGENCIES.—A group of workers in a public agency shall
16 be certified by the Secretary as eligible to apply for adjust-
17 ment assistance under this chapter pursuant to a petition
18 filed under section 221 if the Secretary determines that—

19 “(1) a significant number or proportion of the
20 workers in the public agency have become totally or
21 partially separated, or are threatened to become to-
22 tally or partially separated;

23 “(2) the public agency has acquired from a for-
24 eign country services like or directly competitive with
25 services which are supplied by such agency; and

1 “(3) the acquisition of services described in
2 paragraph (2) contributed to such workers’ separa-
3 tion or threat of separation.”;

4 (3) in subsection (d) (as redesignated), by add-
5 ing at the end the following:

6 “(5) REFERENCE TO FIRM.—For purposes of
7 subsections (a) and (b), the term ‘firm’ does not in-
8 clude a public agency.”; and

9 (4) in paragraph (2) of subsection (e) (as redesi-
10 gnated), by striking “subsection (a) or (b)” and in-
11 serting “subsection (a), (b), or (c)”.

12 **SEC. 133114. DEFINITIONS.**

13 (a) EXTENSION OF ADJUSTMENT ASSISTANCE FOR
14 WORKERS TO TERRITORIES.—Section 247(7) of the
15 Trade Act of 1974 (19 U.S.C. 2319(7)) is amended—

16 (1) by inserting “, Guam, the Virgin Islands of
17 the United States, American Samoa, the Common-
18 wealth of the Northern Mariana Islands,” after
19 “District of Columbia”; and

20 (2) by striking “such Commonwealth.” and in-
21 serting “such territories.”.

22 (b) UNDERSERVED COMMUNITY.—Section 247 of the
23 Trade Act of 1974 (19 U.S.C. 2319), as amended by sec-
24 tion 133113(a), is further amended by adding at the end
25 the following:

1 “(21) The term ‘underserved community’
2 means a community with populations sharing a par-
3 ticular characteristic that have been systematically
4 denied a full opportunity to participate in aspects of
5 economic, social, or civic life, such as Black, Latino,
6 and Indigenous and Native American persons, Asian
7 Americans and Pacific Islanders, other persons of
8 color, members of other minority communities, per-
9 sons with disabilities, persons who live in rural
10 areas, and other populations otherwise adversely af-
11 fected by persistent poverty or inequality.”.

12 **SEC. 133115. SUBPOENA POWER.**

13 Section 249 of the Trade Act of 1974 (19 U.S.C.
14 2321) is amended—

15 (1) in subsection (a), by adding at the end the
16 following: “The authority under the preceding sen-
17 tence includes the authority of States to require, by
18 subpoena, a firm to provide information on workers
19 employed by, or totally or partially separated from,
20 the firm that is necessary to make a determination
21 under this chapter or to provide outreach to work-
22 ers, including the names and address of workers.”;
23 and

24 (2) by adding at the end the following:

1 “(ii) that—

2 “(I) sales or production, or both, of the
3 firm have decreased absolutely or failed to in-
4 crease,

5 “(II) sales or production, or both, of an ar-
6 ticle or service that accounted for not less than
7 25 percent of the total sales or production of
8 the firm during the 12-month period preceding
9 the most recent 12-month period for which data
10 are available have decreased absolutely or failed
11 to increase,

12 “(III) sales or production, or both, of the
13 firm during the most recent 12-month period
14 for which data are available have decreased or
15 failed to increase compared to—

16 “(aa) the average annual sales or pro-
17 duction for the firm during the 24-month
18 period preceding that 12-month period, or

19 “(bb) the average annual sales or pro-
20 duction for the firm during the 36-month
21 period preceding that 12-month period,
22 and

23 “(IV) sales or production, or both, of an
24 article or service that accounted for not less
25 than 25 percent of the total sales or production

1 of the firm during the most recent 12-month
2 period for which data are available have de-
3 creased or failed to increase compared to—

4 “(aa) the average annual sales or pro-
5 duction for the article or service during the
6 24-month period preceding that 12-month
7 period, or

8 “(bb) the average annual sales or pro-
9 duction for the article or service during the
10 36-month period preceding that 12-month
11 period, and

12 “(B)(i) increases of imports of articles or serv-
13 ices like or directly competitive with articles which
14 are produced or services which are supplied by such
15 firm contributed to such total or partial separation,
16 or threat thereof, or to such decline or failure to in-
17 crease in sales or production, or

18 “(ii) decreases in exports of articles produced or
19 services supplied by such firm, or imports of articles
20 or services necessary for the production of articles or
21 services supplied by such firm, contributed to such
22 total or partial separation, or threat thereof, or to
23 such decline in sales or production.

24 “(2) For purposes of paragraph (1)(B):

1 “(A) Any firm which engages in exploration or
2 drilling for oil or natural gas shall be considered to
3 be a firm producing oil or natural gas.

4 “(B) Any firm that engages in exploration or
5 drilling for oil or natural gas, or otherwise produces
6 oil or natural gas, shall be considered to be pro-
7 ducing articles directly competitive with imports of
8 oil and with imports of natural gas.”; and

9 (3) in subsection (d)—

10 (A) by striking “this section,” and insert-
11 ing “this section.”; and

12 (B) by striking “but in any event” and all
13 that follows and inserting the following: “If the
14 Secretary does not make a determination with
15 respect to a petition within 55 days after the
16 date on which an investigation is initiated
17 under subsection (a) with respect to the peti-
18 tion, the Secretary shall be deemed to have cer-
19 tified the firm as eligible to apply for adjust-
20 ment assistance under this chapter.”.

21 **SEC. 133202. APPROVAL OF ADJUSTMENT PROPOSALS.**

22 Section 252 of the Trade Act of 1974 (19 U.S.C.
23 2342) is amended—

24 (1) in the second sentence of subsection (a), by
25 adding at the end before the period the following:

1 “and an assessment of the potential employment
2 outcomes of such proposal”;

3 (2) in subsection (b)(1)(B), by striking “gives
4 adequate consideration to” and inserting “is in”;

5 (3) by redesignating subsection (c) as sub-
6 section (d); and

7 (4) by inserting after subsection (b) the fol-
8 lowing:

9 “(c) AMOUNT OF ASSISTANCE.—

10 “(1) IN GENERAL.—A firm may receive adjust-
11 ment assistance under this chapter with respect to
12 the firm’s economic adjustment proposal in an
13 amount not to exceed \$300,000, subject to adjust-
14 ment under paragraph (2) and the matching re-
15 quirement under paragraph (3).

16 “(2) ADJUSTMENT OF ASSISTANCE LIMITATION
17 FOR INFLATION.—

18 “(A) IN GENERAL.—The Secretary of
19 Commerce shall adjust the technical assistance
20 limitation under paragraph (1) on the date that
21 is 30 days after the date of the enactment of
22 this paragraph, and at the beginning of each
23 fiscal year thereafter, to reflect the percentage
24 (if any) of the increase in the average of the
25 Consumer Price Index for the preceding 12-

1 month period compared to the Consumer Price
2 Index for fiscal year 2020.

3 “(B) SPECIAL RULES FOR CALCULATION
4 OF ADJUSTMENT.—In making an adjustment
5 under subparagraph (A), the Secretary—

6 “(i) shall round the amount of any in-
7 crease in the Consumer Price Index to the
8 nearest dollar; and

9 “(ii) may ignore any such increase of
10 less than 1 percent.

11 “(C) CONSUMER PRICE INDEX DEFINED.—
12 For purposes of this paragraph, the term ‘Con-
13 sumer Price Index’ means the Consumer Price
14 Index for All Urban Consumers published by
15 the Bureau of Labor Statistics of the Depart-
16 ment of Labor.

17 “(3) MATCHING REQUIREMENT.—A firm may
18 receive adjustment assistance under this chapter
19 only if the firm provides matching funds in an
20 amount equal to the amount of adjustment assist-
21 ance received under paragraph (1).”.

22 **SEC. 133203. TECHNICAL ASSISTANCE.**

23 Section 253(a)(3) of the Trade Act of 1974 (19
24 U.S.C. 2343(a)(3)) is amended by adding at the end be-

1 fore the period the following: “, including assistance to
2 provide skills training programs to employees of the firm”.

3 **SEC. 133204. DEFINITIONS.**

4 Section 259 of the Trade Act of 1974 (19 U.S.C.
5 2351) is amended by adding at the end the following:

6 “(3) **UNDERSERVED COMMUNITY.**—The term
7 ‘underserved community’ has the meaning given that
8 term in section 247.”.

9 **SEC. 133205. PLAN FOR SUSTAINED OUTREACH TO POTEN-**
10 **TIALY-ELIGIBLE FIRMS.**

11 (a) **IN GENERAL.**—Chapter 3 of title II of the Trade
12 Act of 1974 (19 U.S.C. 2341 et seq.) is amended by add-
13 ing at the end the following:

14 **“SEC. 263. PLAN FOR SUSTAINED OUTREACH TO POTEN-**
15 **TIALY-ELIGIBLE FIRMS.**

16 “(a) **IN GENERAL.**—The Secretary shall develop a
17 plan to provide sustained outreach to firms that may be
18 eligible for adjustment assistance under this chapter.

19 “(b) **MATTERS TO BE INCLUDED.**—The plan re-
20 quired by paragraph (1) shall include the following:

21 “(1) Outreach to the United States Inter-
22 national Trade Commission and to such firms in in-
23 dustries with increased imports identified in the
24 Commission’s annual report regarding the operation

1 of the trade agreements program under section
2 163(c).

3 “(2) Outreach to such firms in the service sec-
4 tor.

5 “(3) Outreach to such firms that are small
6 businesses.

7 “(4) Outreach to such firms that are minority-
8 or women-owned firms.

9 “(5) Outreach to such firms that employ a ma-
10 jority or a substantial percentage of workers from
11 underserved communities.

12 “(c) UPDATES.—The Secretary shall update the plan
13 required under this section on an annual basis.

14 “(d) SUBMISSION TO CONGRESS.—The Secretary
15 shall submit the plan and each update to the plan required
16 under this section to Congress.”

17 (b) CLERICAL AMENDMENT.—The table of contents
18 for the Trade Act of 1974 is amended by inserting after
19 the item relating to section 262 the following new item:

“Sec. 263. Plan for sustained outreach to potentially-eligible firms.”

20 **PART 3—TRADE ADJUSTMENT ASSISTANCE FOR**

21 **COMMUNITIES AND COMMUNITY COLLEGES**

22 **SEC. 133301. TRADE ADJUSTMENT ASSISTANCE FOR COM-**
23 **MUNITIES.**

24 (a) IN GENERAL.—Chapter 4 of title II of the Trade
25 Act of 1974 (19 U.S.C. 2371 et seq.) is amended—

1 (1) by inserting after the chapter heading the
2 following:

3 **“Subchapter B—Trade Adjustment Assistance**
4 **for Community Colleges and Career**
5 **Training”;** and

6 (2) by redesignating sections 271 and 272 as
7 sections 279 and 279A, respectively; and

8 (3) by inserting before subchapter B (as des-
9 ignated by paragraph (1)) the following:

10 **“Subchapter A—Trade Adjustment Assistance**
11 **for Communities**

12 **“SEC. 271. DEFINITIONS.**

13 “In this subchapter:

14 “(1) AGRICULTURAL COMMODITY PRODUCER.—

15 The term ‘agricultural commodity producer’ has the
16 meaning given that term in section 291.

17 “(2) COMMUNITY.—The term ‘community’
18 means—

19 “(A) a city or other political subdivision of
20 a State, including a special purpose unit of a
21 State or local government engaged in economic
22 or infrastructure development activities, or a
23 consortium of political subdivisions;

24 “(B) an Economic Development District
25 designated by the Economic Development Ad-

1 ministration of the Department of Commerce;

2 or

3 “(C) an Indian Tribe.

4 “(3) ELIGIBLE COMMUNITY.—The term ‘eligible
5 community’ means a community that is impacted by
6 trade under section 273(a)(2) and is determined to
7 be eligible for assistance under this subchapter.

8 “(4) ELIGIBLE ENTITY.—The term ‘eligible en-
9 tity’ means—

10 “(A) an eligible community;

11 “(B) an institution of higher education or
12 a consortium of institutions of higher education;

13 or

14 “(C) a public or private nonprofit organi-
15 zation or association acting in cooperation with
16 officials of a political subdivision of a State.

17 “(4) SECRETARY.—The term ‘Secretary’ means
18 the Secretary of Commerce.

19 “(5) UNDERSERVED COMMUNITY.—The term
20 ‘underserved community’ has the meaning given that
21 term in section 247.

22 **“SEC. 272. ESTABLISHMENT OF TRADE ADJUSTMENT AS-**
23 **SISTANCE FOR COMMUNITIES PROGRAM.**

24 “The Secretary, acting through the Assistant Sec-
25 retary for Economic Development, shall, not later than

1 180 days after the date of enactment of this subchapter,
2 establish a program to provide communities impacted by
3 trade with assistance in accordance with the requirements
4 of this subchapter.

5 **“SEC. 273. ELIGIBILITY; NOTIFICATION OF ELIGIBILITY.**

6 “(a) ELIGIBILITY.—

7 “(1) IN GENERAL.—A community shall be eligi-
8 ble for assistance under this subchapter if the com-
9 munity is a community impacted by trade under
10 paragraph (2).

11 “(2) COMMUNITY IMPACTED BY TRADE.—A
12 community is impacted by trade if it meets each of
13 the following requirements:

14 “(A) One or more of the following certifi-
15 cations are made with respect to the commu-
16 nity:

17 “(i) By the Secretary of Labor, that a
18 group of workers located in the community
19 is eligible to apply for assistance under
20 section 223.

21 “(ii) By the Secretary of Commerce,
22 that a firm located in the community is eli-
23 gible to apply for adjustment assistance
24 under section 251.

1 “(iii) By the Secretary of Agriculture,
2 that a group of agricultural commodity
3 producers located in the community is eli-
4 gible to apply for adjustment assistance
5 under section 293.

6 “(B) The community—

7 “(i) applies for assistance not later
8 than 180 days after the date on which the
9 most recent certification described in sub-
10 paragraph (A) is made; or

11 “(ii) in the case of a community with
12 respect to which one or more such certifi-
13 cations were made on or after January 1,
14 1994, and before the date of the enactment
15 of this subchapter, applies for assistance
16 not later than September 30, 2024.

17 “(C) The community—

18 “(i) has a per capita income of 80
19 percent or less of the national average;

20 “(ii) has an unemployment rate that
21 is, for the most recent 24-month period for
22 which data are available, at least 1 percent
23 greater than the national average unem-
24 ployment rate; or

1 “(iii) is significantly affected by a loss
2 of, or threat to, the jobs associated with
3 any certification described in subparagraph
4 (A), or the community is undergoing tran-
5 sition of its economic base as a result of
6 changing trade patterns, as determined by
7 the Secretary.

8 “(b) NOTIFICATION OF ELIGIBILITY.—If one or more
9 certifications described in subsection (a)(2)(A) are made
10 with respect to a community, the applicable Secretary with
11 respect to such certification shall concurrently, notify the
12 Governor of the State in which the community is located
13 of the ability of the community to apply for assistance
14 under this section.

15 **“SEC. 274. GRANTS TO ELIGIBLE COMMUNITIES.**

16 “(a) IN GENERAL.—The Secretary may—

17 “(1) upon the application of an eligible commu-
18 nity, award a grant under this section to the com-
19 munity to assist in developing or updating a stra-
20 tegic plan that meets the requirements of section
21 275; or

22 “(2) upon the application of an eligible entity,
23 award an implementation grant under this section to
24 the entity to assist in implementing projects included

1 in a strategic plan that meets the requirements of
2 section 275.

3 “(b) SPECIAL PROVISIONS.—

4 “(1) REVOLVING LOAN FUND GRANTS.—

5 “(A) IN GENERAL.—The Secretary shall
6 maintain the proper operation and financial in-
7 tegrity of revolving loan funds established by el-
8 igible entities with assistance under this section.

9 “(B) EFFICIENT ADMINISTRATION.—The
10 Secretary may—

11 “(i) at the request of an eligible enti-
12 ty, amend and consolidate grant agree-
13 ments governing revolving loan funds to
14 provide flexibility with respect to lending
15 areas and borrower criteria; and

16 “(ii) assign or transfer assets of a re-
17 volving loan fund to third party for the
18 purpose of liquidation, and the third party
19 may retain assets of the fund to defray
20 costs related to liquidation.

21 “(C) TREATMENT OF ACTIONS.—An action
22 taken by the Secretary under this subsection
23 with respect to a revolving loan fund shall not
24 constitute a new obligation if all grant funds

1 associated with the original grant award have
2 been disbursed to the recipient.

3 “(2) USE OF FUNDS IN PROJECTS CON-
4 STRUCTED UNDER PROJECT COST.—

5 “(A) IN GENERAL.—In the case of a grant
6 for a construction project under this section, if
7 the Secretary determines, before closeout of the
8 project, that the cost of the project, based on
9 the designs and specifications that were the
10 basis of the grant, has decreased because of de-
11 creases in costs, the Secretary may approve the
12 use of the excess funds (or a portion of the ex-
13 cess funds) to improve the project.

14 “(B) OTHER USES OF EXCESS FUNDS.—
15 Any amount of excess funds remaining after ap-
16 plication of subparagraph (A) may be used by
17 the Secretary for providing assistance under
18 this section.

19 “(c) COORDINATION.—If an eligible institution (as
20 such term is defined in section 279) located in an eligible
21 community is seeking a grant under section 279 at the
22 same time the community is seeking an implementation
23 grant under subsection (a)—

24 “(1) the Secretary, upon receipt of such infor-
25 mation from the Secretary of Labor as required

1 under section 279(e), shall notify the community
2 that the institution is seeking a grant under section
3 279; and

4 “(2) the community shall provide to the Sec-
5 retary, in coordination with the institution, a de-
6 scription of how the community will integrate
7 projects included in the strategic plan with the spe-
8 cific project for which the institution submits the
9 grant proposal under section 279.

10 “(d) LIMITATION.—The total amount of grants
11 awarded with respect to an eligible community under this
12 section for fiscal years 2022 through 2026 may not exceed
13 \$25,000,000.

14 “(e) PRIORITY.—The Secretary shall, in awarding
15 grants under this section, provide higher levels of funding
16 with respect to eligible communities that have a history
17 of economic distress and long-term unemployment, as de-
18 termined by the Secretary.

19 “(f) GEOGRAPHIC DIVERSITY.—

20 “(1) IN GENERAL.—The Secretary shall, in
21 awarding grants under this section, ensure that
22 grants are awarded with respect to eligible commu-
23 nities from geographically diverse areas.

24 “(2) GEOGRAPHIC REGION REQUIREMENT.—
25 The Secretary shall, in meeting the requirement

1 under paragraph (1), award a grant under this sec-
2 tion for each of the fiscal years 2022 through 2026
3 to at least one eligible community located in each ge-
4 ographic region for which regional offices of the
5 Economic Development Administration of the De-
6 partment of Commerce are responsible, to the extent
7 that the Secretary receives an application from at
8 least one eligible community in each such geographic
9 region.

10 **“SEC. 275. STRATEGIC PLANS.**

11 “(a) IN GENERAL.—A strategic plan meets the re-
12 quirements of this section if—

13 “(1) the consultation requirements of sub-
14 section (b) are met with respect to the development
15 of the plan;

16 “(2) the plan meets the requirements of sub-
17 section (c); and

18 “(3) the plan is approved in accordance with
19 the requirements of subsection (d).

20 “(b) CONSULTATION.—

21 “(1) IN GENERAL.—To the extent practicable,
22 an eligible community shall consult with the entities
23 described in paragraph (2) in developing the stra-
24 tegic plan.

1 “(2) ENTITIES DESCRIBED.—The entities de-
2 scribed in this paragraph are public and private en-
3 tities located in or serving the eligible community,
4 including—

5 “(A) local, county, or State government
6 agencies;

7 “(B) firms, including small- and medium-
8 sized firms;

9 “(C) local workforce investment boards;

10 “(D) labor organizations, including State
11 labor federations and labor-management initia-
12 tives, representing workers in the community;

13 “(E) educational institutions, local edu-
14 cational agencies, and other training providers;
15 and

16 “(F) local civil rights organizations and
17 community-based organizations, including orga-
18 nizations representing underserved commu-
19 nities.

20 “(c) CONTENTS.—The strategic plan may contain, as
21 applicable to the community, the following:

22 “(1) A description and analysis of the capacity
23 of the eligible community to achieve economic ad-
24 justment to the impact of trade.

1 “(2) An analysis of the economic development
2 challenges and opportunities facing the community,
3 including the strengths and weaknesses of the econ-
4 omy of the community.

5 “(3) An assessment of—

6 “(A) the commitment of the community to
7 carry out the strategic plan on a long-term
8 basis;

9 “(B) the participation and input of mem-
10 bers of the community who are dislocated from
11 employment due to the impact of trade; and

12 “(C) the extent to which underserved com-
13 munities have been impacted by trade.

14 “(4) A description of how underserved commu-
15 nities will benefit from the strategic plan.

16 “(5) A description of the role of the entities de-
17 scribed in subsection (b)(2) in developing the stra-
18 tegic plan.

19 “(6) A description of projects under the stra-
20 tegic plan to facilitate the community’s economic ad-
21 justment to the impact of trade, including projects
22 to—

23 “(A) develop public facilities, public serv-
24 ices, jobs, and businesses (including establishing
25 a revolving loan fund);

1 “(B) provide for planning and technical as-
2 sistance;

3 “(C) provide for training;

4 “(D) provide for the demolition of vacant
5 or abandoned commercial, industrial, or resi-
6 dential property;

7 “(E) redevelop brownfields;

8 “(F) establish or support land banks;

9 “(G) support energy conservation; and

10 “(H) support historic preservation.

11 “(7) A strategy for continuing the community’s
12 economic adjustment to the impact of trade after the
13 completion of such projects.

14 “(8) A description of the educational and train-
15 ing programs and the potential employment opportu-
16 nities available to workers in the community, includ-
17 ing for workers under the age of 25, and the future
18 employment needs of the community.

19 “(9) An assessment of—

20 “(A) the cost of implementing the strategic
21 plan; and

22 “(B) the timing of funding required by the
23 community to implement the strategic plan.

1 “(10) A description of the methods of financing
2 to be used to implement the strategic plan, includ-
3 ing—

4 “(A) an implementation grant received
5 under section 274 or under other authorities;

6 “(B) a loan, including the establishment of
7 a revolving loan fund; or

8 “(C) other types of financing.

9 “(11) An assessment of how the community will
10 address unemployment among agricultural com-
11 modity producers, if applicable.

12 “(d) APPROVAL; CEDS EQUIVALENT.—

13 “(1) APPROVAL.—The Secretary shall approve
14 the strategic plan developed by an eligible commu-
15 nity under this section if the Secretary determines
16 that the strategic plan meets the requirements of
17 this section.

18 “(2) CEDS OR EQUIVALENT.—The Secretary
19 may deem an eligible community’s Comprehensive
20 Economic Development Strategy that substantially
21 meets the requirements of this section to be an ap-
22 proved strategic plan for purposes of this sub-
23 chapter.

24 “(e) ALLOCATION.—Of the funds appropriated to
25 carry out this chapter for each of the fiscal years 2022

1 through 2026, the Secretary may make available not more
2 than \$50,000,000 to award grants under section
3 274(a)(1).

4 **“SEC. 276. COORDINATION OF FEDERAL RESPONSE AND**
5 **OTHER ADDITIONAL TECHNICAL ASSIST-**
6 **ANCE.**

7 “(a) IN GENERAL.—The Secretary shall coordinate
8 the Federal response with respect to an eligible community
9 that is awarded an implementation grant under section
10 274(a)(2) to implement the community’s strategic plan
11 that meets the requirements of section 275 by—

12 “(1) identifying and consulting, as appropriate,
13 with any other Federal, State, regional, or local gov-
14 ernment agency;

15 “(2) assisting the community to access assist-
16 ance from other available Federal sources as nec-
17 essary to fulfill the community’s strategic plan devel-
18 oped under section 275; and

19 “(3) ensuring that such assistance is provided
20 in a targeted, integrated manner.

21 “(b) TRANSFER OF FUNDS.—

22 “(1) TRANSFER OF FUNDS TO OTHER FEDERAL
23 AGENCIES.—Funds appropriated to carry out this
24 chapter may be transferred between Federal agen-

1 cies, if the funds are used for the purposes for which
2 the funds are specifically appropriated.

3 “(2) TRANSFER OF FUNDS FROM OTHER FED-
4 ERAL AGENCIES.—

5 “(A) IN GENERAL.—Subject to subpara-
6 graph (B), for the purposes of this chapter, the
7 Secretary may accept transfers of funds from
8 other Federal agencies if the funds are used for
9 the purposes for which (and in accordance with
10 the terms under which) the funds are specifi-
11 cally appropriated.

12 “(B) USE OF FUNDS.—The transferred
13 funds—

14 “(i) shall remain available until ex-
15 pended; and

16 “(ii) may, to the extent necessary to
17 carry out this chapter, be transferred to
18 and merged by the Secretary with the ap-
19 propriations for salaries and expenses.

20 “(c) ADDITIONAL TECHNICAL ASSISTANCE.—In ad-
21 dition to the coordination and assistance described in sub-
22 section (a), the Secretary shall provide technical assistance
23 for communities—

24 “(1) to identify significant impediments to eco-
25 nomic development that result from the impact of

1 trade on the community, including in the course of
2 developing a strategic plan under section 275; and

3 “(2) to access assistance under other available
4 sources, including State, local, or private sources, to
5 implement projects that diversify and strengthen the
6 economy in the community.

7 **“SEC. 277. GENERAL PROVISIONS.**

8 “(a) REGULATIONS.—

9 “(1) IN GENERAL.—The Secretary shall, sub-
10 ject to paragraph (3), promulgate such regulations
11 as may be necessary to carry out this subchapter, in-
12 cluding with respect to—

13 “(A) administering the awarding of grants
14 under section 274, including establishing guide-
15 lines for the submission and evaluation of grant
16 applications under such section; and

17 “(B) establishing guidelines for the evalua-
18 tion of strategic plans developed to meet the re-
19 quirements of section 275.

20 “(2) CONSULTATIONS.—The Secretary shall
21 consult with the Committee on Ways and Means of
22 the House of Representatives and the Committee on
23 Finance of the Senate not later than 90 days prior
24 to promulgating any final rule or regulation under
25 this subsection.