

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO COMMITTEE PRINT
OFFERED BY M_{R.} SCOTT**

Strike the text of the committee print and insert the following:

1 **TITLE II—COMMITTEE ON**
2 **EDUCATION AND LABOR**
3 **Subtitle A—Education Matters**
4 **PART 1—ELEMENTARY AND SECONDARY**
5 **EDUCATION**

6 **SEC. 20001. REBUILD AMERICA’S SCHOOLS GRANT PRO-**
7 **GRAM.**

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

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

15 (2) for each of fiscal years 2023 through 2024,
16 out of any money in the Treasury not otherwise ap-
17 propriated, \$39,643,650,000, to remain available

1 until September 30, 2026, for carrying out this sec-
2 tion.

3 (b) REBUILD AMERICA'S SCHOOLS GRANTS AUTHOR-
4 IZED.—From funds provided under paragraphs (1) and
5 (2) of subsection (a), the Secretary shall award grants in
6 fiscal years 2022 through 2024 to State educational agen-
7 cies in accordance with subsection (c).

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

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

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

15 (B) with respect to fiscal years 2023 and
16 2024, if such State educational agency has had
17 approved by the Secretary a State facilities plan
18 developed under paragraph (3)(A)(ii)(I), for the
19 purpose of improving public school facilities in
20 accordance with paragraph (3)(B).

21 (2) ALLOCATIONS TO STATES.—The amount al-
22 located to each State educational agency under para-
23 graph (1) shall be in the same proportion as the
24 amounts distributed to the State under part A of
25 title I of the Elementary and Secondary Education

1 Act of 1965 (20 U.S.C. 6311) in the most recent fis-
2 cal year, relative to the total amount received under
3 such part by all other States receiving an allocation
4 under this section in such fiscal year.

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

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

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

21 (I) the development and publica-
22 tion of a local facilities master plan to
23 address the health, safety, education
24 equity, enrollment diversity, environ-
25 mental sustainability, and climate re-

1 siliency of the public school facilities
2 operated by such agency; and

3 (II) the collection and submission
4 of data to the State educational agen-
5 cy to support implementation of the
6 State school facilities database; and

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

9 (I) develop a State facilities plan
10 that details—

11 (aa) how the State will use
12 grant funds received under this
13 section and State funds to make
14 improvements to public school fa-
15 cilities of eligible local edu-
16 cational agencies to address dis-
17 parities in both the financing and
18 expenditures of school facilities
19 capital outlay projects and in the
20 conditions of public school facili-
21 ties between eligible local edu-
22 cational agencies and other local
23 educational agencies in the State;

24 (bb) how the State will de-
25 velop a competitive process to

1 provide subgrants to eligible local
2 educational agencies, including
3 the State's criteria for subgrant
4 eligibility; and

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

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

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

1 (B) with respect to each of fiscal years
2 2023 and 2024, shall—

3 (i) use not less than 90 percent of
4 such allocation to award subgrants on a
5 competitive basis to eligible local edu-
6 cational agencies with approved applica-
7 tions described in paragraph (4)(A); and

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

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

13 (II) provide technical assistance
14 to eligible local educational agencies in
15 the State in carrying out school facili-
16 ties capital outlay projects, including
17 technical assistance regarding capital
18 construction, energy efficiency, and
19 climate resiliency;

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

25 (aa) indoor air quality;

- 1 (bb) water quality;
- 2 (cc) energy and water effi-
- 3 ciency;
- 4 (dd) renewable energy and
- 5 decarbonization;
- 6 (ee) exposure to toxic sub-
- 7 stances, including mercury,
- 8 radon, polychlorinated biphenyls,
- 9 lead, vapor intrusions, and asbes-
- 10 tos;
- 11 (ff) climate resiliency;
- 12 (gg) emergency prepared-
- 13 ness for natural or man-made
- 14 disasters or emergencies; and
- 15 (hh) structural hazards cre-
- 16 ated by pyrrhotite, as determined
- 17 by an engineer's report and
- 18 pyrrhotite testing;
- 19 (IV) provide professional develop-
- 20 ment opportunities for State and local
- 21 staff involved in maintenance and op-
- 22 erations and school facilities capital
- 23 outlay projects; and

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

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

6 (A) APPLICATION.—The State educational
7 agency shall require an eligible local educational
8 agency desiring a subgrant under paragraph
9 (3)(B)(i) to submit an application to the State
10 educational agency that, at a minimum, in-
11 cludes—

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

23 (ii) such agency's facilities master
24 plan.

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

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

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

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

18 (iv) Constructing new public school
19 facilities, including when student enroll-
20 ment exceeds the physical and instructional
21 capacity of public school facilities.

22 (v) Purchasing and preparing sites on
23 which public school facilities will be con-
24 structed.

1 (vi) Improving energy and water effi-
2 ciency in public school facilities, including
3 improvements related to clean energy.

4 (vii) Reducing or eliminating the pres-
5 ence of health and safety hazards in public
6 school facilities, including—

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

10 (II) mold or mildew;

11 (III) rodents and pests; and

12 (IV) structural hazards created
13 by pyrrhotite.

14 (viii) Improving instructional or out-
15 door public school facilities relating to
16 early learning, special education, science,
17 technology, career and technical education,
18 physical education, the arts, literacy (in-
19 cluding library programs), or community-
20 based partnerships.

21 (ix) Improving the public school facili-
22 ties of magnet schools, or other instruc-
23 tional programs, designed to increase stu-
24 dent diversity and decrease racial or socio-
25 economic isolation.

1 (x) Supporting independent commis-
2 sioning and certification of public school
3 facilities, public school facility systems,
4 and school facilities capital outlay projects.

5 (d) CONDITIONS.—

6 (1) STATE MATCHING REQUIREMENT.—

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

14 (B) EXEMPTION.—States that contributed
15 an average of 10 percent or greater toward
16 total local educational agency capital outlay
17 from non-Federal funds, within the most recent
18 5-year fiscal period, are exempt from the State
19 matching requirement under subparagraph (A).

20 (2) STATE MAINTENANCE OF EFFORT.—

21 (A) IN GENERAL.—The State shall provide
22 an assurance to the Secretary that for each fis-
23 cal year that the State receives an allocation
24 under this section, the State's share of school
25 facilities capital outlay will be not less than 90

1 percent of the average of the State’s share of
2 school facilities capital outlay for the 5 years
3 preceding the 2020 fiscal year.

4 (B) WAIVER.—Notwithstanding subpara-
5 graph (A), in response to a request from a
6 State, the Secretary may modify or waive, in
7 whole or in part, the requirement of subpara-
8 graph (A) if the Secretary determines that such
9 State demonstrates an exceptional or uncontrol-
10 lable circumstance, such as a natural disaster,
11 pandemic, or precipitous decline in revenue.

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

21 (e) DEFINITIONS.—

22 (1) ESEA TERMS.—The terms “elementary
23 school”, “local educational agency”, “secondary
24 school”, and “State educational agency” have the
25 meanings given the terms in section 8101 of the Ele-

1 elementary and Secondary Education Act of 1965 (20
2 U.S.C. 7801).

3 (2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—

4 The term “eligible local educational agency” means
5 a local educational agency (including a public char-
6 ter school that is a local educational agency under
7 State law) in a State that—

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

12 (i) the highest numbers or percent-
13 ages of students counted under section
14 1124(c) of the Elementary and Secondary
15 Education Act of 1965 (20 U.S.C.
16 6333(c)); or

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

22 (B) certifies that any funds received under
23 this section shall be used to prioritize the im-
24 provement of public school facilities of public el-
25 elementary or secondary schools that serve the

1 highest percentages of students who are eligible
2 for a free or reduced price lunch under the
3 Richard B. Russell National School Lunch Act
4 (42 U.S.C. 1751), under a method established
5 by the Secretary; and

6 (C) certifies that any public school facili-
7 ties improved by funds received under this sec-
8 tion are—

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

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

13 (II) owned or leased from a private
14 entity, except that no individual associated
15 with such private entity may have a finan-
16 cial interest or management role in the
17 local educational agency.

18 (3) LOCAL FACILITIES MASTER PLAN.—The
19 term “local facilities master plan” means a plan of
20 a local educational agency developed under sub-
21 section (c)(3)(A)(i)(I) by the local educational agen-
22 cy, in consultation with local stakeholders, which in-
23 cludes an assessment of such agency’s public school
24 facilities, financing of school capital project outlays,

1 and student enrollment levels, and other factors de-
2 termined by the Secretary.

3 (4) OPERATIONS AND MAINTENANCE OF
4 SCHOOL FACILITIES.—The term “operations and
5 maintenance of school facilities” means the labor,
6 contracts, and supplies and materials supported by
7 a local educational agency’s annual operating budget
8 related to—

9 (A) cleaning, groundskeeping, and preven-
10 tive and routine maintenance of public school
11 facilities and grounds;

12 (B) minor repairs and operations of build-
13 ing systems and equipment for public school fa-
14 cilities; and

15 (C) payments for utilities for public school
16 facilities.

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

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

1 (B) a vehicle; or

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

5 (6) SCHOOL FACILITIES CAPITAL OUTLAY
6 PROJECT.—The term “school facilities capital outlay
7 project” means the assessment, planning, design,
8 construction, renovation, repair, management, and
9 financing of a public school facility project with a
10 life expectancy of at least 10 years, but does not in-
11 clude operations and maintenance of school facilities.

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

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

17 (9) STATE’S CONTRIBUTION TO SCHOOL FACILI-
18 TIES CAPITAL OUTLAYS.—The term “State’s con-
19 tribution to school facilities capital outlays” means
20 the total amount of State appropriations on elemen-
21 tary and secondary education capital expenditures in
22 the State, including—

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

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

3 (C) direct payment of school facilities cap-
4 ital outlay projects; and

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

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

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

21 **SEC. 20002. OUTLYING AREAS.**

22 In addition to amounts otherwise available, there is
23 appropriated to the Department of Education for fiscal
24 year 2022, out of any money in the Treasury not otherwise
25 appropriated, \$410,900,000, to remain available until

1 September 30, 2026, for the Secretary of Education to
2 allocate to each outlying area (as defined in section 8101
3 of the Elementary and Secondary Education Act of 1965
4 (20 U.S.C. 7801)) an amount in proportion to the amount
5 received by the outlying area under part A of title I of
6 the Elementary and Secondary Education Act of 1965 (20
7 U.S.C. 6311) in the most recent fiscal year relative to the
8 total amount received under such part for such fiscal year
9 by all outlying areas, to carry out the activities described
10 in section 20001(c) in the outlying areas.

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

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

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

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

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

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

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

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

22 (2) \$41,090,000, to remain available until Sep-
23 tember 30, 2026, for digital infrastructure to im-
24 prove access to high-speed broadband sufficient for
25 digital learning and related digital infrastructure ac-

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

5 **SEC. 20005. GALLAUDET UNIVERSITY.**

6 In addition to amounts otherwise available, there is
7 appropriated to the Department of Education for fiscal
8 year 2022, out of any money in the Treasury not otherwise
9 appropriated, \$150,000,000, to remain available until
10 September 30, 2026, for the Kendall Demonstration Ele-
11 mentary School and the Model Secondary School for the
12 Deaf at Gallaudet University for construction, as defined
13 in section 201(2) of the Education of the Deaf Act of 1986
14 (20 U.S.C. 4351(2)).

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

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

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

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

4 (2) in subsection (c)(1), by inserting “a Grow
5 Your Own program under subsection (g),” after
6 “subsection (e),”;

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

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

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

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

22 “(2) REQUIREMENTS OF A GROW YOUR OWN
23 PROGRAM.—In addition to carrying out each of the
24 activities described in paragraphs (1) through (6) of
25 subsection (d), an eligible partnership carrying out a

1 Grow Your Own program under this subsection
2 shall—

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

10 “(B) provide opportunities for candidates
11 to practice and develop teaching skills or school
12 leadership skills;

13 “(C) support candidates as they complete
14 their associate (in furtherance of their bacca-
15 laureate), baccalaureate, or master’s degree or
16 earn their teaching or school leadership creden-
17 tial;

18 “(D) work to provide academic, counseling,
19 and programmatic supports to candidates;

20 “(E) provide academic and nonacademic
21 supports, including advising and financial as-
22 sistance, to candidates to enter and complete
23 teacher or school leadership preparation pro-
24 grams and to access and complete State licen-
25 sure exams;

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

5 “(i) from groups or populations that
6 are underrepresented; and

7 “(ii) who live in and come from the
8 communities the schools serve;

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

12 “(H) require candidates to complete all
13 State requirements to become fully certified;
14 and

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

17 **SEC. 20007. TEACHER RESIDENCIES.**

18 In addition to amounts otherwise available, there is
19 appropriated to the Department of Education for fiscal
20 year 2022, out of any money in the Treasury not otherwise
21 appropriated, \$198,000,000, to remain available through
22 September 30, 2025, to award grants for the development
23 and support of high-quality teaching residency programs,
24 as described in section 202(e) of the Higher Education
25 Act of 1965 (20 U.S.C. 1022a(e)), except that amounts

1 available under this section shall be available for residency
2 programs for prospective teachers in a bachelor's or mas-
3 ter's degree program.

4 **SEC. 20008. SUPPORT SCHOOL PRINCIPALS.**

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

13 **SEC. 20009. HAWKINS.**

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

1 **SEC. 20010. FUNDING FOR THE INDIVIDUALS WITH DISABIL-**
2 **ITIES EDUCATION PART D PERSONNEL DE-**
3 **VELOPMENT.**

4 In addition to amounts otherwise available, there is
5 appropriated to the Department of Education for fiscal
6 year 2022, out of any money in the Treasury not otherwise
7 appropriated, \$297,000,000, to remain available until
8 September 30, 2025, for personnel development in section
9 662 of the Individuals with Disabilities Education Act (20
10 U.S.C. 1462).

11 **PART 2—HIGHER EDUCATION**

12 **Subpart A—America’s College Promise**

13 **SEC. 20021. GRANTS FOR TUITION-FREE COMMUNITY COL-**
14 **LEGE.**

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

18 **“PART F—AMERICA’S COLLEGE PROMISE**

19 **“Subpart 1—Grants for Tuition-Free Community**
20 **College**

21 **“SEC. 785. GRANT AWARDS.**

22 **“(a) IN GENERAL.—**Beginning with award year
23 2023-2024, from amounts appropriated to carry out this
24 subpart for any fiscal year, the Secretary shall award
25 grants to States and eligible Tribal Colleges and Univer-
26 sities to pay the Federal share of expenditures needed to

1 carry out the activities and services described in section
2 789.

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

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

8 “(a) FEDERAL SHARE.—

9 “(1) IN GENERAL.—

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

22 “(i) for the 2023–2024 award year,
23 the median resident community college tui-
24 tion and fees per student in all States, not
25 weighted for enrollment, for the most re-

1 cent award year for which data are avail-
2 able; and

3 “(ii) for each subsequent award year,
4 the amount determined under this para-
5 graph for the preceding award year, in-
6 creased by the lesser of—

7 “(I) a percentage equal to the es-
8 timated percentage increase in the
9 Consumer Price Index (as determined
10 by the Secretary) since the date of
11 such determination; or

12 “(II) 3 percent.

13 “(B) APPLICABLE PERCENT.—The appli-
14 cable percent for a State receiving a grant
15 under this subpart shall be—

16 “(i) for the 2023–2024 award year,
17 100 percent;

18 “(ii) for the 2024–2025 award year,
19 95 percent;

20 “(iii) for the 2025–2026 award year,
21 90 percent;

22 “(iv) for the 2026–2027 award year,
23 85 percent; and

24 “(v) for the 2027–2028 award year,
25 80 percent.

1 “(2) TRIBAL COLLEGES AND UNIVERSITIES.—

2 The amount of the Federal share for an eligible
3 Tribal College or University receiving a grant under
4 this subpart shall be the greater of—

5 “(A) 100 percent of the per-student
6 amount determined in accordance with clause
7 (i) or (ii) of paragraph (1)(A), as applicable,
8 with respect to eligible students enrolled in such
9 eligible Tribal College or University (based on
10 full-time equivalent enrollment); or

11 “(B) the amount that is 100 percent of the
12 total amount needed to set tuition and fees to
13 \$0 for all eligible students enrolled in such eligi-
14 ble Tribal College or University for the 2021–
15 2022 award year, increased by the percentage
16 increase in the Consumer Price Index (as deter-
17 mined by the Secretary) between July 1, 2021,
18 and the applicable award year, and adjusted to
19 reflect the enrollment in such eligible Tribal
20 College or University for such applicable award
21 year.

22 “(b) STATE SHARE.—

23 “(1) FORMULA.—

24 “(A) IN GENERAL.—The State share of a
25 grant under this subpart for each award year

1 shall be the amount needed to pay the applica-
2 ble percent described in subparagraph (B) of
3 the median resident community college tuition
4 and fees in all States, not weighted for enroll-
5 ment, per student (based on full-time equivalent
6 enrollment) determined in accordance with sub-
7 section (a)(1)(A)(i) for all eligible students en-
8 rolled in a community college operated or con-
9 trolled by the State for such award year.

10 “(B) APPLICABLE PERCENT.—The appli-
11 cable percent shall be—

12 “(i) for the 2023–2024 award year, 0
13 percent;

14 “(ii) for the 2024–2025 award year, 5
15 percent;

16 “(iii) for the 2025–2026 award year,
17 10 percent;

18 “(iv) for the 2026–2027 award year,
19 15 percent; and

20 “(v) for the 2027–2028 award year,
21 20 percent.

22 “(C) OBLIGATION TO PROVIDE SHARE.—
23 The State shall provide the State share even if
24 the State is able to set tuition and fees charged
25 to eligible students attending community col-

1 leges operated or controlled by the State to \$0
2 as required by section 788(a) without such
3 State share.

4 “(D) NO DOUBLE COUNTING FUNDS.—Ex-
5 cept with respect to funding described in para-
6 graph (2)(A), no funds that count toward the
7 maintenance of effort requirement under sec-
8 tion 788(c) may also count toward the State
9 share under this subsection.

10 “(E) SPECIAL RULE FOR OUTLYING AREAS
11 AND TERRITORIES.—

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

1 the reduction in the applicable percent
2 used to calculate such State share.

3 “(ii) DEFINITION.—For the purposes
4 of this subparagraph, the term ‘outlying
5 area or territory’ means the Common-
6 wealth of Puerto Rico, the District of Co-
7 lumbia, Guam, American Samoa, the
8 United States Virgin Islands, the Com-
9 monwealth of the Northern Mariana Is-
10 lands, and the Freely Associated States.

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

20 “(A) any financial aid that is provided
21 from State funds to an eligible student and
22 that—

23 “(i)(I) is not awarded predominantly
24 on the basis of merit, including programs

1 awarded on the basis of predicted or actual
2 academic performance or assessments; and

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

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

9 “(3) RELATIONSHIP TO MAINTENANCE OF EF-
10 FORT.—The inclusion of funds described in para-
11 graph (2) as part of a State’s share shall modify the
12 maintenance of effort requirements under section
13 788(c) in accordance with the provisions of—

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

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

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

21 “(c) DETERMINING NUMBER OF ELIGIBLE STU-
22 DENTS.—

23 “(1) IN GENERAL.—For purposes of sub-
24 sections (a) and (b), the Secretary shall, in consulta-
25 tion with the State or eligible Tribal College or Uni-

1 versity concerned, determine the estimated number
2 of eligible students enrolled in the community col-
3 leges operated or controlled by such State or in such
4 eligible Tribal College or University for the applica-
5 ble award year.

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

11 “(A) in consultation with the State or eli-
12 gible Tribal College or University concerned,
13 determine the actual number of eligible stu-
14 dents enrolled in the community colleges oper-
15 ated or controlled by such State or in such eli-
16 gible Tribal College or University for the year
17 covered by the grant; and

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

1 “(d) COMMUNITY COLLEGES OPERATED OR CON-
2 TROLLED BY STATE TO INCLUDE COMMUNITY COLLEGES
3 OPERATED OR CONTROLLED BY LOCAL GOVERNMENTS
4 WITHIN THE STATE.—For purposes of this subpart, the
5 term ‘community college operated or controlled by a State’
6 shall include a community college operated or controlled
7 by a local government within such State.

8 “(e) INAPPLICABILITY OF STATE REQUIREMENTS TO
9 ELIGIBLE TCUS.—The Secretary may not apply any re-
10 quirements applicable only to States under this subpart
11 to an eligible Tribal College or University, including the
12 requirements under subsection (b), section 788(b) and (c),
13 and section 790.

14 **“SEC. 787. APPLICATIONS.**

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

18 “(1) an estimate of the number of eligible stu-
19 dents enrolled in the community colleges operated or
20 controlled by the State or in the eligible Tribal Col-
21 lege or University and the cost of waiving tuition
22 and fees for all eligible students for each award year
23 covered by the grant;

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

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

9 “(4) a description of how the State or eligible
10 Tribal College or University will ensure that pro-
11 grams leading to a recognized postsecondary creden-
12 tial meet the quality criteria established by the State
13 under section 122(b)(1) of the Workforce Innovation
14 and Opportunity Act (29 U.S.C. 3152(b)(1)) or
15 other quality criteria determined appropriate by the
16 State or eligible Tribal College or University;

17 “(5) an assurance that each community college
18 operated or controlled by the State or the eligible
19 Tribal College or University, as applicable, has en-
20 tered into a program participation agreement under
21 section 487;

22 “(6) an assurance that the State or eligible
23 Tribal College or University will assist eligible stu-
24 dents in obtaining information about and accessing
25 means-tested Federal benefit programs and similar

1 State, tribal, and local benefit programs that can
2 provide financial assistance for any component of
3 the student's cost of attendance, as defined under
4 section 472, other than tuition and fees;

5 “(7) an assurance that, for each year of the
6 grant, the State or eligible Tribal College or Univer-
7 sity will notify each eligible student of the student's
8 remaining eligibility for assistance under this sub-
9 part;

10 “(8) if the application is submitted by a
11 State—

12 “(A) an assurance that the State will meet
13 the requirements of section 788(b)(1) relating
14 to the alignment of secondary and postsec-
15 ondary education; and

16 “(B) an assurance that the State will meet
17 the requirements of section 788(b)(2) relating
18 to the improvement of transfer pathways be-
19 tween institutions of higher education; and

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

1 “(A) plans to implement the program
2 funded under this subpart; and

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

7 **“SEC. 788. PROGRAM REQUIREMENTS.**

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

11 “(1) ensure that the total amount of tuition
12 and fees charged to an eligible student attending a
13 community college operated or controlled by the
14 State or the eligible Tribal College or University, as
15 applicable, is \$0;

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

18 “(3) not use any funds provided under this sub-
19 part for administrative purposes relating to such
20 grant.

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

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

3 “(A) submit and implement a plan to align
4 the requirements for receiving a regular high
5 school diploma from public schools in the State
6 with the requirements for entering credit-bear-
7 ing coursework at community colleges in such
8 State; and

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

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

14 “(A) submit a plan, developed in collabora-
15 tion with faculty from institutions of higher
16 education in the State, to improve transfer
17 pathways among institutions of higher edu-
18 cation in the State, including by—

19 “(i) ensuring that associate degrees
20 awarded by community colleges in the
21 State are fully transferable to, and credited
22 as, the first 2 years of related bacca-
23 laureate programs at public institutions of
24 higher education in such State;

1 “(ii) increasing the transferability of
2 individual courses within the certificate or
3 associate programs offered by community
4 colleges in the State to related bacca-
5 laurate programs offered by institutions
6 of higher education in such State to maxi-
7 mize the transferability of credits for stu-
8 dents who transfer before completing an
9 associate degree;

10 “(iii) expanding the use of reverse
11 transfer policies that allow institutions
12 to—

13 “(I) implement the process of
14 retroactively granting a certificate or
15 associate degree to students who had
16 not completed the requirements for
17 such certificate or degree before they
18 transferred; and

19 “(II) allow academic credits for
20 coursework completed at a 4-year in-
21 stitution to be applied to a previously-
22 attended community college for the
23 purpose of obtaining an associate de-
24 gree or a certificate; and

1 “(iv) ensuring that students attending
2 community colleges in the State have ac-
3 cess to comprehensive counseling and sup-
4 ports to facilitate the process of transfer-
5 ring to a 4-year institution of higher edu-
6 cation; and

7 “(B) not later than 3 years after the date
8 on which the State first receives a grant under
9 this subpart, certify to the Secretary that the
10 State is carrying out the plan submitted in ac-
11 cordance with subparagraph (A) and is meeting
12 the requirements of clauses (i) through (iv) of
13 such subparagraph.

14 “(c) STATE MAINTENANCE OF EFFORT.—A State re-
15 ceiving a grant under this subpart shall be entitled to re-
16 ceive its full allotment of funds under this subpart for a
17 fiscal year only if, for each year of the grant, the State
18 provides—

19 “(1) State fiscal support for higher education
20 per full-time equivalent student at a level equal to or
21 exceeding the average amount of State fiscal support
22 for higher education per full-time equivalent student
23 provided for the 3 consecutive preceding fiscal years;

24 “(2) financial support for operating expenses
25 (excluding capital expenses and research and devel-

1 opment costs) for public 4-year institutions of higher
2 education at a level equal to or exceeding the aver-
3 age amount provided for the 3 consecutive preceding
4 State fiscal years; and

5 “(3) financial support for need-based financial
6 aid at a level equal to or exceeding the average
7 amount provided for the 3 consecutive preceding
8 State fiscal years.

9 “(d) NO ADDITIONAL ELIGIBILITY REQUIRE-
10 MENTS.—A State or eligible Tribal College or University
11 that receives a grant under this subpart may not impose
12 additional eligibility requirements on eligible students
13 other than the requirements under this subpart.

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

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

20 “(a) IN GENERAL.—Except as provided in subsection
21 (b)—

22 “(1) a State shall use a grant under this sub-
23 part only to provide funds to each community college
24 operated or controlled by the State to enable each
25 such community college to set community college

1 tuition and fees for eligible students to \$0 as re-
2 quired under section 788(a); and

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

7 “(b) ADDITIONAL USES.—If a State or an eligible
8 Tribal College or University demonstrates to the Secretary
9 that the State or eligible Tribal College or University has
10 grant funds remaining after meeting the demand for ac-
11 tivities described in subsection (a), the State or eligible
12 Tribal College or University shall use the remaining funds
13 to carry out 1 or more of the following:

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

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

20 “(3) Improving student outcomes by imple-
21 menting evidence-based institutional reforms or
22 practices, including reforms or practices that are de-
23 scribed in section 795D(b)(1) or that meet an evi-
24 dence tier defined in section 795E(2).

1 “(4) Expanding access to dual or concurrent
2 enrollment programs or early college high school
3 programs.

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

10 “(d) CONTINUATION OF FUNDING.—

11 “(1) IN GENERAL.—Except as provided in para-
12 graph (2), a State or an eligible Tribal College or
13 University receiving a grant under this subpart for
14 an award year may continue to receive funding
15 under this subpart for subsequent award years con-
16 ditioned on the availability of budget authority and
17 on meeting the requirements of the grant, as deter-
18 mined by the Secretary.

19 “(2) DISCONTINUATION.—The Secretary shall
20 discontinue or reduce funding of the Federal share
21 of a grant under this subpart if the State or an eli-
22 gible Tribal College or University has violated the
23 terms of the grant.

24 “(e) RULE OF CONSTRUCTION REGARDING BIE
25 FUNDS.—Nothing in this subpart shall be construed to

1 impact the availability of funds from, or uses of funds pro-
2 vided by, the Bureau of Indian Education for Tribal Col-
3 leges and Universities.

4 **“SEC. 790. AUTOMATIC STABILIZERS FOR AMERICA’S COL-**
5 **LEGE PROMISE.**

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

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

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

20 “(A) the fiscal year for which the deter-
21 mination of the State’s eligibility for such relief
22 is made;

23 “(B) the fiscal year succeeding the fiscal
24 year described in subparagraph (A); or

25 “(C) both such fiscal years.

1 “(b) STATE SHARE RELIEF.—

2 “(1) STATE SHARE RELIEF.—A State that
3 meets the qualifying spending requirement and is el-
4 ible for relief under tier II, III, IV, or V may re-
5 quest relief with respect to the requirements of sec-
6 tion 786(b)(1)(B). Upon request by such a State,
7 the Secretary shall provide relief from the require-
8 ments of section 786(b)(1)(B), for the applicable
9 award year or years, for the State as follows:

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

13 “(i) apply section 786(a)(1)(B)(v) by
14 substituting ‘85 percent’ for ‘80 percent’;
15 and

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

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

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

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

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

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

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

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

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

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

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

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

19 and

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

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

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

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

5 “(iii) apply section 786(a)(1)(B)(iv)
6 by substituting ‘100 percent’ for ‘85 per-
7 cent’;

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

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

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

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

16 and

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

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

1 “(A) the award year for which the deter-
2 mination of the State’s eligibility for such relief
3 is made;

4 “(B) the award year succeeding the award
5 year described in subparagraph (A); or

6 “(C) both such award years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 “(ii) the national average unemployment
24 rate is equal to or greater than 8.5 percent but

1 less than 9.5 percent at any point in the fiscal
2 or award year; and

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

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

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

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

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

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

23 “(A) if the State requests such relief for
24 the fiscal year for which the determination of
25 the State’s eligibility for such relief is made, the

1 amount by which the State is unable to meet
2 the requirements of section 788(e) for such fis-
3 cal year; and

4 “(B) if the State requests such relief for
5 the fiscal year succeeding the year described in
6 subparagraph (A), the amount by which the
7 State anticipates being unable to meet such re-
8 quirements for such succeeding fiscal year.

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

12 “(A) if the State requests such relief for
13 the award year for which the determination of
14 the State’s eligibility for such relief is made, the
15 extent to which the State is unable to meet the
16 requirements of section 786(b)(1)(B) for such
17 award year; and

18 “(B) if the State requests such relief for
19 the award year succeeding the year described in
20 subparagraph (A), the extent to which the State
21 anticipates being unable to meet such require-
22 ments for such succeeding award year.

23 “(3) The actual or anticipated timing, severity,
24 and duration of the unemployment rate increase
25 during—

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

4 “(B) the fiscal or award year, as applica-
5 ble, succeeding the fiscal or award year de-
6 scribed in subparagraph (A); and

7 “(C) the fiscal or award year, as applica-
8 ble, preceding the fiscal or award year described
9 in subparagraph (A).

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

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

18 “(f) DEFINITIONS.—In this section:

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

21 “(A) when used with respect to the Nation
22 as a whole, means a consecutive, 3-month pe-
23 riod in a fiscal year for which the national aver-
24 age unemployment rate is not less than 0.5 per-
25 centage points above the lowest national aver-

1 age unemployment rate for the 12-month period
2 preceding such 3-month period; and

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

10 “(2) QUALIFYING SPENDING REQUIREMENT.—

11 The term ‘qualifying spending requirement’, when
12 used with respect to determining whether a State
13 has met such requirement, means the State has not
14 disproportionately decreased spending for any of the
15 categories described in paragraphs (1) through (3)
16 of section 788(c) relative to such State’s overall de-
17 crease in spending averaged over the 3 consecutive
18 preceding fiscal years.

19 “(3) NATIONAL AVERAGE UNEMPLOYMENT
20 RATE.—The term ‘national average unemployment
21 rate’ means the average (seasonally adjusted) rate of
22 total unemployment in all States for a consecutive,
23 3-month period in a fiscal year, based on data from
24 the Bureau of Labor Statistics of the Department of
25 Labor.

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

7 **“SEC. 791. DEFINITIONS.**

8 “In this subpart:

9 “(1) CAREER PATHWAY.—The term ‘career
10 pathway’ has the meaning given the term in section
11 3 of the Workforce Innovation and Opportunity Act
12 (29 U.S.C. 3102).

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

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

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

19 “(ii) an associate degree is the pre-
20 dominant degree awarded;

21 “(B) an eligible Tribal College or Univer-
22 sity;

23 “(C) a degree-granting branch campus of a
24 4-year public institution of higher education, if,
25 at such branch campus—

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

3 “(ii) an associate degree is the pre-
4 dominant degree awarded; or

5 “(D) at the designation of the Secretary,
6 in the case of a State that does not operate or
7 control any institution that meets a definition
8 under subparagraph (A) or (C), a college or
9 similarly defined and structured academic enti-
10 ty—

11 “(i) that was in existence on July 1,
12 2021;

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

15 “(iii) at which—

16 “(I) the highest degree awarded
17 is an associate degree; or

18 “(II) an associate degree is the
19 predominant degree awarded.

20 “(3) DUAL OR CONCURRENT ENROLLMENT
21 PROGRAM.—The term ‘dual or concurrent enrollment
22 program’ has the meaning given the term in section
23 8101 of the Elementary and Secondary Education
24 Act of 1965.

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

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

7 “(A) is enrolled as an undergraduate stu-
8 dent in an eligible program (as defined in sec-
9 tion 481(b)) at a community college on not less
10 than a half-time basis;

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

15 “(i) qualifies for in-State or in-district
16 resident tuition at such community college;
17 or

18 “(ii) would qualify for such in-State
19 or in-district resident tuition at such com-
20 munity college, but for the immigration
21 status of such student;

22 “(C) has not been enrolled (whether full-
23 time or less than full-time) for more than 6 se-
24 mesters (or the equivalent) for which the com-

1 community college tuition and fees of the student
2 were set to \$0 pursuant to section 788(a);

3 “(D) is not enrolled in a dual or concur-
4 rent enrollment program or early college high
5 school; and

6 “(E) in the case of a student who is a
7 United States citizen, has filed a Free Applica-
8 tion for Federal Student Aid described in sec-
9 tion 483 for the applicable award year for
10 which the student is enrolled.

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

14 “(A) a 2-year Tribal College or University;
15 or

16 “(B) a degree-granting Tribal College or
17 University—

18 “(i) at which the highest degree
19 awarded is an associate degree; or

20 “(ii) an associate degree is the pre-
21 dominant degree awarded.

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

1 “(8) MEANS-TESTED FEDERAL BENEFIT PRO-
2 GRAM.—The term ‘means-tested Federal benefit pro-
3 gram’ has the meaning given the term in section
4 479.

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

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

12 “(A) INCLUSIONS.—

13 “(i) IN GENERAL.—Except as pro-
14 vided in subparagraph (B), the term ‘State
15 fiscal support for higher education’, used
16 with respect to a State for a fiscal year,
17 means an amount that is equal to—

18 “(I) the gross amount of applica-
19 ble State funds appropriated or dedi-
20 cated, and expended by the State, in-
21 cluding funds from lottery receipts, in
22 the fiscal year, that are used to sup-
23 port institutions of higher education
24 and student financial aid for higher
25 education in the State; and

1 “(II) any funds described in
2 clause (ii), if applicable.

3 “(ii) LOCAL FUNDS.—In the case of a
4 State that includes, as part of the State
5 share under section 786(b)(2)(B) for an
6 award year, funds provided to community
7 colleges by local governments in such State
8 for the purpose of carrying out this sub-
9 part, local funds provided to community
10 colleges operated or controlled by such
11 State for operating expenses (excluding
12 capital expenses and research and develop-
13 ment costs) shall be included in the cal-
14 culation of the State fiscal support for
15 higher education for such award year
16 under clause (i).

17 “(B) EXCLUSIONS.—State fiscal support
18 for higher education for a State for a fiscal
19 year shall not include—

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

22 “(ii) State-appropriated funds derived
23 from Federal sources, including funds pro-
24 vided under section 786(a) and section
25 795A(a)(2);

1 “(iii) funds that are included in the
2 State share under section 786(b), including
3 funds included in the State share in ac-
4 cordance with paragraph (2)(A) of such
5 section;

6 “(iv) amounts that are portions of
7 multiyear appropriations to be distributed
8 over multiple years that are not to be
9 spent for the year for which the calculation
10 under this paragraph is being made, sub-
11 ject to subparagraph (C);

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

16 “(vi) funds for—

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

19 “(aa) out-of-State institu-
20 tions of higher education;

21 “(bb) proprietary institu-
22 tions of higher education (as de-
23 fined in section 102(b));

24 “(cc) institutions of higher
25 education not accredited by an

1 agency or association recognized
2 by the Secretary pursuant to sec-
3 tion 496;

4 “(II) financial aid to students
5 awarded predominantly on the basis
6 of merit, including programs awarded
7 on the basis of predicted or actual
8 academic performance or assessments;

9 “(III) research and development;
10 or

11 “(IV) hospitals, athletics, or
12 other auxiliary enterprises;

13 “(vii) corporate or other private dona-
14 tions directed to one or more institutions
15 of higher education permitted to be ex-
16 pended by the State; or

17 “(viii) any other funds that the Sec-
18 retary determines shall not be included in
19 the calculation of State fiscal support for
20 higher education for such State.

21 “(C) ADJUSTMENTS FOR BIENNIAL APPRO-
22 PRIATIONS.—The Secretary shall take into con-
23 sideration any adjustments to the calculations
24 under this paragraph that may be required to
25 accurately reflect State fiscal support for higher

1 education in States with biennial appropriation
2 cycles.

3 “(11) STATE FISCAL SUPPORT FOR HIGHER
4 EDUCATION PER FULL-TIME EQUIVALENT STU-
5 DENT.—The term ‘State fiscal support for higher
6 education per full-time equivalent student’, when
7 used with respect to a State for a fiscal year, means
8 the amount that is equal to—

9 “(A) the State fiscal support for higher
10 education for the previous fiscal year; divided
11 by

12 “(B) the number of full-time equivalent
13 students enrolled in public institutions of higher
14 education in such State for such previous fiscal
15 year.

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

19 **“SEC. 792. SUNSET.**

20 “(a) IN GENERAL.—The authority to make grants
21 under this subpart shall expire at the end of award year
22 2027–2028.

23 “(b) INAPPLICABILITY OF GEPA CONTINGENT EX-
24 TENSION OF PROGRAMS.—Section 422 of the General

1 Education Provisions Act (20 U.S.C. 1226a) shall not
2 apply to this subpart.

3 **“SEC. 793. APPROPRIATION.**

4 “In addition to amounts otherwise available, there is
5 appropriated for fiscal year 2022, out of any money in
6 the Treasury not otherwise appropriated, such sums as
7 may be necessary, to remain available until September 30,
8 2030, for carrying out this subpart.”.

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

10 Part F of title VII of the Higher Education Act of
11 1965 (20 U.S.C. 1133 et seq.), as added by section 20021,
12 is further amended by adding at the end the following:

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

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

15 “Beginning with award year 2023-2024, from
16 amounts appropriated to carry out this subpart for any
17 fiscal year, the Secretary shall carry out a grant program
18 to make grants (which shall be known as ‘retention and
19 completion grants’) to eligible States and Tribal Colleges
20 and Universities to enable the eligible States and Tribal
21 Colleges and Universities to carry out the activities de-
22 scribed in section 795D.

23 **“SEC. 795A. GRANT AMOUNTS.**

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

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

8 “(2) use the amount remaining after the alloca-
9 tion under paragraph (1) to award competitive
10 grants to eligible States that have submitted applica-
11 tions under section 795B.

12 “(b) SUPPLEMENT, NOT SUPPLANT.—Grant funds
13 awarded under this subpart shall be used to supplement,
14 and not supplant, other Federal, State, tribal, and local
15 funds that would otherwise be expended to carry out ac-
16 tivities assisted under this subpart.

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

20 **“SEC. 795B. APPLICATIONS.**

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

24 “(1) a description of—

1 “(A) how the eligible State will use the
2 funds to implement evidence-based institutional
3 reforms or practices at institutions of higher
4 education in such State to improve student out-
5 comes and meet the requirements of section
6 795D(b)(2), including—

7 “(i) how such eligible State will use
8 grant funds to implement 1 or more re-
9 forms or practices described in section
10 795D(b)(1) at such institutions;

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

15 “(iii) annual implementation bench-
16 marks that the eligible State will use to
17 track progress in implementing such re-
18 forms or practices;

19 “(B) how such eligible State will increase
20 support for the public institutions of higher
21 education identified in accordance with para-
22 graph (2)(B); and

23 “(C) the improvements the eligible State
24 anticipates in student outcomes, including im-
25 provements in retention, completion, or transfer

1 rates or labor market outcomes, or a combina-
2 tion of such student outcomes, disaggregated by
3 student demographics including, at a minimum,
4 race, ethnicity, income, disability status, reme-
5 diation, and status as a first generation college
6 student;

7 “(2)(A) with respect to each State public insti-
8 tution of higher education—

9 “(i) the total per-student funding;

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

12 “(iii) the share of students at the institu-
13 tion who are students of color, low-income stu-
14 dents, students with disabilities, students in
15 need of remediation, or first generation college
16 students; and

17 “(B) an identification of public institutions
18 of higher education in the eligible State that re-
19 ceived less funding on a per-student basis as
20 described in clause (i) or (ii), or both, of sub-
21 paragraph (A), and are serving disproportion-
22 ately high shares of students of color, low-in-
23 come students, students with disabilities, stu-
24 dents in need of remediation, or first generation
25 college students;

1 “(3) a description of the steps the eligible State
2 will take to ensure the sustainability of the institu-
3 tional reforms or practices identified in paragraph
4 (1)(A); and

5 “(4) a description of how the eligible State will
6 evaluate the effectiveness of activities funded under
7 this subpart, including how such eligible State will
8 assess impacts on student outcomes, including reten-
9 tion, transfer, and completion rates and labor mar-
10 ket outcomes.

11 “(b) PRIORITIES.—In awarding funds under this sub-
12 part, the Secretary shall give priority to eligible States
13 that do one or more of the following:

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

17 “(2) Propose to use a significant share of grant
18 funds to improve retention, transfer, and completion
19 rates and labor market outcomes among students of
20 color, low-income students, students with disabilities,
21 students in need of remediation, first generation col-
22 lege students, and other underserved student popu-
23 lations in such State.

24 “(3) Propose to use a significant share of grant
25 funds to improve retention, transfer, and completion

1 rates and labor market outcomes among students at-
2 tending institutions identified in subsection
3 (a)(2)(B).

4 “(4) Demonstrate a commitment to supporting
5 activities funded under this subpart with non-Fed-
6 eral funds.

7 **“SEC. 795C. PROGRAM REQUIREMENTS.**

8 “(a) IN GENERAL.—As a condition of continuing to
9 receive funds under this subpart, for each year in which
10 an eligible State participates in the program under this
11 subpart, the eligible State shall submit to the Secretary
12 the eligible State’s progress—

13 “(1) in meeting the annual implementation
14 benchmarks included in the application of such eligi-
15 ble State under section 795B(a)(1)(A)(iii);

16 “(2) in increasing funding for the public insti-
17 tutions of higher education identified in accordance
18 with section 795B(a)(2)(B), as included in the appli-
19 cation of such eligible State under section
20 795B(a)(1)(B); and

21 “(3) in improving the student outcomes identi-
22 fied by the State under section 795B(a)(1)(C).

23 “(b) ELIGIBILITY FOR BENEFITS.—No individual
24 shall be determined to be ineligible to receive benefits pro-
25 vided under this subpart (including services and other aid

1 provided under this subpart) on the basis of citizenship,
2 alienage, or immigration status.

3 **“SEC. 795D. USES OF FUNDS.**

4 “(a) GENERAL REQUIREMENT FOR STATES.—Except
5 as provided in subsection (c), an eligible State shall use
6 a grant under this subpart only to carry out activities de-
7 scribed in the application for such year under section
8 795B(a)(1).

9 “(b) EVIDENCE-BASED INSTITUTIONAL REFORMS OR
10 PRACTICES.—

11 “(1) IN GENERAL.—An eligible State or Tribal
12 College or University receiving a grant under this
13 subpart shall, directly or in collaboration with insti-
14 tutions of higher education and other non-profit or-
15 ganizations, use the grant funds to implement one or
16 more of the following evidence-based institutional re-
17 forms or practices:

18 “(A) Providing comprehensive academic,
19 career, and student support services, including
20 mentoring, advising, case management services,
21 or career pathway navigation.

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

1 “(C) Providing emergency financial aid
2 grants to students for unexpected expenses and
3 to meet basic needs.

4 “(D) Providing accelerated learning oppor-
5 tunities, including dual or concurrent enroll-
6 ment programs and early college high school
7 programs, and pathways to graduate and pro-
8 fessional degree programs, and reforming
9 course scheduling and credit awarding policies.

10 “(E) Reforming remedial and develop-
11 mental education.

12 “(F) Utilizing career pathways, including
13 through building capacity for career and tech-
14 nical education as defined in section 3 of the
15 Carl D. Perkins Career and Technical Edu-
16 cation Act of 2006 (20 U.S.C. 2302), programs
17 of study as defined in such section, or degree
18 pathways.

19 “(G) Improving transfer pathways between
20 community colleges and four-year institutions of
21 higher education in the eligible State, or, in the
22 case of a Tribal College or University, between
23 the Tribal College or University and other insti-
24 tutions of higher education.

1 “(2) STATE ALLOCATION MINIMUMS WITH RE-
2 SPECT TO EVIDENCE TIERS.—An eligible State re-
3 ceiving a grant under this subpart shall use not less
4 than 30 percent of the grant funds for evidence-
5 based reforms or practices that meet an evidence
6 tier defined in section 795E(2), of which at least
7 two-thirds shall be used for evidence-based reforms
8 or practices that meet evidence tier 1.

9 “(c) USE OF FUNDS FOR ADMINISTRATIVE PUR-
10 POSES.—An eligible State or Tribal College or University
11 that receives a grant under this subpart may use—

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

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

18 **“SEC. 795E. DEFINITIONS.**

19 “In this subpart:

20 “(1) ELIGIBLE STATE.—The term ‘eligible
21 State’ means a State that is a recipient of a grant
22 under subpart 1.

23 “(2) EVIDENCE TIERS.—

24 “(A) EVIDENCE TIER 1.—The term ‘evi-
25 dence tier 1’, when used with respect to a re-

1 form or practice, means a reform or practice
2 that meets the criteria for receiving an expansion
3 grant from the education innovation and
4 research program under section 4611 of the El-
5 elementary and Secondary Education Act of 1965
6 (20 U.S.C. 7261), as determined by the Sec-
7 retary in accordance with such section.

8 “(B) EVIDENCE TIER 2.—The term ‘evi-
9 dence tier 2’, when used with respect to a re-
10 form or practice, means a reform that meets
11 the criteria for receiving a mid-phase grant
12 from the education innovation and research pro-
13 gram under section 4611 of the Elementary
14 and Secondary Education Act of 1965 (20
15 U.S.C. 7261), as determined by the Secretary
16 in accordance with such section.

17 “(3) FIRST GENERATION COLLEGE STUDENT.—
18 The term ‘first generation college student’ has the
19 meaning given the term in section 402A(h).

20 “(4) INSTITUTION OF HIGHER EDUCATION.—
21 The term ‘institution of higher education’ has the
22 meaning given the term in section 101.

23 “(5) TRIBAL COLLEGE OR UNIVERSITY.—The
24 term ‘Tribal College or University’ has the meaning
25 given the term in section 316(b)(3).

1 **“SEC. 795F. SUNSET.**

2 “(a) IN GENERAL.—The authority to make grants
3 under this subpart shall expire at the end of award year
4 2029–2030.

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

9 **“SEC. 795G. APPROPRIATION.**

10 “In addition to amounts otherwise available, there is
11 appropriated for fiscal year 2022, out of any money in
12 the Treasury not otherwise appropriated, \$9,000,000,000,
13 to remain available until September 30, 2030, for carrying
14 out this subpart.”.

15 **SEC. 20023. TUITION ASSISTANCE FOR STUDENTS AT HIS-**
16 **TORICALLY BLACK COLLEGES AND UNIVER-**
17 **SITIES, TRIBAL COLLEGES AND UNIVER-**
18 **SITIES, AND MINORITY-SERVING INSTITU-**
19 **TIONS.**

20 Part F of title VII of the Higher Education Act of
21 1965 (20 U.S.C. 1133 et seq.), as added and amended
22 by this Act, is further amended by adding at the end the
23 following:

1 **“Subpart 3—Tuition Assistance for Students at His-**
2 **torically Black Colleges and Universities, Tribal**
3 **Colleges and Universities, and Minority-serving**
4 **Institutions**

5 **“SEC. 796. TUITION ASSISTANCE FOR HISTORICALLY BLACK**
6 **COLLEGES AND UNIVERSITIES.**

7 “Beginning with award year 2023-2024, from
8 amounts appropriated to carry out this subpart for any
9 fiscal year, the Secretary shall award grants to partici-
10 pating historically Black colleges and universities that are
11 eligible institutions.

12 **“SEC. 796A. TUITION ASSISTANCE FOR TRIBAL COLLEGES**
13 **AND UNIVERSITIES.**

14 “Beginning with award year 2023-2024, from
15 amounts appropriated to carry out this subpart for any
16 fiscal year, the Secretary shall award grants to partici-
17 pating Tribal Colleges and Universities that are eligible
18 institutions.

1 **“SEC. 796B. TUITION ASSISTANCE FOR ALASKA NATIVE-**
2 **SERVING INSTITUTIONS, ASIAN AMERICAN**
3 **AND NATIVE AMERICAN PACIFIC ISLANDER-**
4 **SERVING INSTITUTIONS, HISPANIC-SERVING**
5 **INSTITUTIONS, NATIVE AMERICAN-SERVING**
6 **NONTRIBAL INSTITUTIONS, NATIVE HAWAI-**
7 **IAN-SERVING INSTITUTIONS, AND PREDOMI-**
8 **NANTLY BLACK INSTITUTIONS.**

9 “(a) IN GENERAL.—Beginning with award year
10 2023-2024, from amounts appropriated to carry out this
11 subpart for any fiscal year, the Secretary shall award
12 grants to participating Alaska Native-serving institutions,
13 Asian American and Native American Pacific Islander-
14 serving institutions, Hispanic-serving institutions, Native
15 American-serving nontribal institutions, Native Hawaiian-
16 serving institutions, and Predominantly Black institutions
17 that are eligible institutions.

18 “(b) STATUS OF INSTITUTION.—An institution’s sta-
19 tus as an eligible institution described in subsection (a)
20 shall—

21 “(1) be based on the most recent data available;
22 and

23 “(2) be reviewed annually to ensure that the in-
24 stitution continues to meet the requirements for sta-
25 tus as an institution described in subsection (a).

1 **“SEC. 796C. GRANT TERMS.**

2 “(a) GRANT AMOUNT.—

3 “(1) IN GENERAL.—For each year for which an
4 eligible institution participates in the grant program
5 under this subpart, such eligible institution shall re-
6 ceive a grant in an amount equal to the product
7 of—

8 “(A) the number of eligible students en-
9 rolled at the institution for such year; and

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

15 “(ii) for the 2024–2025 award year and
16 each subsequent award year, the amount deter-
17 mined under this subparagraph for the pre-
18 ceding award year, increased by the lesser of—

19 “(I) a percentage equal to the esti-
20 mated percentage increase in the Con-
21 sumer Price Index (as determined by the
22 Secretary) since the date of such deter-
23 mination; or

24 “(II) 3 percent.

25 “(2) FIRST-YEAR TUITION AND FEES.—As a
26 condition of receiving a grant under this subpart, an

1 eligible institution shall not increase tuition and fees
2 during the first year of participation in the grant
3 program under this subpart at a rate greater than
4 the average annual increase at the eligible institution
5 in the previous 5 years.

6 “(3) STUDENTS ENROLLED LESS THAN FULL-
7 TIME.—The Secretary shall develop and implement a
8 formula for making adjustments to grant amounts
9 under this subpart based on the number of eligible
10 students at each eligible institution enrolled less
11 than full-time and the associated tuition and fees
12 charged to such students in proportion to the degree
13 to which each such student is not attending on a
14 full-time basis.

15 “(4) DATA ADJUSTMENTS.—

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

20 “(i) provides the necessary eligible
21 student enrollment data at the start of the
22 award year; and

23 “(ii) initially receives grant funds, as
24 calculated under this subsection, based on
25 such data.

1 “(B) ADJUSTMENT OF GRANT AMOUNT.—

2 For each year for which an eligible institution
3 receives a grant under this subpart, the Sec-
4 retary shall, once final enrollment data for such
5 year are available—

6 “(i) in consultation with the eligible
7 institution concerned, determine the actual
8 number of eligible students for the year
9 covered by the grant; and

10 “(ii) adjust the grant amount received
11 by the eligible institution to reflect the ac-
12 tual number of eligible students, which
13 may include applying the relevant adjust-
14 ment to such grant amount in the subse-
15 quent award year.

16 “(b) DUPLICATE GRANTS PROHIBITED.—An institu-
17 tion shall not receive more than one grant at a time under
18 this subpart.

19 “(c) APPLICATION.—An eligible institution that de-
20 sires a grant under this subpart shall submit an applica-
21 tion to the Secretary that includes—

22 “(1) an assurance that the institution commits
23 to maintaining, expanding, or adopting and imple-
24 menting evidence-based institutional reforms or
25 practices to improve student outcomes, which shall

1 include one or more of the practices described in sec-
2 tion 795D(b)(1); and

3 “(2) in the case of an eligible institution that
4 enrolls students who transfer from another institu-
5 tion, an assurance that the institution—

6 “(A) commits to increasing the transfer-
7 ability of individual courses within certificate or
8 associate programs offered by community col-
9 leges in the State to related baccalaureate pro-
10 grams offered by such institution to maximize
11 the transferability of credits for students who
12 transfer before completing an associate degree;

13 “(B) will ensure that students attending
14 community colleges in the State have access to
15 comprehensive counseling and other easily ac-
16 cessible tools regarding the process for transfer-
17 ring to such institution; and

18 “(C) has a formal, statewide articulation
19 agreement with community colleges in the State
20 in which such institution operates that, at a
21 minimum, ensures that associate degrees
22 awarded by community colleges in the State are
23 fully transferable to, and credited as, the first
24 2 years of related baccalaureate programs at
25 such institution.

1 “(d) USE OF FUNDS.—

2 “(1) REQUIRED USE.—Funds awarded under
3 this subpart to a participating eligible institution
4 shall be used to reduce tuition and fees for eligible
5 students by an amount that is not less than the min-
6 imum per-student amount described in paragraph
7 (2), unless the actual cost of tuition and fees at such
8 institution is not more than such per-student
9 amount, in which case such institution shall use
10 such funds to waive all such tuition and fees charged
11 to such students and use any remaining funds in ac-
12 cordance with paragraph (3).

13 “(2) MINIMUM PER-STUDENT AMOUNT.—The
14 minimum per-student amount described in this para-
15 graph shall be equal to—

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

21 “(B) for the 2024–2025 award year and
22 each subsequent award year, the amount deter-
23 mined under this paragraph for the preceding
24 award year, increased by the lesser of—

1 “(i) a percentage equal to the esti-
2 mated percentage increase in the Con-
3 sumer Price Index (as determined by the
4 Secretary) since the date of such deter-
5 mination; or

6 “(ii) 3 percent.

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

14 “(e) SUPPLEMENT, NOT SUPPLANT.—Funds made
15 available to carry out this subpart shall be used to supple-
16 ment, and not supplant, other Federal, State, tribal, and
17 local funds that would otherwise be expended to carry out
18 activities under this subpart.

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

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

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

12 “(g) ELIGIBILITY FOR BENEFITS.—No individual
13 shall be determined to be ineligible to receive benefits pro-
14 vided under this subpart (including reduction of tuition
15 and fees and other aid provided under this subpart) on
16 the basis of citizenship, alienage, or immigration status.

17 **“SEC. 796D. DEFINITIONS.**

18 “In this subpart:

19 “(1) ALASKA NATIVE-SERVING INSTITUTION.—
20 The term ‘Alaska Native-serving institution’ has the
21 meaning given such term in section 317(b).

22 “(2) ASIAN AMERICAN AND NATIVE AMERICAN
23 PACIFIC ISLANDER-SERVING INSTITUTION.—The
24 term ‘Asian American and Native American Pacific

1 Islander-serving institution’ has the meaning given
2 such term in section 371(c).

3 “(3) COST OF ATTENDANCE.—The term ‘cost of
4 attendance’ has the meaning given such term in sec-
5 tion 472.

6 “(4) ELIGIBLE INSTITUTION.—

7 “(A) IN GENERAL.—The term ‘eligible in-
8 stitution’ means a public or nonprofit 4-year in-
9 stitution of higher education that has an under-
10 graduate student body of which not less than
11 35 percent are low-income students.

12 “(B) CONTINUING ELIGIBILITY.—The Sec-
13 retary’s determination of whether an institution
14 meets the requirement under subparagraph (A)
15 shall be based on the most recent data avail-
16 able, and shall be reviewed annually to ensure
17 that the institution continues to meet the re-
18 quirements for participation.

19 “(5) ELIGIBLE STUDENT.—

20 “(A) IN GENERAL.—The term ‘eligible stu-
21 dent’ means a student, regardless of age, who—

22 “(i) is enrolled as an undergraduate
23 student in an eligible program (as defined
24 in section 481(b)) at a participating eligi-

1 ble institution, on at least a half-time
2 basis;

3 “(ii) is a low-income student;

4 “(iii) has been enrolled at such par-
5 ticipating eligible institution under this
6 subpart for not more than 60 credits, sub-
7 ject to section 796C(f);

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

13 “(v) is not enrolled in a dual or con-
14 current enrollment program or early col-
15 lege high school;

16 “(vi) has not completed an under-
17 graduate baccalaureate course of study;
18 and

19 “(vii) in the case of a student who is
20 a United States citizen, has filed a Free
21 Application for Federal Student Aid de-
22 scribed in section 483 for the applicable
23 award year for which the student is en-
24 rolled.

1 “(B) CONTINUED ELIGIBILITY.—In the
2 case of an eligible student who receives assist-
3 ance under this subpart and attends an institu-
4 tion that loses status as an eligible institution
5 or as an institution described in section
6 796B(a), the student may continue to receive
7 such assistance for the period for which the stu-
8 dent would have been eligible if the institution
9 at which they are enrolled had retained such
10 status.

11 “(6) HISPANIC-SERVING INSTITUTION.—The
12 term ‘Hispanic-serving institution’ has the meaning
13 given such term in section 502.

14 “(7) HISTORICALLY BLACK COLLEGE OR UNI-
15 VERSITY.—The term ‘historically Black college or
16 university’ means a part B institution as defined in
17 section 322.

18 “(8) LOW-INCOME STUDENT.—The term ‘low-
19 income student’ means a student who meets the fi-
20 nancial eligibility criteria for receiving a Federal Pell
21 Grant under section 401, regardless of whether such
22 student is otherwise eligible to receive such Federal
23 Pell Grant.

24 “(9) NATIVE AMERICAN-SERVING NONTRIBAL
25 INSTITUTION.—The term ‘Native American-serving

1 nontribal institution’ has the meaning given such
2 term in section 319.

3 “(10) NATIVE HAWAIIAN-SERVING INSTITU-
4 TION.—The term ‘Native Hawaiian-serving institu-
5 tion’ has the meaning given such term in section
6 317(b).

7 “(11) PREDOMINANTLY BLACK INSTITUTION.—
8 The term ‘Predominantly Black institution’ has the
9 meaning given such term in section 371(c).

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

13 **“SEC. 796E. SUNSET.**

14 “(a) IN GENERAL.—The authority to make grants
15 under this subpart shall expire at the end of award year
16 2029–2030.

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

21 **“SEC. 796F. APPROPRIATION.**

22 “In addition to amounts otherwise available, there is
23 appropriated for fiscal year 2022, out of any money in
24 the Treasury not otherwise appropriated, such sums as

1 may be necessary, to remain available until September 30,
2 2030, for carrying out this subpart.”.

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

6 Part F of title VII of the Higher Education Act of
7 1965 (20 U.S.C. 1133 et seq.), as added and amended
8 by this Act, is further amended by adding at the end the
9 following:

10 **“SEC. 798. NORTHERN MARIANA ISLANDS, AMERICAN**
11 **SAMOA, UNITED STATES VIRGIN ISLANDS,**
12 **AND GUAM COLLEGE ACCESS GRANTS.**

13 “(a) GRANTS.—

14 “(1) GRANT AMOUNTS.—

15 “(A) IN GENERAL.—Beginning with award
16 year 2023–2024, from amounts appropriated to
17 carry out this section, the Secretary shall pro-
18 vide such sums as may be necessary to the Gov-
19 ernors of each outlying area for such Governors
20 to award grants to eligible institutions that en-
21 roll eligible students to pay the difference be-
22 tween the tuition and fees charged for in-State
23 students and the tuition and fees charged for
24 out-of-State students on behalf of each eligible
25 student enrolled in the eligible institution.

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

4 “(i) not more than \$15,000 for any
5 one award year (as defined in section 481);
6 and

7 “(ii) not more than \$75,000 in the
8 aggregate.

9 “(C) PRORATION.—The Governor shall
10 prorate payments under this section with re-
11 spect to eligible students who attend an eligible
12 institution on less than a full-time basis.

13 “(2) APPLICATION.—Each eligible student de-
14 siring a payment under this section shall submit an
15 application to the eligible institution at which such
16 student is enrolled or plans to enroll.

17 “(3) ELIGIBILITY FOR BENEFITS.—No indi-
18 vidual shall be determined to be ineligible to receive
19 benefits provided under this subpart (including tui-
20 tion payments and other aid provided under this
21 subpart) on the basis of citizenship, alienage, or im-
22 migration status.

23 “(b) ADMINISTRATION OF PROGRAM.—

24 “(1) IN GENERAL.—Each Governor shall carry
25 out the program under this section in consultation

1 with the Secretary. Each Governor may enter into a
2 grant, contract, or cooperative agreement with an-
3 other public or private entity to administer the pro-
4 gram under this section.

5 “(2) MEMORANDUM OF AGREEMENT.—Each
6 Governor and the Secretary shall enter into a memo-
7 randum of agreement that describes—

8 “(A) the manner in which the Governor
9 will consult with the Secretary with respect to
10 administering the program under this section;
11 and

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

18 “(3) CONSTRUCTION.—Nothing in this section
19 shall be construed to require an institution of higher
20 education to alter the institution’s admissions poli-
21 cies or standards in any manner to enable an eligible
22 student to enroll in the institution.

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

1 “(c) INAPPLICABILITY OF GEPA CONTINGENT EX-
2 TENSION OF PROGRAMS.—Section 422 of the General
3 Education Provisions Act (20 U.S.C. 1226a) shall not
4 apply to this section.

5 “(d) DEFINITIONS.—In this section:

6 “(1) ELIGIBLE INSTITUTION.—The term ‘eligi-
7 ble institution’ means an institution that—

8 “(A) is a public four-year institution of
9 higher education located in one of the several
10 States of the United States, the District of Co-
11 lumbia, Puerto Rico, or an outlying area;

12 “(B) is eligible to participate in the stu-
13 dent financial assistance programs under title
14 IV; and

15 “(C) enters into an agreement with the
16 Governor of an outlying area, or with two or
17 more of such Governors (except that such insti-
18 tution may not enter into an agreement with
19 the Governor of the outlying area in which such
20 institution is located), containing such condi-
21 tions as each Governor may specify, including a
22 requirement that the institution use the funds
23 made available under this section to supplement
24 and not supplant assistance that otherwise

1 would be provided to eligible students from out-
2 lying areas.

3 “(2) ELIGIBLE STUDENT.—The term ‘eligible
4 student’ means an individual who—

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

9 “(B) has not completed an undergraduate
10 baccalaureate course of study;

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

19 “(i) graduation from secondary
20 school, or obtaining the recognized equiva-
21 lent of a secondary school diploma; or

22 “(ii) transfer from an institution of
23 higher education located in an outlying
24 area (including transfer following the com-

1 pletion of an associate degree or certificate
2 at such institution); and

3 “(D) is enrolled or accepted for enrollment,
4 on at least a half-time basis, in a baccalaureate
5 degree or other program (including a program
6 of study abroad approved for credit by the insti-
7 tution at which such student is enrolled) lead-
8 ing to a recognized educational credential at an
9 eligible institution.

10 “(3) INSTITUTION OF HIGHER EDUCATION.—
11 The term ‘institution of higher education’ has the
12 meaning given the term in section 101.

13 “(4) GOVERNOR.—The term ‘Governor’ means
14 the Governor of an outlying area.

15 “(5) OUTLYING AREA.—The term ‘outlying
16 area’ means the Northern Mariana Islands, Amer-
17 ican Samoa, the United States Virgin Islands, and
18 Guam.

19 “(e) APPROPRIATIONS.—In addition to amounts oth-
20 erwise available, there is appropriated for fiscal year 2022,
21 out of any money in the Treasury not otherwise appro-
22 priated, such sums as may be necessary, to remain avail-
23 able until September 30, 2030, for carrying out this sec-
24 tion.”.

1 **Subpart B—Pell Grants and Student Loans**

2 **SEC. 20031. INCREASING THE MAXIMUM FEDERAL PELL**
3 **GRANT.**

4 (a) AWARD YEAR 2022–2023.—Section 401(b)(7) of
5 the Higher Education Act of 1965 (20 U.S.C.
6 1070a(b)(7)) is amended—

7 (1) in subparagraph (A)(iii), by inserting “and
8 such sums as may be necessary for fiscal year 2022
9 to carry out the \$500 increase provided under sub-
10 paragraph (C)(iii)” before “; and”; and

11 (2) in subparagraph (C)(iii), by inserting before
12 the period at the end the following: “, except that,
13 for award year 2022–2023, such amount shall be in-
14 creased by \$500”.

15 (b) SUBSEQUENT AWARD YEARS THROUGH 2029–
16 2030.—

17 (1) IN GENERAL.—Section 401(b) of the High-
18 er Education Act of 1965 (20 U.S.C. 1070a(b)), as
19 amended by section 703 of the FAFSA Simplifica-
20 tion Act (title VII of division FF of Public Law
21 116–260), is amended—

22 (A) in paragraph (5)(A)—

23 (i) in clause (i), by striking “and”
24 after the semicolon;

25 (ii) by redesignating clause (ii) as
26 clause (iii); and

1 (iii) by inserting after clause (i) the
2 following:

3 “(ii) for each of award years 2023–
4 2024 through 2029–2030, an additional
5 \$500; and”; and

6 (B) in paragraph (6)(A)—

7 (i) in clause (i)—

8 (I) by striking “appropriated)
9 such” and inserting the following:

10 “appropriated)—

11 “(I) such”; and

12 (II) by adding at the end the fol-
13 lowing:

14 “(II) such sums as are necessary
15 to carry out paragraph (5)(A)(ii) for
16 each of fiscal years 2023 through
17 2029; and”; and

18 (ii) in clause (ii), by striking
19 “(5)(A)(ii)” and inserting “(5)(A)(iii)”.

20 (2) EFFECTIVE DATE.—The amendments made
21 by paragraph (1) shall take effect as if included in
22 section 703 of the FAFSA Simplification Act (title
23 VII of division FF of Public Law 116–260) and in
24 accordance with section 701(b) of such Act.

1 **SEC. 20032. FEDERAL STUDENT AID ELIGIBILITY.**

2 Section 484(a)(5) of the Higher Education Act of
3 1965 (20 U.S.C. 1091(a)(5)) is amended by inserting “,
4 or, with respect to any grant, loan, or work assistance re-
5 ceived under this title for award years 2022–2023 through
6 2029–2030, be subject to a grant of deferred enforced de-
7 parture or have deferred action pursuant to the Deferred
8 Action for Childhood Arrivals policy of the Secretary of
9 Homeland Security or temporary protected status under
10 section 244 of the Immigration and Nationality Act (8
11 U.S.C. 1254a)” after “becoming a citizen or permanent
12 resident”.

13 **SEC. 20033. ACTIVE DUTY DEFERMENT PERIODS COUNTED**
14 **TOWARD PUBLIC SERVICE LOAN FORGIVE-**
15 **NESS.**

16 Section 455(m) of the Higher Education Act of 1965
17 (20 U.S.C. 1087e(m)) is amended—

18 (1) by redesignating paragraphs (2) through
19 (4) as paragraphs (3) through (5), respectively; and

20 (2) in paragraph (1), in the matter preceding
21 subparagraph (A), by striking “paragraph (2)” and
22 inserting “paragraph (3)”; and

23 (3) by inserting after paragraph (1) the fol-
24 lowing:

25 “(2) ACTIVE DUTY DEFERMENT PERIODS.—

1 “(A) IN GENERAL.—Notwithstanding para-
2 graph(1)(A) and subject to subparagraph (B),
3 the Secretary shall deem each month for which
4 a loan payment was in deferment under sub-
5 section (f)(2) of this section or for which a loan
6 payment was in forbearance under section
7 685.205(a)(7) of title 34, Code of Federal Reg-
8 ulations, (or similar successor regulations), for
9 a borrower described in subsection (f)(2)(C) as
10 if the borrower of the loan had made a payment
11 for the purpose of public service loan forgive-
12 ness under this subsection.

13 “(B) LIMITATION.—Subparagraph (A)
14 shall apply only to eligible Federal Direct Loans
15 originated before the first day of fiscal year
16 2031.”.

17 **Subpart C—Investments in Historically Black Col-**
18 **leges and Universities, Tribal Colleges and Uni-**
19 **versities, and Minority-Serving Institutions**

20 **SEC. 20041. INSTITUTIONAL AID.**

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

1 (1) \$113,738,000, to remain available until
2 September 30, 2022, for carrying out section
3 371(b)(2)(B) of the Higher Education Act of 1965
4 (20 U.S.C. 1067q(b)(2)(B)) in fiscal year 2022;

5 (2) \$113,738,000, to remain available until
6 September 30, 2023, for carrying out section
7 371(b)(2)(B) of the Higher Education Act of 1965
8 (20 U.S.C. 1067q(b)(2)(B)) in fiscal year 2023;

9 (3) \$113,738,000, to remain available until
10 September 30, 2024, for carrying out section
11 371(b)(2)(B) of the Higher Education Act of 1965
12 (20 U.S.C. 1067q(b)(2)(B)) in fiscal year 2024;

13 (4) \$113,738,000, to remain available until
14 September 30, 2025, for carrying out section
15 371(b)(2)(B) of the Higher Education Act of 1965
16 (20 U.S.C. 1067q(b)(2)(B)) in fiscal year 2025;

17 (5) \$113,738,000, to remain available until
18 September 30, 2026, for carrying out section
19 371(b)(2)(B) of the Higher Education Act of 1965
20 (20 U.S.C. 1067q(b)(2)(B)) in fiscal year 2026;

21 (6) \$113,738,000, to remain available until
22 September 30, 2022, for carrying out section
23 371(b)(2)(C) of the Higher Education Act of 1965
24 (20 U.S.C. 1067q(b)(2)(C)) in fiscal year 2022;

1 (7) \$113,738,000, to remain available until
2 September 30, 2023, for carrying out section
3 371(b)(2)(C) of the Higher Education Act of 1965
4 (20 U.S.C. 1067q(b)(2)(C)) in fiscal year 2023;

5 (8) \$113,738,000, to remain available until
6 September 30, 2024, for carrying out section
7 371(b)(2)(C) of the Higher Education Act of 1965
8 (20 U.S.C. 1067q(b)(2)(C)) in fiscal year 2024;

9 (9) \$113,738,000, to remain available until
10 September 30, 2025, for carrying out section
11 371(b)(2)(C) of the Higher Education Act of 1965
12 (20 U.S.C. 1067q(b)(2)(C)) in fiscal year 2025;

13 (10) \$113,738,000, to remain available until
14 September 30, 2026, for carrying out section
15 371(b)(2)(C) of the Higher Education Act of 1965
16 (20 U.S.C. 1067q(b)(2)(C)) in fiscal year 2026;

17 (11) \$34,104,000, to remain available until
18 September 30, 2022, for carrying out section
19 371(b)(2)(D)(i) of the Higher Education Act of
20 1965 (20 U.S.C. 1067q(b)(2)(D)(i)) in fiscal year
21 2022;

22 (12) \$34,104,000, to remain available until
23 September 30, 2023, for carrying out section
24 371(b)(2)(D)(i) of the Higher Education Act of

1 1965 (20 U.S.C. 1067q(b)(2)(D)(i)) in fiscal year
2 2023;

3 (13) \$34,104,000, to remain available until
4 September 30, 2024, for carrying out section
5 371(b)(2)(D)(i) of the Higher Education Act of
6 1965 (20 U.S.C. 1067q(b)(2)(D)(i)) in fiscal year
7 2024;

8 (14) \$34,104,000, to remain available until
9 September 30, 2025, for carrying out section
10 371(b)(2)(D)(i) of the Higher Education Act of
11 1965 (20 U.S.C. 1067q(b)(2)(D)(i)) in fiscal year
12 2025;

13 (15) \$34,104,000, to remain available until
14 September 30, 2026, for carrying out section
15 371(b)(2)(D)(i) of the Higher Education Act of
16 1965 (20 U.S.C. 1067q(b)(2)(D)(i)) in fiscal year
17 2026;

18 (16) \$17,052,000, to remain available until
19 September 30, 2022, for carrying out section
20 371(b)(2)(D)(ii) of the Higher Education Act of
21 1965 (20 U.S.C. 1067q(b)(2)(D)(ii)) in fiscal year
22 2022;

23 (17) \$17,052,000, to remain available until
24 September 30, 2023, for carrying out section
25 371(b)(2)(D)(ii) of the Higher Education Act of

1 1965 (20 U.S.C. 1067q(b)(2)(D)(ii)) in fiscal year
2 2023;

3 (18) \$17,052,000, to remain available until
4 September 30, 2024, for carrying out section
5 371(b)(2)(D)(ii) of the Higher Education Act of
6 1965 (20 U.S.C. 1067q(b)(2)(D)(ii)) in fiscal year
7 2024;

8 (19) \$17,052,000, to remain available until
9 September 30, 2025, for carrying out section
10 371(b)(2)(D)(ii) of the Higher Education Act of
11 1965 (20 U.S.C. 1067q(b)(2)(D)(ii)) in fiscal year
12 2025;

13 (20) \$17,052,000, to remain available until
14 September 30, 2026, for carrying out section
15 371(b)(2)(D)(ii) of the Higher Education Act of
16 1965 (20 U.S.C. 1067q(b)(2)(D)(ii)) in fiscal year
17 2026;

18 (21) \$5,684,000, to remain available until Sep-
19 tember 30, 2022, for carrying out section
20 371(b)(2)(D)(iii) of the Higher Education Act of
21 1965 (20 U.S.C. 1067q(b)(2)(D)(iii)) in fiscal year
22 2022;

23 (22) \$5,684,000, to remain available until Sep-
24 tember 30, 2023, for carrying out section
25 371(b)(2)(D)(iii) of the Higher Education Act of

1 1965 (20 U.S.C. 1067q(b)(2)(D)(iii) in fiscal year
2 2023;

3 (23) \$5,684,000, to remain available until Sep-
4 tember 30, 2024, for carrying out section
5 371(b)(2)(D)(iii) of the Higher Education Act of
6 1965 (20 U.S.C. 1067q(b)(2)(D)(iii) in fiscal year
7 2024;

8 (24) \$5,684,000, to remain available until Sep-
9 tember 30, 2025, for carrying out section
10 371(b)(2)(D)(iii) of the Higher Education Act of
11 1965 (20 U.S.C. 1067q(b)(2)(D)(iii) in fiscal year
12 2025;

13 (25) \$5,684,000, to remain available until Sep-
14 tember 30, 2026, for carrying out section
15 371(b)(2)(D)(iii) of the Higher Education Act of
16 1965 (20 U.S.C. 1067q(b)(2)(D)(iii) in fiscal year
17 2026;

18 (26) \$5,684,000, to remain available until Sep-
19 tember 30, 2022, for carrying out section
20 371(b)(2)(D)(iv) of the Higher Education Act of
21 1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year
22 2022;

23 (27) \$5,684,000, to remain available until Sep-
24 tember 30, 2023, for carrying out section
25 371(b)(2)(D)(iv) of the Higher Education Act of

1 1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year
2 2023;

3 (28) \$5,684,000, to remain available until Sep-
4 tember 30, 2024, for carrying out section
5 371(b)(2)(D)(iv) of the Higher Education Act of
6 1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year
7 2024;

8 (29) \$5,684,000, to remain available until Sep-
9 tember 30, 2025, for carrying out section
10 371(b)(2)(D)(iv) of the Higher Education Act of
11 1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year
12 2025; and

13 (30) \$5,684,000, to remain available until Sep-
14 tember 30, 2026, for carrying out section
15 371(b)(2)(D)(iv) of the Higher Education Act of
16 1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year
17 2026;

18 (b) USE OF FUNDS.—The Secretary shall use 15 per-
19 cent of each of the amounts appropriated under para-
20 graphs (6) through (10) of subsection (a) to award 25 ad-
21 ditional grants under section 371(b)(2)(C)(ii).

22 **SEC. 20042. RESEARCH AND DEVELOPMENT INFRASTRUC-**
23 **TURE COMPETITIVE GRANT PROGRAM.**

24 Title III of the Higher Education Act of 1965 (20
25 U.S.C. 1051 et seq.) is amended—

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

2 (2) by inserting after section 371 the following:

3 **“PART G—IMPROVING RESEARCH & DEVELOP-**
4 **MENT INFRASTRUCTURE FOR MINORITY-**
5 **SERVING INSTITUTIONS**

6 **“SEC. 381. IMPROVING RESEARCH & DEVELOPMENT INFRA-**
7 **STRUCTURE FOR MINORITY-SERVING INSTI-**
8 **TUTIONS.**

9 “(a) ELIGIBLE INSTITUTION.—In this section, the
10 term ‘eligible institution’ means an institution that—

11 “(1) is described in section 371(a);

12 “(2) is a 4-year institution; and

13 “(3) is not an institution classified as very high
14 research activity by the Carnegie Classification of
15 Institutions of Higher Education.

16 “(b) AUTHORIZATION OF GRANT PROGRAMS.—

17 “(1) PLANNING GRANTS.—The Secretary shall
18 award planning grants, on a competitive basis, to eli-
19 gible institutions to assist the eligible institutions in
20 developing a strategic plan, assessing capacity, and
21 carrying out other activities to develop and submit
22 an application for an implementation grant under
23 paragraph (2) to support research and development
24 infrastructure. Planning grants awarded under this
25 paragraph shall be for a period of 1 to 2 years.

1 “(2) IMPLEMENTATION GRANTS.—The Sec-
2 retary shall award implementation grants, on a com-
3 petitive basis, to eligible institutions to assist the eli-
4 gible institutions in supporting research and develop-
5 ment infrastructure. Implementation grants awarded
6 under this paragraph shall be for a period of 1 to
7 5 years.

8 “(c) APPLICATIONS.—

9 “(1) IN GENERAL.—

10 “(A) PLANNING GRANTS.—An eligible in-
11 stitution that desires to receive a planning
12 grant under subsection (b)(1) shall submit an
13 application to the Secretary. Such application
14 shall include—

15 “(i) a description of the activities that
16 will be carried out with grant funds; and

17 “(ii) an assurance that the grant
18 funds provided under subsection (b)(1)
19 shall be used to supplement, and not sup-
20 plant, other Federal, State, tribal, and
21 local funds that would otherwise be ex-
22 pended to develop a plan, assess capacity,
23 or carry out other activities related to re-
24 search and development infrastructure.

25 “(B) IMPLEMENTATION GRANTS.—

1 “(i) IN GENERAL.—An eligible institu-
2 tion that desires to receive an implementa-
3 tion grant under subsection (b)(2) shall
4 submit an application to the Secretary.
5 Such application shall include—

6 “(I) a description of the projects
7 that will be carried out with grant
8 funds and, in the case of an institu-
9 tion that was previously awarded a
10 planning grant under subsection
11 (b)(1), the strategic plan developed as
12 part of such planning grant;

13 “(II) a description of how such
14 projects will support the research and
15 development infrastructure of the in-
16 stitution; and

17 “(III) an assurance that the
18 grant funds provided under subsection
19 (b)(2) shall be used to supplement,
20 and not supplant, other Federal,
21 State, tribal, and local funds that
22 would otherwise be expended to sup-
23 port research and development infra-
24 structure.

1 “(2) CONSORTIA.—An eligible institution may
2 apply to receive a grant under this section on behalf
3 of a consortium, which may include institutions clas-
4 sified as very high research activity by the Carnegie
5 Classification of Institutions of Higher Education,
6 two-year institutions of higher education, and other
7 academic partners, philanthropic organizations, and
8 industry partners, provided that the eligible institu-
9 tion is the lead member and fiscal agent of the con-
10 sortium.

11 “(3) NO COMPREHENSIVE DEVELOPMENT
12 PLAN.—The requirement under section 391(b)(1)
13 shall not apply to grants awarded under this section.

14 “(d) PRIORITY IN AWARDS.—In awarding planning
15 and implementation grants under this section, the Sec-
16 retary shall give priority to eligible institutions that meet
17 any of the following:

18 “(1) Received less than \$10,000,000 for the
19 previous fiscal year for research and development
20 from all Federal sources combined, except that, in
21 the case of an eligible institution being considered
22 for an implementation grant, the calculation of such
23 amount shall not include a planning grant under
24 this section.

1 “(2) In the case of eligible institutions being
2 considered for an implementation grant, have re-
3 ceived a planning grant under this section and have
4 developed and submitted to the Secretary a high-
5 quality strategic plan, in accordance with the re-
6 quirements of such planning grant.

7 “(e) USE OF FUNDS.—

8 “(1) PLANNING GRANTS.—An eligible institu-
9 tion that receives a planning grant under subsection
10 (b)(1) shall use the grant funds to develop a stra-
11 tegic plan, assess capacity, and carry out other ac-
12 tivities to develop and submit an application for an
13 implementation grant to support research and devel-
14 opment infrastructure. In carrying out the activities
15 under such grant, each such eligible institution—

16 “(A) shall develop a high-quality strategic
17 plan for improving institutional research and
18 development infrastructure that includes—

19 “(i) an assessment of the existing in-
20 stitutional research capacity and research
21 and development infrastructure; and

22 “(ii) a detailed description of how re-
23 search and development infrastructure
24 funds provided by an implementation grant
25 under this section would be used to in-

1 crease institutional research capacity and
2 support research and development infra-
3 structure; and

4 “(B) in developing such strategic plan,
5 may work in partnership with entities described
6 in subsection (c)(2) to identify and secure non-
7 Federal funding to support research and devel-
8 opment infrastructure.

9 “(2) IMPLEMENTATION GRANTS.—An eligible
10 institution that receives an implementation grant
11 under subsection (b)(2) shall use the grant funds to
12 support research and development infrastructure,
13 which shall include carrying out at least one of the
14 following activities:

15 “(A) Providing funding for a program
16 under paragraph (1), (2), or (9) of section
17 311(c) or under paragraph (1), (2), or (8) of
18 section 503(b) related to research and develop-
19 ment infrastructure that is being carried out by
20 the eligible institution on the date on which the
21 eligible institution receives a grant under this
22 section.

23 “(B) Providing for the improvement of in-
24 frastructure existing on the date of the grant
25 award, including deferred maintenance, or the

1 establishment of new physical infrastructure,
2 including instructional program spaces, labora-
3 tories, or research facilities relating to the fields
4 of science, technology, engineering, the arts,
5 mathematics, health, agriculture, education,
6 medicine, law, and other disciplines.

7 “(C) Hiring and retaining faculty, stu-
8 dents, research-related staff, or other personnel,
9 including research personnel skilled in oper-
10 ating, using, or applying technology, equipment,
11 or devices used to conduct or support research.

12 “(D) Supporting research internships and
13 fellowships for students, including under-
14 graduate, graduate, and post-doctoral positions,
15 which may include providing direct student fi-
16 nancial assistance to such students.

17 “(E) Creating new, or expanding existing,
18 academic positions, including internships, fel-
19 lowships, and post-doctoral positions, in fields
20 of research for which research and development
21 infrastructure funds have been awarded under
22 this section.

23 “(F) Creating and supporting inter- and
24 intra-institutional research centers (including
25 formal and informal communities of practice) in

1 fields of research for which research and devel-
2 opment infrastructure funds have been awarded
3 under this section, including hiring staff, pur-
4 chasing supplies and equipment, and funding
5 travel to relevant conferences and seminars to
6 support the work of such centers.

7 “(G) Building new institutional support
8 structures and departments that help faculty
9 learn about, and increase faculty and student
10 access to, Federal research and development
11 grant funds and non-Federal academic research
12 grants.

13 “(H) Building data and collaboration in-
14 frastructure so that early findings and research
15 can be securely shared to facilitate peer review
16 and other appropriate collaboration.

17 “(I) Providing programs of study and
18 courses in fields of research for which research
19 and development infrastructure funds have been
20 awarded under this section.

21 “(J) Paying operating and administrative
22 expenses for, and coordinating project partner-
23 ships with members of, a consortium described
24 in subsection (c)(2) on behalf of which the eligi-

1 ble institution has received a grant under this
2 section.

3 “(K) Installing or extending the life and
4 usability of basic systems and components of
5 campus facilities related to research, including
6 high-speed broadband internet infrastructure
7 sufficient to support digital and technology-
8 based learning.

9 “(L) Expanding, remodeling, renovating,
10 or altering biomedical and behavioral research
11 facilities existing on the date of the grant
12 award that receive support under section 404I
13 of the Public Health Service Act (42 U.S.C.
14 283k).

15 “(M) Acquiring and installing furniture,
16 fixtures, and instructional research-related
17 equipment and technology for academic instruc-
18 tion in campus facilities in fields of research for
19 which research and development infrastructure
20 funds have been awarded under this section.

21 “(N) Providing increased funding to pro-
22 grams that support research and development
23 at the eligible institution that are funded by
24 National Institutes of Health, including the

1 Path to Excellence and Innovation program
2 with the National Institutes of Health.

3 “(f) ELIGIBILITY FOR BENEFITS.—No individual
4 shall be determined to be ineligible to receive benefits pro-
5 vided with grant funds awarded under this section (includ-
6 ing direct student financial assistance) on the basis of citi-
7 zenship, alienage, or immigration status.

8 “(g) SUNSET.—

9 “(1) IN GENERAL.—The authority to make—
10 “(A) planning grants under subsection
11 (b)(1) shall expire at the end of fiscal year
12 2025; and

13 “(B) implementation grants under sub-
14 section (b)(2) shall expire at the end of fiscal
15 year 2027.

16 “(2) INAPPLICABILITY OF GEPA CONTINGENT
17 EXTENSION OF PROGRAMS.—Section 422 of the
18 General Education Provisions Act (20 U.S.C.
19 1226a) shall not apply to this section.

20 “(h) APPROPRIATIONS.—In addition to amounts oth-
21 erwise available, there is appropriated for fiscal year 2022,
22 out of any money in the Treasury not otherwise appro-
23 priated, \$2,000,000,000, to remain available until Sep-
24 tember 30, 2028, for carrying out this section.”.

1 **PART 3—MISCELLANEOUS**

2 **SEC. 20051. OFFICE OF INSPECTOR GENERAL.**

3 In addition to amounts otherwise available, there is
4 appropriated to the Department of Education for fiscal
5 year 2022, out of any money in the Treasury not otherwise
6 appropriated, \$35,000,000, to remain available until ex-
7 pended, for the Office of Inspector General of the Depart-
8 ment of Education, for salaries and expenses necessary for
9 oversight, investigations, and audits of programs, grants,
10 and projects funded under this part carried out by the
11 Office of Inspector General.

12 **SEC. 20052. PROGRAM ADMINISTRATION FUNDS.**

13 In addition to amounts otherwise available, there is
14 appropriated to the Department of Education for fiscal
15 year 2022, out of any money in the Treasury not otherwise
16 appropriated, \$738,000,000, to remain available until ex-
17 pended, for necessary administrative expenses associated
18 with carrying out this subtitle and sections 22101 and
19 22102.

20 **SEC. 20053. STUDENT AID ADMINISTRATION.**

21 In addition to amounts otherwise available, there is
22 appropriated to the Department of Education for fiscal
23 year 2022, out of any money in the Treasury not otherwise
24 appropriated, \$91,000,000, to remain available through
25 September 30, 2030, for Student Aid Administration with-

1 in the Department of Education for necessary administra-
2 tive expenses associated with carrying out this subtitle.

3 **Subtitle B—Labor Matters**

4 **SEC. 21001. DEPARTMENT OF LABOR.**

5 In addition to amounts otherwise available, out of any
6 money in the Treasury not otherwise appropriated, there
7 are appropriated to the Department of Labor for fiscal
8 year 2022, to remain available until September 30, 2026,
9 the following amounts:

10 (1) \$195,000,000 to the Employee Benefits Se-
11 curity Administration for carrying out enforcement
12 activities.

13 (2) \$707,000,000 to the Occupational Safety
14 and Health Administration for carrying out enforce-
15 ment, standards development, whistleblower inves-
16 tigation, compliance assistance, funding for State
17 plans, and related activities within the Occupational
18 Safety and Health Administration.

19 (3) \$133,000,000 to the Mine Safety and
20 Health Administration for carrying out enforcement,
21 standard setting, technical assistance, and related
22 activities.

23 (4) \$405,000,000 to the Wage and Hour Divi-
24 sion for carrying out activities.

1 (5) \$121,000,000 to the Office of Workers'
2 Compensation Programs for carrying out activities
3 of the Office relating to claims activity, policy and
4 standards development, and monitoring of State
5 workers' compensation programs.

6 (6) \$201,000,000 to the Office of Federal Con-
7 tract Compliance Programs for carrying out audit,
8 investigation, enforcement, and compliance assist-
9 ance, and other activities.

10 (7) \$176,000,000 to the Office of the Solicitor
11 for carrying out necessary legal support for activities
12 carried out by the Office related to and in support
13 of the activities of those Department of Labor agen-
14 cies receiving additional funding in this section.

15 **SEC. 21002. NATIONAL LABOR RELATIONS BOARD.**

16 In addition to amounts otherwise available, out of any
17 money in the Treasury not otherwise appropriated, there
18 are appropriated to the National Labor Relations Board
19 for fiscal year 2022, \$350,000,000, to remain available
20 until September 30, 2026, for carrying out the activities
21 of the Board, of which not more than \$5,000,000 shall
22 be for the implementation of systems to conduct electronic
23 voting for union representation elections.

1 **SEC. 21003. EQUAL EMPLOYMENT OPPORTUNITY COMMIS-**
2 **SION.**

3 In addition to amounts otherwise available, out of any
4 money in the Treasury not otherwise appropriated, there
5 are appropriated to the Equal Employment Opportunity
6 Commission for fiscal year 2022, \$321,000,000, to remain
7 available until September 30, 2026, for carrying out inves-
8 tigation, enforcement, outreach, and related activities.

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

10 (a) OCCUPATIONAL SAFETY AND HEALTH ACT OF
11 1970.—Section 17 of the Occupational Safety and Health
12 Act of 1970 (29 U.S.C. 666) is amended—

13 (1) in subsection (a)—

14 (A) by striking “\$70,000” and inserting
15 “\$700,000”; and

16 (B) by striking “\$5,000” and inserting
17 “\$50,000”;

18 (2) in subsection (b), by striking “\$7,000” and
19 inserting “\$70,000”; and

20 (3) in subsection (d), by striking “\$7,000” and
21 inserting “\$70,000”.

22 (b) FAIR LABOR STANDARDS ACT OF 1938.—Section
23 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C.
24 216(e)) is amended—

25 (1) in paragraph (1)(A)—

1 (A) in clause (i), by striking “\$11,000”
2 and inserting “\$132,270”; and

3 (B) in clause (ii), by striking “\$50,000”
4 and inserting “\$601,150”; and

5 (2) in paragraph (2)—

6 (A) in the first sentence, by striking
7 “\$1,100” and inserting “\$20,740”; and

8 (B) in the second sentence, by striking
9 “\$1,100” and inserting “\$11,620”.

10 (c) MIGRANT AND SEASONAL AGRICULTURAL WORK-
11 ER PROTECTION ACT.—Section 503(a)(1) of the Migrant
12 and Seasonal Agricultural Worker Protection Act (29
13 U.S.C. 1853(a)(1)) is amended by striking “\$1,000” and
14 inserting “\$25,790”.

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

17 **SEC. 21005. CIVIL MONETARY PENALTIES FOR PARITY VIO-**
18 **LATIONS.**

19 (a) CIVIL MONETARY PENALTIES RELATING TO PAR-
20 ITY IN MENTAL HEALTH AND SUBSTANCE USE DIS-
21 ORDERS.—Section 502(c)(10) of the Employee Retirement
22 Income Security Act of 1974 (29 U.S.C. 1132(c)(10)(A))
23 is amended—

24 (1) in the heading, by striking “USE OF GE-
25 NETIC INFORMATION” and inserting “USE OF GE-

1 NETIC INFORMATION AND PARITY IN MENTAL
2 HEALTH AND SUBSTANCE USE DISORDER BENE-
3 FITS”; and

4 (2) in subparagraph (A)—

5 (A) by striking “any plan sponsor of a
6 group health plan” and inserting “any plan
7 sponsor or plan administrator of a group health
8 plan”; and

9 (B) by striking “for any failure” and all
10 that follows through “in connection with the
11 plan.” and inserting “for any failure by such
12 sponsor, administrator, or issuer, in connection
13 with the plan—

14 “(i) to meet the requirements of sub-
15 section (a)(1)(F), (b)(3), (c), or (d) of sec-
16 tion 702 or section 701 or 702(b)(1) with
17 respect to genetic information; or

18 “(ii) to meet the requirements of sub-
19 section (a) of section 712 with respect to
20 parity in mental health and substance use
21 disorder benefits.”.

22 (b) EXCEPTION TO THE GENERAL PROHIBITION ON
23 ENFORCEMENT.—Section 502 of such Act (29 U.S.C.
24 1132) is amended—

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

3 (2) in subsection (b)(3)—

4 (A) by striking “subsections (c)(9) and
5 (a)(6)” and inserting “subsections (c)(9),
6 (c)(10), and (a)(6)”;

7 (B) by striking “under subsection (c)(9)”
8 and inserting “under subsections (c)(9) and
9 (c)(10)), and except with respect to enforce-
10 ment by the Secretary of section 712”; and

11 (C) by striking “706(a)(1)” and inserting
12 “733(a)(1)”.

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

19 **SEC. 21006. PENALTIES UNDER THE NATIONAL LABOR RE-**
20 **LATIONS ACT.**

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

23 (1) by striking “**SEC. 12.** Any person” and in-
24 serting the following:

1 **“SEC. 12. PENALTIES.**

2 “(a) VIOLATIONS FOR INTERFERENCE WITH
3 BOARD.—Any person”; and

4 (2) by adding at the end the following:

5 “(b) CIVIL PENALTIES FOR UNFAIR LABOR PRAC-
6 TICES.—Any employer who commits an unfair labor prac-
7 tice within the meaning of section 8(a) affecting commerce
8 shall be subject to a civil penalty in an amount not to
9 exceed \$50,000 for each such violation, except that, with
10 respect to such an unfair labor practice within the mean-
11 ing of paragraph (3) or (4) of section 8(a) or such a viola-
12 tion of section 8(a) that results in the discharge of an em-
13 ployee or other serious economic harm to an employee, the
14 Board shall double the amount of such penalty, to an
15 amount not to exceed \$100,000, in any case where the
16 employer has within the preceding 5 years committed an-
17 other such violation of such paragraph (3) or (4) or such
18 violation of section 8(a) that results in such discharge or
19 other serious economic harm. A civil penalty under this
20 paragraph shall be in addition to any other remedy or-
21 dered by the Board.

22 “(c) CONSIDERATIONS.—In determining the amount
23 of any civil penalty under this section, the Board shall con-
24 sider—

25 “(1) the gravity of the actions of the employer
26 resulting in the penalty, including the impact of such

1 actions on the charging party or on other persons
2 seeking to exercise rights guaranteed by this Act;

3 “(2) the size of the employer;

4 “(3) the history of previous unfair labor prac-
5 tices or other actions by the employer resulting in a
6 penalty; and

7 “(4) the public interest.

8 “(d) DIRECTOR AND OFFICER LIABILITY.—If the
9 Board determines, based on the particular facts and cir-
10 cumstances presented, that a director or officer’s personal
11 liability is warranted, a civil penalty for a violation de-
12 scribed in this section may also be assessed against any
13 director or officer of the employer who directed or com-
14 mitted the violation, had established a policy that led to
15 such a violation, or had actual or constructive knowledge
16 of and the authority to prevent the violation and failed
17 to prevent the violation.”.

18 (b) ADDITIONAL PENALTIES.—The National Labor
19 Relations Act (29 U.S.C. 151 et seq.) is amended by in-
20 serting after section 12 (29 U.S.C. 162) the following:

21 **“SEC. 12A. ADDITIONAL PENALTIES.**

22 “(a) CIVIL PENALTIES FOR ADDITIONAL CON-
23 DUCT.—Any employer who violates subsection (d) affect-
24 ing commerce shall be subject to a civil penalty in an
25 amount not to exceed \$50,000 for each such violation, ex-

1 cept that, with respect to such a violation that results in
2 the discharge of an employee or other serious economic
3 harm to an employee, the Board shall double the amount
4 of such penalty, to an amount not to exceed \$100,000,
5 in any case where the employer has within the preceding
6 5 years committed another such violation of subsection (d)
7 that results in such discharge or other serious economic
8 harm.

9 “(b) CONSIDERATIONS.—In determining the amount
10 of any civil penalty under this section, the Board shall con-
11 sider—

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

16 “(2) the size of the employer;

17 “(3) the history of previous unfair labor prac-
18 tices or other actions by the employer resulting in a
19 penalty; and

20 “(4) the public interest.

21 “(c) DIRECTOR AND OFFICER LIABILITY.—If the
22 Board determines, based on the particular facts and cir-
23 cumstances presented, that a director or officer’s personal
24 liability is warranted, a civil penalty for a violation de-
25 scribed in this section may also be assessed against any

1 director or officer of the employer who directed or com-
2 mitted the violation, had established a policy that led to
3 such a violation, or had actual or constructive knowledge
4 of and the authority to prevent the violation and failed
5 to prevent the violation.

6 “(d) PROHIBITION.—It shall be unlawful for an em-
7 ployer—

8 “(1) to promise, threaten, or take any action—

9 “(A) to permanently replace an employee
10 who participates in a strike as defined by sec-
11 tion 501(2) of the Labor Management Rela-
12 tions Act, 1947 (29 U.S.C. 142(2));

13 “(B) to discriminate against an employee
14 who is working or has unconditionally offered to
15 return to work for the employer because the
16 employee supported or participated in such a
17 strike; or

18 “(C) to lockout, suspend, or otherwise
19 withhold employment from employees in order
20 to influence the position of such employees or
21 the representative of such employees in collec-
22 tive bargaining prior to a strike;

23 “(2) to communicate or misrepresent to an em-
24 ployee under section 2(3) that such employee is ex-

1 cluded from the definition of employee under section
2 2(3);

3 “(3) to require or coerce an employee to attend
4 or participate in such employer’s campaign activities
5 unrelated to the employee’s job duties, including ac-
6 tivities that are subject to the requirements under
7 section 203(b) of the Labor-Management Reporting
8 and Disclosure Act of 1959 (29 U.S.C. 433(b)); or

9 “(4) to violate subsection (e).

10 “(e) COLLECTIVE ACTION.—

11 “(1) IN GENERAL.—No employer shall—

12 “(A) enter into or attempt to enforce any
13 agreement, express or implied, whereby prior to
14 a dispute to which the agreement applies, an
15 employee undertakes or promises not to pursue,
16 bring, join, litigate, or support any kind of
17 joint, class, or collective claim arising from or
18 relating to the employment of such employee in
19 any forum that, but for such agreement, is of
20 competent jurisdiction;

21 “(B) coerce an employee into undertaking
22 or promising not to pursue, bring, join, litigate,
23 or support any kind of joint, class, or collective
24 claim arising from or relating to the employ-
25 ment of such employee; or

1 “(C) retaliate or threaten to retaliate
2 against an employee for refusing to undertake
3 or promise not to pursue, bring, join, litigate,
4 or support any kind of joint, class, or collective
5 claim arising from or relating to the employ-
6 ment of such employee.

7 “(2) EXCEPTION.—This subsection shall not
8 apply to any agreement embodied in or expressly
9 permitted by a contract between an employer and a
10 labor organization.

11 “(f) ENFORCEMENT.—The provisions of section 10
12 and 11 shall apply to a violation of this section in the
13 same manner as such provisions apply to an unfair labor
14 practice, except that—

15 “(1) an order under section 10 with respect to
16 a violation of this section—

17 “(A) shall require only that the person in
18 such violation pay a civil penalty under sub-
19 section (a); and

20 “(B) shall not include a requirement for a
21 person to cease and desist such violation or any
22 form of affirmative action other than the pay-
23 ment of such penalty;

24 “(2) a petition under subsection (e) of section
25 10 with respect to a violation of this section may be

1 only for enforcement of an order for the payment of
2 a civil penalty under subsection (a);

3 “(3) a petition under subsection (f) of section
4 10 with respect to a violation of this section may be
5 only for review of an order for the payment of such
6 a civil penalty; and

7 “(4) a court under section 10 may not grant
8 any form of relief, including temporary relief, a re-
9 straining order, or any other form of injunctive re-
10 lief, for a violation of this section other than a de-
11 cree to enforce, modify, or set aside in whole or in
12 part an order of the Board imposing a civil penalty
13 under subsection (a) for a violation of this section.”.

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

16 **Subtitle C—Workforce** 17 **Development Matters**

18 **PART 1—DEPARTMENT OF LABOR**

19 **SEC. 22001. DISLOCATED WORKER EMPLOYMENT AND** 20 **TRAINING ACTIVITIES.**

21 (a) IN GENERAL.—In addition to amounts otherwise
22 made available, there is appropriated to the Department
23 of Labor for fiscal year 2022, out of any money in the
24 Treasury not otherwise appropriated, \$16,000,000,000, to
25 remain available until September 30, 2026, except that no

1 amounts may be expended after September 30, 2031,
2 which shall be reserved and allotted to States in accord-
3 ance with subsection (b)(2) of section 132 of the Work-
4 force Innovation and Opportunity Act (29 U.S.C. 3172),
5 reserved and allocated to local areas in accordance with
6 subsections (a) and (b)(1)(B) of section 133 of such Act
7 (29 U.S.C. 3173), and reserved by such local areas as fol-
8 lows:

9 (1) Not less than 20 percent shall be reserved
10 for carrying out the career services authorized under
11 subsection (c)(2) of section 134 of the Workforce In-
12 novation and Opportunity Act (29 U.S.C. 3174) and
13 expanding access to the individualized career serv-
14 ices described in section 134(c)(2)(A)(xii) of such
15 Act (29 U.S.C. 3174(c)(2)(A)(xii)).

16 (2) Not less than 20 percent shall be reserved
17 for carrying out the supportive services and pro-
18 viding the needs-related payments authorized under
19 paragraphs (2) and (3) of section 134(d) of the
20 Workforce Innovation and Opportunity Act (29
21 U.S.C. 3174(d)), except that for purposes of the res-
22 ervation under this paragraph the requirements of
23 subparagraphs (B) and (C) of paragraph (3) of such
24 section shall not apply; and

1 (3) Not less than 50 percent shall be reserved
2 for carrying out the training services—

3 (A) of which, not less than 60 percent
4 shall be made available for individual training
5 accounts authorized under section 134(c)(3) of
6 the Workforce Innovation and Opportunity Act
7 (29 U.S.C. 3174(c)(3)).

8 (B) except that for purposes of providing
9 transitional jobs as part of those services under
10 this section, section 134(d)(5) of such Act (29
11 U.S.C. 3174(d)(5)) shall be applied by sub-
12 stituting “40 percent” for “10 percent”.

13 (b) SUPPLEMENT NOT SUPPLANT.—Amounts made
14 available to carry out this section shall be used to supple-
15 ment and not supplant other Federal, State, and local
16 public funds expended to provide employment and training
17 activities for dislocated workers, including funds provided
18 under the Workforce Innovation and Opportunity Act (29
19 U.S.C. 3101 et seq.).

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

22 (a) IN GENERAL.—In addition to amounts otherwise
23 made available, there is appropriated to the Department
24 of Labor for fiscal year 2022, out of any money in the
25 Treasury not otherwise appropriated, \$15,000,000,000, to

1 remain available until September 30, 2026, except that no
2 amounts may be expended after September 30, 2031,
3 which shall be reserved and allotted to States in accord-
4 ance with subsection (b)(1) of section 132 of the Work-
5 force Innovation and Opportunity Act (29 U.S.C. 3172),
6 reserved and allocated to local areas in accordance with
7 subsections (a) and (b)(1)(A) of section 133 of such Act
8 (29 U.S.C. 3173), and reserved by such local areas as fol-
9 lows:

10 (1) Not less than 20 percent shall be reserved
11 for carrying out the career services authorized under
12 subsection (c)(2) of section 134 of the Workforce In-
13 novation and Opportunity Act (29 U.S.C. 3174) and
14 expanding access to the individualized career serv-
15 ices described in section 134(c)(2)(A)(xii) of such
16 Act (29 U.S.C. 3174(c)(2)(A)(xii)).

17 (2) Not less than 10 percent shall be reserved
18 for carrying out the supportive services and pro-
19 viding the needs-related payments authorized under
20 paragraphs (2) and (3) of section 134(d) of the
21 Workforce Innovation and Opportunity Act (29
22 U.S.C. 3174(d)).

23 (3) Not less than 50 percent shall be reserved
24 for carrying out the training services—

1 (A) of which, not less than 60 percent
2 shall be made available for individual training
3 accounts or contracts authorized under of sec-
4 tion 134(c)(3) of the Workforce Innovation and
5 Opportunity Act (29 U.S.C. 3174(c)(3)); and

6 (B) except that for purposes of providing
7 incumbent worker training as part of those
8 services under this section, if such training is
9 provided to low-wage workers, section
10 134(d)(4)(A)(i) of the Workforce Innovation
11 and Opportunity Act (29 U.S.C.
12 3174(d)(4)(A)(i)) shall be applied by sub-
13 stituting “40 percent” for “20 percent”.

14 (b) SUPPLEMENT NOT SUPPLANT.—Amounts made
15 available to carry out this section shall be used to supple-
16 ment and not supplant other Federal, State, and local
17 public funds expended to provide adult employment and
18 training activities, including funds provided under the
19 Workforce Innovation and Opportunity Act (29 U.S.C.
20 3101 et seq.).

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

22 (a) IN GENERAL.—In addition to amounts otherwise
23 made available, there is appropriated to the Department
24 of Labor for fiscal year 2022, out of any money in the
25 Treasury not otherwise appropriated, \$9,054,000,000, to

1 remain available until September 30, 2026, except that no
2 amounts may be expended after September 30, 2031,
3 which shall be reserved and allotted to States in accord-
4 ance with subparagraphs (B) and (C) of section 127(b)(1)
5 of the Workforce Innovation and Opportunity Act (29
6 U.S.C. 3162(b)(1)), reserved and allocated to local areas
7 in accordance with subsections (a) and (b) of section 128
8 of such Act (29 U.S.C. 3163), and reserved by such local
9 areas as follows:

10 (1) 25 percent shall be reserved for carrying
11 out the youth workforce investment activities author-
12 ized under section 129 of the Workforce Innovation
13 and Opportunity Act (29 U.S.C. 3164 et seq.).

14 (2) 75 percent shall be reserved to provide op-
15 portunities for in-school youth and out-of-school
16 youth to participate in paid work experiences de-
17 scribed in subsection (c)(2)(C) of section 129 of the
18 Workforce Innovation and Opportunity Act (29
19 U.S.C. 3164).

20 (b) PARTNERSHIPS.—Not less than 20 percent of
21 amounts made available under subsection (a) shall be used
22 by local areas to partner with community-based organiza-
23 tions serving out-of-school youth to carry out activities de-
24 scribed in paragraphs (1) and (2) of subsection (a), in-
25 cluding those residing in high-crime or high-poverty areas.

1 (c) SUPPLEMENT NOT SUPPLANT.—Amounts made
2 available to carry out this section shall be used to supple-
3 ment and not supplant other Federal, State, and local
4 public funds expended for youth workforce investment ac-
5 tivities, including funds provided under the Workforce In-
6 novation and Opportunity Act (29 U.S.C. 3101 et seq.).

7 **SEC. 22004. EMPLOYMENT SERVICE.**

8 In addition to amounts otherwise made available,
9 there is appropriated to the Department of Labor for fis-
10 cal year 2022, out of any money in the Treasury not other-
11 wise appropriated, the following amounts, to remain avail-
12 able until September 30, 2026, except that no amounts
13 may be expended after September 30, 2031

14 (1) \$1,250,000,000 for carrying out the State
15 grant activities authorized under section 7 of the
16 Wagner-Peyser Act (29 U.S.C. 49f), which shall be
17 allotted in accordance with section 6 of such Act (29
18 U.S.C. 49e), except that, for purposes of this sec-
19 tion, funds shall also be provided to the Common-
20 wealth of the Northern Mariana Islands and Amer-
21 ican Samoa in amounts the Secretary determines ap-
22 propriate prior to the allotments being made in ac-
23 cordance with section 6 of such Act (29 U.S.C. 49d).

24 (2) \$100,000,000 for carrying out improve-
25 ments to the workforce and labor market informa-

1 tion systems authorized under section 15 of the
2 Wagner-Peyser Act (29 U.S.C. 491-2).

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

4 In addition to amounts otherwise made available,
5 there is appropriated to the Department of Labor for fis-
6 cal year 2022, out of any money in the Treasury not other-
7 wise appropriated, \$3,600,000,000, to remain available
8 until September 30, 2026, except that no amounts may
9 be expended after September 30, 2031, for carrying out
10 ex-offender activities, under the authority of section 169
11 of the Workforce Innovation and Opportunity Act (29
12 U.S.C. 3224). Not less than 25 percent of such funds shall
13 be for competitive grants to national and regional inter-
14 mediaries for activities that prepare for employment of
15 young adults with criminal records, young adults who have
16 been justice system-involved, or young adults who have
17 dropped out of school or other educational programs, with
18 a priority for projects serving high-crime, high-poverty
19 areas.

20 **SEC. 22006. REGISTERED APPRENTICESHIPS, YOUTH AP-
21 PRENTICESHIPS, AND PRE-APPRENTICE-
22 SHIPS.**

23 (a) IN GENERAL.—In addition to amounts otherwise
24 made available, there is appropriated to the Department
25 of Labor for fiscal year 2022, out of any amounts in the

1 Treasury not otherwise appropriated, \$5,000,000,000, to
2 remain available until September 30, 2026, except that no
3 amounts may be expended after September 30, 2031, to
4 carry out activities through grants, cooperative agree-
5 ments, contracts or other arrangements, with States and
6 other appropriate entities, including equity intermediaries
7 and business and labor industry partner intermediaries,
8 to create or expand only—

9 (1) apprenticeship programs registered under
10 the Act of August 16, 1937 (commonly known as
11 the “National Apprenticeship Act”; 50 Stat. 664,
12 chapter 663; 29 U.S.C. 50 et seq.); and

13 (2) youth apprenticeship programs and pre-ap-
14 prenticeship programs that articulate to apprentice-
15 ship programs described in paragraph (1).

16 (b) RESERVATION.—Not less than 50 percent of the
17 funds made available under section (a) shall be reserved
18 for—

19 (1) entities serving a high number or high per-
20 centage of individuals with barriers to employment
21 (as defined in section 3 of the Workforce Innovation
22 and Opportunity Act (29 U.S.C. 3102)), including
23 individuals with disabilities, or nontraditional ap-
24 prenticeship populations; or

1 (2) youth apprenticeships or pre-apprentice-
2 ships that articulate to such registered apprentice-
3 ships programs.

4 **SEC. 22007. COMMUNITY COLLEGE AND INDUSTRY PART-**
5 **nership Grants.**

6 (a) DEFINITIONS.—In this section—

7 (1) ELIGIBLE INSTITUTION.—The term “eligi-
8 ble institution” means an institution of higher edu-
9 cation (as defined in section 101 or 102(c) of the
10 Higher Education Act of 1965 (20 U.S.C. 1001,
11 1002(c)), including a Tribal College or University
12 (as defined in section 316 of such Act (20 U.S.C.
13 1059c)), or a consortium of such institutions—

14 (A) at which the highest degree awarded is
15 an associate degree; or an associate degree is
16 the predominant degree awarded; and

17 (B) that is working directly with an indus-
18 try or sector partnership, or in the process of
19 establishing such partnership, to carry out a
20 grant under this section.

21 (2) PERKINS CTE DEFINITIONS.—The terms
22 “career and technical education”, “career guidance
23 and academic counseling” , “dual or concurrent en-
24 rollment program”, “evidence-based” and “work-
25 based learning” have the meanings given the terms

1 in section 3 of the Carl D. Perkins Career and Tech-
2 nical Education Act of 2006 (20 U.S.C. 2302).

3 (3) REGISTERED APPRENTICESHIP PROGRAM.—

4 The term “registered apprenticeship program”
5 means an apprenticeship registered under the Act of
6 August 16, 1937 (commonly known as the “National
7 Apprenticeship Act”; 50 Stat. 664, chapter 663; 29
8 U.S.C. 50 et seq.).

9 (4) SECRETARY.—The term “Secretary” means
10 the Secretary of Labor.

11 (5) WIOA DEFINITIONS.—

12 (A) IN GENERAL.—The terms “career
13 pathway”, “in-demand industry sector or occu-
14 pation”, “individual with a barrier to employ-
15 ment”, “industry or sector partnership”, “inte-
16 grated education and training”, “recognized
17 postsecondary credential” and “supportive serv-
18 ices” have the meanings given the terms in sec-
19 tion 3 of the Workforce Innovation and Oppor-
20 tunity Act (29 U.S.C. 3102).

21 (B) CAREER SERVICES.—The term “career
22 services” means services described in section
23 134(c)(2) of the Workforce Innovation and Op-
24 portunity Act (29 U.S.C. 3174(c)(2)).

1 (b) IN GENERAL.—In addition to amounts otherwise
2 made available, there is appropriated to the Department
3 of Labor for fiscal year 2022, out of any money in the
4 Treasury not otherwise appropriated, \$2,000,000,000, to
5 remain available until September 30, 2026, except that no
6 amounts may be expended after September 30, 2031, to
7 carry out this section.

8 (c) GRANTS.—From funds appropriated under sub-
9 section (b) and not reserved under subsection (e), and
10 under the authority of section 169(b)(5) of the Workforce
11 Innovation and Opportunity Act (29 U.S.C. 3224(b)(5)),
12 the Secretary shall award grants on a competitive basis
13 to eligible institutions for the purposes of expanding work-
14 force development and employment opportunities in high-
15 skill, high-wage, or in-demand industry sectors or occupa-
16 tions. To receive such a grant, an eligible institution shall
17 submit to the Secretary an application at such time, in
18 such manner, and containing such information as specified
19 by the Secretary, including a description of the related
20 programs, recognized postsecondary credentials, and em-
21 ployment opportunities.

22 (d) USE OF GRANT FUNDS.—

23 (1) IN GENERAL.—An eligible institution
24 awarded a grant under this section shall use such
25 grant funds to expand opportunities for attainment

1 of recognized postsecondary credentials that are na-
2 tionally portable and stackable for high-skill, high-
3 wage, or in-demand industry sectors or occupations
4 by—

5 (A) establishing, improving, or scaling
6 high-quality, evidence-based education and
7 training programs, such as career and technical
8 education programs, career pathway programs,
9 and work-based learning programs (including
10 programs of registered apprenticeships or pre-
11 apprenticeships that articulate to registered ap-
12 prenticeships);

13 (B) creating, developing, or expanding ar-
14 ticipation agreements (as defined in section
15 486A(a) of the Higher Education Act of 1965
16 (20 U.S.C. 1093a(a))), credit transfer agree-
17 ments, corequisite remediation programs, dual
18 or concurrent enrollment programs, or policies
19 and processes to award academic credit for
20 prior learning or career training programs sup-
21 ported by the funds described in subsection (c);

22 (C) making available open, searchable, and
23 comparable information on curriculum or recog-
24 nized postsecondary credentials, including those
25 created or developed using such funds, and in-

1 formation on the related skills or competencies,
2 and related employment and earnings outcomes;

3 (D) establishing or implementing plans for
4 providers of programs supported with such
5 funds to be included on the eligible training
6 services provider list described in section 122(d)
7 of the Workforce Innovation and Opportunity
8 Act (29 U.S.C. 3152(d));

9 (E) purchasing, leasing, or refurbishing
10 specialized equipment necessary to carry out
11 the education or career training programs sup-
12 ported by such funds;

13 (F) reducing or eliminating out-of-pocket
14 expenses related to participants' cost of attend-
15 ance in the education or career training activi-
16 ties supported by such funds; or

17 (G) establishing or expanding industry or
18 sector partnerships to successfully carry out the
19 activities described in subparagraphs (A)
20 through (F).

21 (2) RESERVATION.—An eligible institution
22 awarded a grant under this section shall use not less
23 than 15 percent of such grant funds to provide serv-
24 ices to help individuals with barriers to employment
25 complete and successfully transition out of education

1 or career training programs supported by such
2 funds, which shall include providing supportive serv-
3 ices, career services, career guidance and academic
4 counseling, or job placement assistance.

5 (e) RESERVATIONS.—From the amounts made avail-
6 able under subsection (b), the Secretary shall reserve not
7 more than 5 percent for—

8 (1) targeted outreach to eligible institutions
9 serving a high number or high percentage of low-in-
10 come individuals or individuals with barriers to em-
11 ployment, and rural-serving eligible institutions, to
12 provide guidance and assistance in the grant appli-
13 cation process under this section;

14 (2) administration of the program described in
15 this section, including providing technical assistance
16 and oversight to support eligible institutions (includ-
17 ing consortia of eligible institutions); and

18 (3) evaluating and reporting on the perform-
19 ance and impact of programs funded under this sec-
20 tion.

21 (f) SUPPLEMENT NOT SUPPLANT.—Amounts avail-
22 able to carry out this section shall be used to supplement
23 and not supplant other Federal, State, and local public
24 funds expended to support community college education
25 or career training programs.

1 **SEC. 22008. INDUSTRY OR SECTOR PARTNERSHIP GRANTS.**

2 (a) IN GENERAL.—In addition to amounts otherwise
3 made available, there is appropriated to the Department
4 of Labor for fiscal year 2022, out of any money in the
5 Treasury not otherwise appropriated, \$10,000,000,000, to
6 remain available until September 30, 2026, except that no
7 amounts may be expended after September 30, 2031, to
8 carry out this section.

9 (b) GRANTS.—From amounts appropriated under
10 subsection (a) and not reserved under subsection (d), and
11 under the authority of section 169(b)(5) of the Workforce
12 Innovation and Opportunity Act (29 U.S.C. 3224(b)(5)),
13 the Secretary shall award grants on a competitive basis
14 to eligible partnerships for the purposes of expanding
15 workforce development and employment opportunities for
16 high-skill, high-wage, or in-demand industry sectors or oc-
17 cupations, including information technology, clean energy,
18 infrastructure and transportation, advanced manufac-
19 turing, public health, home care, and early childhood care
20 and education. To receive such a grant, an eligible part-
21 nership shall submit to the Secretary an application at
22 such time, in such manner, and containing such informa-
23 tion as specified by the Secretary.

24 (c) USES OF FUNDS.—An eligible partnership award-
25 ed such a grant under this section shall use—

1 (1) such grant funds to engage and regularly
2 convene stakeholders in a collaborative structure to
3 identify, develop, improve, or expand training, em-
4 ployment, and growth opportunities for the high-
5 skill, high-wage, or in-demand industry sector or oc-
6 cupation on which such partnership is focused;

7 (2) not less than 50 percent of such grant
8 funds to directly provide, or arrange for the provi-
9 sion of, high-quality, evidence-based training for the
10 high-skill, high-wage, or in-demand industry sector
11 or occupation on which such partnership is focused,
12 which shall include—

13 (A) training services described in any
14 clause of subparagraph (D) of section 134(c)(3)
15 of the Workforce Innovation and Opportunity
16 Act (29 U.S.C. 3174(c)(3))) provided through
17 contracts that meet the requirements of that
18 section 134(c)(3); or

19 (B) training provided through registered
20 apprenticeship programs, youth apprenticeship,
21 or pre-apprenticeship programs that articulate
22 to registered apprenticeship programs, or
23 through joint labor-management partnerships;
24 and

1 (C) establishing or implementing plans for
2 providers of programs supported with such
3 funds to be included on the eligible training
4 services provider list described in section 122(d)
5 of the Workforce Innovation and Opportunity
6 Act (29 U.S.C. 3152(d)).

7 (3) not less than 15 percent of such grant
8 funds to directly provide, or arrange for the provi-
9 sion of, services to help individuals with barriers to
10 employment complete and successfully transition out
11 of training described in paragraph (2), which serv-
12 ices shall include career services, supportive services,
13 or the provision of needs-related payments author-
14 ized under subsections (c)(2), (d)(2), and (d)(3) of
15 section 134 of the Workforce Innovation and Oppor-
16 tunity Act (29 U.S.C. 3174).

17 (d) RESERVATIONS.—

18 (1) IN GENERAL.—From the amounts made
19 available under subsection (a), the Secretary shall
20 reserve not more than 5 percent for—

21 (A) targeted outreach and support to eligi-
22 ble partnerships serving local areas with high
23 unemployment rates or high percentages of in-
24 dividuals with low incomes or individuals with
25 barriers to employment, to provide guidance

1 and assistance in the grant application process
2 under this section;

3 (B) administration of the program de-
4 scribed in this section, including providing com-
5 prehensive technical assistance and oversight to
6 support eligible partnerships; and

7 (C) evaluating and reporting on the per-
8 formance and impact of programs funded under
9 this section.

10 (2) STATE BOARD OR LOCAL BOARD FUNDS.—

11 From amounts made available under subsection (a),
12 the Secretary shall reserve not less than 5 percent
13 to provide direct assistance to State boards or local
14 boards to support the creation or expansion of in-
15 dustry or sector partnerships in local areas with
16 high unemployment rates or high percentages of in-
17 dividuals with low incomes or individuals with bar-
18 riers to employment, as compared to State or na-
19 tional averages for such rates or percentages.

20 (e) SUPPLEMENT NOT SUPPLANT.—Amounts made
21 available to carry out this section shall be used to supple-
22 ment and not supplant other Federal, State, and local
23 public funds expended to support activities described in
24 this section.

25 (f) DEFINITIONS.—In this section:

1 (1) ELIGIBLE PARTNERSHIP.—The term “eligi-
2 ble partnership” means—

3 (A) an industry or sector partnership,
4 which shall include multiple representatives de-
5 scribed in each of clauses (i) through (iii) of
6 paragraph (26)(A) of section 3 of the Work-
7 force Innovation and Opportunity Act (29
8 U.S.C. 3102); or

9 (B) a partnership of multiple entities de-
10 scribed in section 3(26) of such Act (29 U.S.C.
11 3102(26)), and a State board or local board,
12 that is in the process of establishing an indus-
13 try or sector partnership.

14 (2) PERKINS CTE DEFINITIONS.—The terms
15 “career guidance and academic counseling” and
16 “evidence-based” have the meanings given the terms
17 in section 3 of the Carl D. Perkins Career and Tech-
18 nical Education Act of 2006 (20 U.S.C. 2302).

19 (3) REGISTERED APPRENTICESHIP PROGRAM.—
20 The term “registered apprenticeship program”
21 means an apprenticeship registered under the Act of
22 August 16, 1937 (commonly known as the “National
23 Apprenticeship Act”; 50 Stat. 664, chapter 663; 29
24 U.S.C. 50 et seq.).

1 (4) SECRETARY.—The term “Secretary” means
2 the Secretary of Labor.

3 (5) WIOA DEFINITIONS.—The terms “career
4 pathway”, “in-demand industry sector or occupa-
5 tion”, “individual with a barrier to employment”,
6 “industry or sector partnership”, “local area”, “local
7 board”, and “State board” have the meanings given
8 the terms in section 3 of the Workforce Innovation
9 and Opportunity Act (29 U.S.C. 3102).

10 **SEC. 22009. JOB CORPS.**

11 In addition to amounts otherwise made available,
12 there is appropriated to the Department of Labor for fis-
13 cal year 2022, out of any amounts in the Treasury not
14 otherwise appropriated, \$1,500,000,000, to remain avail-
15 able until September 30, 2026, except that no amounts
16 may be expended after September 30, 2031, for the Job
17 Corps program authorized under section 143 of the Work-
18 force Innovation and Opportunity Act (29 U.S.C. 3193 et
19 seq.) and for the purposes of improving and expanding ac-
20 cess to allowances and supports described in section 150
21 of such Act (29 U.S.C. 3200). Of such funds, no less than
22 \$750,000,000 shall be reserved for construction, rehabili-
23 tation and acquisition of Job Corps Centers.

1 **SEC. 22010. NATIVE AMERICAN PROGRAMS.**

2 In addition to amounts otherwise made available,
3 there is appropriated to the Department of Labor for fis-
4 cal year 2022, out of any amounts in the Treasury not
5 otherwise appropriated, \$450,000,000, to remain available
6 until September 30, 2026, except that no amounts may
7 be expended after September 30, 2031, for the Native
8 American programs authorized under the Workforce Inno-
9 vation and Opportunity Act.

10 **SEC. 22011. MIGRANT AND SEASONAL FARMWORKER PRO-**
11 **GRAMS.**

12 In addition to amounts otherwise made available,
13 there is appropriated to the Department of Labor for fis-
14 cal year 2022, out of any amounts in the Treasury not
15 otherwise appropriated, \$450,000,000, to remain available
16 until September 30, 2026, except that no amounts may
17 be expended after September 30, 2031, for the migrant
18 and seasonal farmworker programs authorized under
19 Workforce Innovation and Opportunity Act, except that,
20 for purposes of providing services under those programs
21 to low-income individuals under this section, section
22 3(36)(A)(ii)(I) of such Act (29 U.S.C. 3102(36)(A)(ii)(I))
23 shall be applied by substituting “150 percent of the pov-
24 erty line” for “the poverty line”.

1 **SEC. 22012. YOUTHBUILD PROGRAM.**

2 In addition to amounts otherwise made available,
3 there is appropriated to the Department of Labor for fis-
4 cal year 2022, out of any amounts in the Treasury not
5 otherwise appropriated, \$500,000,000, to remain available
6 until September 30, 2026, except that no amounts may
7 be expended after September 30, 2031, for the YouthBuild
8 program authorized under the Workforce Innovation and
9 Opportunity Act (29 U.S.C. 3226), including for the pur-
10 poses of improving and expanding access to services, sti-
11 pends, wages, and benefits described in subsections
12 (c)(2)(A)(vii) and (c)(2)(F) of section 171 of such Act.

13 **SEC. 22013. SENIOR COMMUNITY SERVICE EMPLOYMENT**
14 **PROGRAM.**

15 In addition to amounts otherwise made available,
16 there is appropriated to the Department of Labor for fis-
17 cal year 2022, out of any amounts in the Treasury not
18 otherwise appropriated, \$100,000,000, to remain available
19 until September 30, 2026, except that no amounts may
20 be expended after September 30, 2031, for the Senior
21 Community Service Employment program authorized
22 under title V of the Older Americans Act (42 U.S.C. 3056
23 et seq.).

24 **SEC. 22014. PROGRAM ADMINISTRATION.**

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

1 cal year 2022, out of any money in the Treasury not other-
2 wise appropriated, \$720,000,000, to remain available until
3 September 30, 2028, except that no amounts may be ex-
4 pended after September 30, 2031, for program adminis-
5 tration within the Department of Labor for salaries and
6 expenses necessary to implement this part.

7 **PART 2—DEPARTMENT OF EDUCATION**

8 **SEC. 22101. ADULT EDUCATION AND LITERACY.**

9 (a) IN GENERAL.—In addition to amounts otherwise
10 made available, there is appropriated to the Department
11 of Education for fiscal year 2022, out of any money in
12 the Treasury not otherwise appropriated, \$3,600,000,000,
13 to remain available until September 30, 2028, to carry out
14 title II of the Workforce Innovation and Opportunity Act
15 (29 U.S.C. 3101 et seq.), which shall be reserved, and
16 granted and allotted to eligible agencies in accordance with
17 subsections (a), (b), and (c) of section 211 of such Act,
18 respectively.

19 (b) REQUIREMENT.—With respect to each eligible
20 agency that receives funds appropriated by this section,
21 for each fiscal year for which such eligible agency receives
22 such funds, section 222(a)(1) of the Workforce Innovation
23 and Opportunity Act (29 U.S.C. 3302(a)(1)) the shall be
24 applied by substituting “not less than 10 percent” for
25 “not more than 20 percent”.

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

2 (a) IN GENERAL.—In addition to amounts otherwise
3 made available, there is appropriated to the Department
4 of Education for fiscal year 2022, out of any money in
5 the Treasury not otherwise appropriated, the following
6 amounts, to remain available until September 30, 2028:

7 (1) \$3,000,000,000 for carrying out career and
8 technical education programs authorized under sec-
9 tion 124 and section 135 of the Carl D. Perkins Ca-
10 reer and Technical Education Act of 2006 (20
11 U.S.C. 2301 et seq.), which shall be allotted in ac-
12 cordance with section 111 and section 112 of such
13 Act (20 U.S.C. 2321, 2322), except that subsection
14 (b) of section 112 of such Act (20 U.S.C. 2322)
15 shall not apply.

16 (2) \$1,000,000,000 for carrying out the innova-
17 tion and modernization program described in sub-
18 section(e) of section 114 of the Carl D. Perkins Ca-
19 reer and Technical Education Act of 2006 (20
20 U.S.C. 2324(e)), except that for purposes of this
21 paragraph—

22 (A) the 20 percent limitation in paragraph
23 (1) of such subsection, and paragraph (2) of
24 such subsection, shall not apply; and

1 (B) eligible agencies (as defined in section
2 3 of such Act) shall be eligible to receive grants
3 under section 114(e) of such Act.

4 (b) SUPPLEMENT NOT SUPPLANT.—Amounts made
5 available to carry out this section shall be used to supple-
6 ment and not supplant other Federal, State, and local
7 public funds expended for career and technical education
8 programs, including the funds provided under the Carl D.
9 Perkins Career and Technical Education Act of 2006 (20
10 U.S.C. 2301 et seq.).

11 **PART 3—COMPETITIVE INTEGRATED EMPLOY-**
12 **MENT TRANSFORMATION GRANT PROGRAM**

13 **SEC. 22201. COMPETITIVE INTEGRATED EMPLOYMENT**
14 **TRANSFORMATION GRANT PROGRAM.**

15 (a) IN GENERAL.—In addition to amounts otherwise
16 made available, there is appropriated to the Department
17 of Labor, \$300,000,000 for fiscal year 2022, out of any
18 money in the Treasury not otherwise appropriated, to re-
19 main available until expended, for the Secretary of Labor
20 (referred to in this section as the “Secretary”) to award
21 grants to States in accordance with this section to assist
22 employers in such States who were issued special certifi-
23 cates under section 14(c) of the Fair Labor Standards Act
24 of 1938 (29 U.S.C. 214(c)) in transforming (or continuing
25 to transform) their business and program models from

1 providing employment using special certificates to busi-
2 ness and program models that employ and support people
3 with disabilities in competitive integrated employment and
4 to cover any administrative costs associated with such
5 grants.

6 (b) RESERVATIONS AND ALLOTMENTS; DURATION OF
7 AWARDS.—

8 (1) RESERVATIONS.—

9 (A) ALLOTMENTS TO NON-COVERED
10 STATES.—

11 (i) IN GENERAL.—The Secretary shall
12 reserve 10 percent of the amount appro-
13 priated by subsection (a) to award grants,
14 in accordance to clause (ii), to States de-
15 scribed in subsection (c)(3) that submit an
16 application under subsection (c) meeting
17 the applicable requirements of such sub-
18 section.

19 (ii) ALLOTMENT AMOUNT.—The Sec-
20 retary shall allot grants to each State
21 under clause (i) a grant in an amount that
22 bears the same relationship to the total
23 amount reserved under clause (i) as the
24 population of the State bears to the total

1 population of all States described in such
2 clause.

3 (B) NATIONAL TECHNICAL ASSISTANCE
4 CENTER.—The Secretary shall use 2 percent of
5 the amounts appropriated in subsection (a) to
6 establish, either directly or through grants, con-
7 tracts, or cooperative agreements, a national
8 technical assistance center to provide technical
9 assistance to employers who are transforming
10 from employing people with disabilities using
11 special certificates to providing competitive inte-
12 grated employment and to collect and dissemi-
13 nate evidence-based practices with respect to
14 the transformations and in providing competi-
15 tive integrated employment and integrated serv-
16 ices.

17 (2) ALLOTMENTS TO COVERED STATES.—

18 (A) 15 OR MORE COVERED STATES.—

19 (i) IN GENERAL.—In the case that, as
20 of a date determined appropriate by the
21 Secretary, there are 15 or more covered
22 States the Secretary shall allot to each cov-
23 ered State a grant in an amount equal to
24 the sum of the allotted to such State under
25 clauses (ii) and (iii).

1 (ii) ALLOTMENT BASED ON NUMBER
2 OF EMPLOYEES SPECIAL CERTIFICATES.—
3 From the total amount that is 70 percent
4 of the funds appropriated under subsection
5 (a) and not reserved under paragraph (1),
6 the Secretary shall allot to each covered
7 State an amount that bears the same rela-
8 tionship to such total amount as the num-
9 ber of people with disabilities who are em-
10 ployed under a special certificate in the
11 covered State bears to the total number of
12 people with disabilities who are employed
13 under a special certificate in all covered
14 States.

15 (iii) ALLOTMENT BASED ON EMPLOY-
16 ERS WITH SPECIAL CERTIFICATES.—From
17 the total amount that is 30 percent of the
18 funds appropriated under subsection (a)
19 and not reserved under paragraph (1), the
20 Secretary shall allot to each covered State
21 an amount that bears the same relation-
22 ship to such total amount as the number
23 of employers in the covered State who have
24 in effect a special certificate bears to the
25 total number of employers in all covered

1 States who have in effect such a certifi-
2 cate.

3 (B) 14 OR FEWER COVERED STATES.—In
4 the case that, as of the date determined appro-
5 priate by the Secretary under subparagraph
6 (A), there are fewer than 15 covered States, the
7 Secretary shall award grants to each covered
8 State on a competitive basis in an amount that
9 the Secretary determines necessary to accom-
10 plish the purpose of the grant described in sub-
11 section (a).

12 (C) COVERED STATE.—In this subsection,
13 the term “covered State” means a State that—

14 (i) is not described in subsection
15 (c)(3); and

16 (ii) submits an application under sub-
17 section (c) that meets the applicable re-
18 quirements under such subsection.

19 (3) DURATION OF AWARDS.—A grant under
20 this section shall be awarded for a period of 5 years.

21 (4) CUTOFF.—The Secretary may not issue a
22 grant under this subsection after September 30,
23 2025.

24 (c) APPLICATIONS.—

1 (1) IN GENERAL.—To be eligible to receive a
2 grant under this section, a State shall submit an ap-
3 plication to the Secretary at such time, in such man-
4 ner, and including such information as the Secretary
5 may reasonably require.

6 (2) CONTENTS.—In the case of a State not de-
7 scribed in paragraph (3), an application submitted
8 under paragraph (1) shall include—

9 (A) a description of the status of the em-
10 ployers in the State providing employment
11 using special certificates, which may include—

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

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

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

19 (iv) the average hourly wage for such
20 employees;

21 (B) a description of activities to be funded
22 under the grant, and the goals of such activi-
23 ties, including the activities of the State with
24 respect to competitive integrated employment
25 for people with disabilities; and

1 (C) assurances that—

2 (i) the activities carried out under the
3 grant will, by not later than the end of the
4 5-year grant period, result in—

5 (I) each employer in the State
6 voluntarily ceasing to use special cer-
7 tificates by the end of the 5-year
8 grant period and no longer applying
9 for or renewing such certificates; or

10 (II) in the case of an employer in
11 the State that, as of the date of enact-
12 ment of this Act, provides employment
13 using special certificates, the em-
14 ployer—

15 (aa) transforms its business
16 and program models as described
17 in subsection (d)(1)(A); or

18 (bb) ceases providing spe-
19 cialized employment services for
20 people with disabilities; and

21 (ii) each individual in the State who is
22 employed under a special certificate on or
23 after the date of enactment will be em-
24 ployed in competitive integrated employ-
25 ment or a combination of competitive inte-

1 grated employment and integrated services,
2 including by compensating all employees of
3 the employer for all hours worked at a rate
4 that is—

5 (I) not less than the higher of
6 the rate specified in section 6(a)(1) of
7 the Fair Labor Standards Act of
8 1938 (29 U.S.C. 206(a)(1)) or the
9 rate specified in the applicable State
10 or local minimum wage law, or the ap-
11 plicable prevailing wage rate under
12 the McNamara-O’Hara Service Con-
13 tract Act (41 U.S.C. 6701 et seq.);
14 and

15 (II) not less than the rate paid
16 by the employer for the same or simi-
17 lar work performed by other employ-
18 ees who are not people with disabil-
19 ities, and who are similarly situated in
20 similar occupations by the same em-
21 ployer and who have similar training,
22 experience, and skills; and

23 (iii) the State will establish an advi-
24 sory council described in subsection (e) to
25 monitor and guide the process of trans-

1 forming business and program models of
2 employers in the State as described in sub-
3 section (d)(1)(A).

4 (3) APPLICATIONS FOR STATES RECEIVING
5 AMOUNT FROM RESERVATION.—In the case of a
6 State that, as of the date of enactment of this Act,
7 is determined by the Secretary to have phased out
8 or to be in the process of phasing out the use of spe-
9 cial certificates in the State, an application under
10 this subsection from such State shall include only
11 the information described in paragraph (2)(B).

12 (d) USE OF FUNDS.—

13 (1) IN GENERAL.—In the case of a State not
14 described in paragraph (2), such State shall use the
15 grant funds for each of the following activities:

16 (A) Identifying each employer in the State
17 that will transform its business and program
18 models from employing people with disabilities
19 using special certificates to employing people
20 with disabilities in competitive integrated em-
21 ployment settings, or a setting involving a com-
22 bination of competitive integrated employment
23 and integrated services.

24 (B) Implementing a service delivery infra-
25 structure to support people with disabilities who

1 have been employed under special certificates
2 through such a transformation, including pro-
3 viding enhanced integrated services to support
4 people with the most significant disabilities.

5 (C) Expanding competitive integrated em-
6 ployment and integrated services to be provided
7 to such people as a result of transformations
8 described in subparagraph (A).

9 (2) STATES RECEIVING AMOUNT FROM RES-
10 ERVATION.—A State that, as of the date of enact-
11 ment of this Act, is determined by the Secretary to
12 have phased out or to be in the process of phasing
13 out the use of special certificates in the State, shall
14 use the grant funds for expansion of competitive in-
15 tegrated employment and integrated services to be
16 provided to people with disabilities.

17 (e) MEMBERS OF THE ADVISORY COUNCIL.—A State
18 receiving a grant under this section shall, for the purpose
19 described in subsection (c)(2)(C)(iii), establish an advisory
20 council composed of the following:

21 (1) People with disabilities, including people
22 with intellectual or developmental disabilities and
23 people with mental health disabilities, who are or
24 were employed under a special certificate, who shall

1 comprise not less than 25 percent of the members
2 of such advisory council.

3 (2) Family members of a person with an intel-
4 lectual, developmental, or mental health disability
5 who is or was employed under a special certificate
6 or is employed in competitive integrated employ-
7 ment.

8 (3) An employer providing competitive inte-
9 grated employment.

10 (4) An employer providing employment under
11 special certificates.

12 (5) Representatives of relevant State agencies
13 with expertise in competitive integrated employment,
14 disability organizations with such expertise, and dis-
15 ability related offices and groups with such exper-
16 tise.

17 **SEC. 22202. DEFINITIONS.**

18 In this part:

19 (1) **COMPETITIVE INTEGRATED EMPLOY-**
20 **MENT.**—The term “competitive integrated employ-
21 ment” has the meaning given such term in section
22 7(5) of the Rehabilitation Act of 1973 (29 U.S.C.
23 705(5)).

24 (2) **EMPLOYEE; EMPLOYER.**—The terms “em-
25 ployee” and “employer” have the meanings given

1 such terms in section 3 of the Fair Labor Standards
2 Act of 1938 (29 U.S.C. 203).

3 (3) INTEGRATED COMMUNITY PARTICIPATION
4 AND WRAPAROUND SERVICES; INTEGRATED SERV-
5 ICES.—The terms “integrated community participa-
6 tion and wraparound services” or “integrated serv-
7 ices” mean services for people with disabilities that
8 are—

9 (A) designed to assist such people in devel-
10 oping skills and abilities to reside successfully
11 in home and community-based settings;

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

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

16 (i) maintaining competitive integrated
17 employment;

18 (ii) achieving independent living; or

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

22 (D) provided in a community location that
23 is not specifically intended for people with dis-
24 abilities;

25 (E) provided in a location that—

1 (i) allows the people receiving the
2 services to interact with people without dis-
3 abilities to the fullest extent possible; and

4 (ii) makes it possible for the people
5 receiving the services to access community
6 resources that are not specifically intended
7 for people with disabilities and to have the
8 same opportunity to participate in the
9 community as people who do not have a
10 disability; and

11 (F) provided in multiple locations to allow
12 the individual receiving the services to have op-
13 tions, thereby—

14 (i) optimizing individual initiative, au-
15 tonomy, and independence; and

16 (ii) facilitating choice regarding serv-
17 ices and supports, and choice regarding the
18 provider of such services.

19 (4) PEOPLE WITH DISABILITIES.—The term
20 “people with disabilities” includes individuals de-
21 scribed in section 14(c)(1) of the Fair Labor Stand-
22 ards Act of 1938 (29 U.S.C. 214(c)(1)).

23 (5) STATE.—The term “State” has the mean-
24 ing given the term in section 3 of the Fair Labor
25 Standards Act of 1938 (29 U.S.C. 203)).

1 **PART 4—RECRUITMENT, EDUCATION AND TRAIN-**
2 **ING, RETENTION, AND CAREER ADVANCE-**
3 **MENTS FOR THE DIRECT CARE WORKFORCE**

4 **SEC. 22301. DEFINITIONS.**

5 In this part:

6 (1) CTE DEFINITIONS.—The terms “evidence-
7 based” and “work-based learning” have the mean-
8 ings given such terms in section 3 of the Carl D.
9 Perkins Career and Technical Education Act of
10 2006 (20 U.S.C. 2302).

11 (2) WIOA DEFINITIONS.—The terms “career
12 pathway”, “career planning”, “individual with a bar-
13 rier to employment”, “local board”, “older indi-
14 vidual”, “on-the-job training”, “recognized postsec-
15 ondary credential”, and “State board” have the
16 meanings given such terms in section 3 of the Work-
17 force Innovation and Opportunity Act (29 U.S.C.
18 3102).

19 (3) OTHER DEFINITIONS.—

20 (A) CAREER AND TECHNICAL EDUCATION
21 SCHOOL.—The term “career and technical edu-
22 cation school” has the meaning given the term
23 “eligible recipient” in section 3 of the 3 of the
24 Carl D. Perkins Career and Technical Edu-
25 cation Act of 2006 (20 U.S.C. 2302).

1 (B) DIRECT CARE WORKER.—The term
2 “direct care worker” means—

3 (i) a direct support professional;

4 (ii) any worker who provides direct
5 care services in home or community-based
6 setting;

7 (iii) a respite care provider who pro-
8 vides short-term support and care to an in-
9 dividual in order to provide relief to a fam-
10 ily caregiver;

11 (iv) a palliative care worker;

12 (v) a direct care worker, as defined in
13 section 799B of the Public Health Service
14 Act (42 U.S.C. 795p); or

15 (vi) an individual in any other position
16 or job related to those described in clauses
17 (i) through (vi), as determined by the Sec-
18 retary in consultation with the Secretary of
19 Health and Human Services acting
20 through the Administrator for the Admin-
21 istration for Community Living.

22 (C) ELIGIBLE ENTITY.—The term “eligible
23 entity” means an entity that is—

24 (i) a State;

1 (ii) a labor organization, a joint labor-
2 management organization, or a Multi-Em-
3 ployer Training and Education Fund;

4 (iii) a nonprofit organization with ex-
5 perience in aging, disability, supporting the
6 rights and interests of direct care workers,
7 or training or educating direct care work-
8 ers;

9 (iv) an Indian Tribe or Tribal organi-
10 zation (as defined in section 4 of the In-
11 dian Self-Determination and Education
12 Assistance Act (25 U.S.C. 5304));

13 (v) an urban Indian organization (as
14 defined in section 4 of the Indian Health
15 Care Improvement Act (25 U.S.C. 1603));

16 (vi) a State board or local board;

17 (vii) an area agency on aging (as de-
18 fined in section 102 of the Older Ameri-
19 cans Act of 1965 (42 U.S.C. 3002));

20 (viii) when in partnership with an en-
21 tity described in any of clauses (i) through
22 (vii)—

23 (I) an institution of higher edu-
24 cation (as defined in section 101 of
25 the Higher Education Act of 1965 (20

1 U.S.C. 1001) or section 102(a)(1)(B)
2 of such Act (20 U.S.C.
3 1002(a)(1)(B)); or

4 (II) a career and technical edu-
5 cation school; or

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

8 (D) FAMILY CAREGIVER.—The term “fam-
9 ily caregiver” means a paid or unpaid adult
10 family member or other individual who has a
11 significant relationship with, and who provides
12 a broad range of assistance to, an individual
13 with a chronic or other health condition, dis-
14 ability, or functional limitation.

15 (E) HOME AND COMMUNITY-BASED SERV-
16 ICES.—The term “home and community-based
17 services” has the meaning given such term in
18 section 9817(a)(2) of the American Rescue
19 Plan Act of 2021 (Public Law 117–2).

20 (F) PERSON WITH A DISABILITY.—The
21 term “person with a disability” means an indi-
22 vidual with a disability as defined in section 3
23 of the Americans with Disabilities Act of 1990
24 (42 U.S.C. 12102).

1 (G) PRE-APPRENTICESHIP PROGRAM.—The
2 term “pre-apprenticeship program” means a
3 program that articulates to a registered appren-
4 ticeship program.

5 (H) REGISTERED APPRENTICESHIP PRO-
6 GRAM.—The term “registered apprenticeship
7 program” means an apprenticeship program
8 registered under the Act of August 16, 1937
9 (commonly known as the “National Apprentice-
10 ship Act”; 50 Stat. 664, chapter 663; 29
11 U.S.C. 50 et seq.).

12 (I) SECRETARY.—The term “Secretary”
13 means the Secretary of Labor.

14 (J) STATE.—The term “State” means
15 each of the 50 States of the United States, the
16 District of Columbia, the Commonwealth of
17 Puerto Rico, American Samoa, Guam, the
18 United States Virgin Islands, and the Common-
19 wealth of the Northern Mariana Islands.

20 **SEC. 22302. GRANTS TO SUPPORT THE DIRECT CARE WORK-**
21 **FORCE.**

22 (a) GRANTS AUTHORIZED.—In addition to amounts
23 otherwise available, there is appropriated to the Secretary
24 for fiscal year 2022, out of any money in the Treasury
25 not otherwise appropriated, \$1,480,000,000, to remain

1 available until September 30, 2031, for awarding, on a
2 competitive basis, grants to eligible entities to carry out
3 the activities described in subsection (c) with respect to
4 direct care workers.

5 (b) APPLICATIONS; AWARD BASIS.—

6 (1) APPLICATIONS.—

7 (A) IN GENERAL.—An eligible entity seek-
8 ing a grant under subsection (a) shall submit to
9 the Secretary an application at such time, in
10 such manner, and containing such information
11 as the Secretary, in coordination with the Sec-
12 retary of Health and Human Services acting
13 through the Administrator of the Administra-
14 tion for Community Living, may require.

15 (B) CONTENTS.—Each application under
16 subparagraph (A) shall include—

17 (i) a description of the type or types
18 of direct care workers the entity plans to
19 serve through the activities supported by
20 the grant;

21 (ii) a description of the one or more
22 eligible partnering entities collaborating to
23 carry out the activities described in sub-
24 section (c);

25 (iii) an assurance that—

1 (I) the eligible entity will estab-
2 lish a consultative process, as de-
3 scribed in subsection (c)(2); and

4 (II) the eligible entity will consult
5 on the implementation of the grant, or
6 coordinate the activities of the grant,
7 with the agencies in the State that are
8 responsible for developmental dis-
9 ability services, aging, education,
10 workforce development, and Medicaid,
11 to the extent that each such entity is
12 not the eligible entity; and

13 (iv) a plan for ensuring that the eligi-
14 ble entity will remain neutral in any orga-
15 nizing effort involving direct care workers
16 served by the grant who seek to form, join,
17 or assist a labor organization.

18 (2) CONSIDERATION.—In awarding grants
19 under subsection (a), the Secretary, in coordination
20 with the Secretary of Health and Human services
21 acting through the Administrator of the Administra-
22 tion for Community Living, shall ensure equitable
23 geographic diversity in distribution of the grants, in-
24 cluding by selecting recipients in rural areas and se-
25 lecting recipients in urban areas.

1 (3) DURATION OF GRANTS.—A grant awarded
2 under this section shall be for a period of 3 years,
3 and may be renewed. The Secretary, in coordination
4 with the Secretary of Health and Human Services
5 acting through the Administrator of the Administra-
6 tion for Community Living, shall award grants (in-
7 cluding any renewals) under this section in 3-year
8 cycles subject to the limits set forth in subsection
9 (a).

10 (c) USE OF FUNDS.—

11 (1) IN GENERAL.—

12 (A) REQUIRED USE OF FUNDS.—Each eli-
13 gible entity receiving a grant under subsection
14 (a) shall use the grant funds to provide com-
15 petitive wages, benefits, and other supportive
16 services, including transportation, child care,
17 dependent care, workplace accommodations,
18 and workplace health and safety protections, to
19 the direct care workers served by the grant that
20 are necessary to enable such workers to partici-
21 pate in the activities supported by the grant.

22 (B) ADDITIONAL ACTIVITIES.—In addition
23 to the requirement described in subparagraph
24 (A), each eligible entity receiving a grant under

1 subsection (a) shall use the grant funds for one
2 or more of the following activities:

3 (i) Developing and implementing a
4 strategy for the recruitment of direct care
5 workers.

6 (ii) Developing and implementing a
7 strategy for the retention of direct care
8 workers using evidence-based best prac-
9 tices, such as providing mentoring to such
10 workers.

11 (iii) Developing or implementing an
12 education and training program for the di-
13 rect care workers served by the grant,
14 which shall include—

15 (I) education and training on—
16 (aa) the rights of direct care
17 workers under applicable Fed-
18 eral, State, or local employment
19 law on—

20 (AA) wages and hours,
21 including under the Fair
22 Labor Standards Act of
23 1938 (29 U.S.C. 201 et
24 seq.);

1 (BB) safe working con-
2 ditions, including under the
3 Occupational Safety and
4 Health Act of 1970 (29
5 U.S.C. 651 et seq.);

6 (CC) forming, joining,
7 or assisting a labor organi-
8 zation, including under the
9 National Labor Relations
10 Act (29 U.S.C. 153 et seq.);
11 and

12 (DD) other applicable
13 terms and conditions of em-
14 ployment; and

15 (bb) relevant Federal and
16 State laws (including regulations)
17 on the provision of home and
18 community-based services; and

19 (II) providing a progressively in-
20 creasing, clearly defined schedule of
21 hourly wages to be paid to each direct
22 care worker served by the grant for
23 each hour the worker spends on edu-
24 cation or training provided through
25 the program described in this clause,

1 with a schedule of hourly wages
2 that—

3 (aa) is consistent with meas-
4 urable skill gains or attainment
5 of a recognized postsecondary
6 credential received as a result of
7 participation in or completion of
8 such education or training pro-
9 gram; and

10 (bb) ensures that each such
11 worker is compensated for each
12 hour the worker spends on edu-
13 cation or training through such
14 program at an entry rate that is
15 not less than the greater of the
16 applicable minimum wage re-
17 quired by other applicable Fed-
18 eral, State, or local law, or a col-
19 lective bargaining agreement;

20 (III) developing and imple-
21 menting a strategy for the retention
22 and career advancement of the direct
23 care workers served by the grant, in-
24 cluding providing career planning for
25 the direct care workers served by the

1 grant to support the identification of
2 advancement opportunities, and career
3 pathways in the direct care or home
4 care sectors; and

5 (IV) using evidence-based models
6 and standards for achievement for the
7 attainment of any associated recog-
8 nized postsecondary credentials, which
9 include—

10 (aa) supporting opportuni-
11 ties to participate in pre-appren-
12 ticeship or registered apprentice-
13 ship programs, work-based learn-
14 ing, or on-the-job training;

15 (bb) providing on-the-job su-
16 pervision or mentoring to support
17 the development of related skills
18 and competencies throughout
19 completion of such credentials;
20 and

21 (cc) training on the in-de-
22 mand skills and competencies of
23 direct care workers served by the
24 grant, including the provision of
25 culturally competent and dis-

1 ability competent supports and
2 services.

3 (2) CONSULTATION.—Each eligible entity re-
4 ceiving a grant under this section shall consult in
5 the development and implementation of the grant
6 with—

7 (A) individuals with disabilities;

8 (B) older individuals;

9 (C) direct care workers;

10 (D) family caregivers, guardians, or family
11 members; or

12 (E) representatives of—

13 (i) organizations representing the
14 rights and interests of people receiving
15 home and community-based services;

16 (ii) provider agencies or employers of
17 direct care workers served by the grant;

18 (iii) labor or joint labor-management
19 organizations, or advocacy organizations,
20 representing direct care workers served by
21 the grant; or

22 (iv) institutions of higher education or
23 career and technical education schools pro-
24 viding education and training on direct
25 care.

1 (d) SUPPLEMENT AND NOT SUPPLANT.—An eligible
2 entity receiving a grant under this section shall use such
3 grant only to supplement, and not supplant, the amount
4 of funds that, in the absence of such grant, would be avail-
5 able to the eligible entity to address the recruitment, edu-
6 cation and training, retention, or career advancement of
7 direct care workers in the State served by the grant.

8 **PART 5—WORKFORCE DEVELOPMENT PRO-**
9 **GRAMS IN SUPPORT OF COMMUNITIES AND**
10 **THE ENVIRONMENT**

11 **SEC. 22401. CORPORATION FOR NATIONAL AND COMMU-**
12 **NITY SERVICE.**

13 (a) IN GENERAL.—

14 (1) AMERICORPS STATE AND NATIONAL PRO-
15 GRAMS.—

16 (A) IN GENERAL.—In addition to amounts
17 otherwise made available, there is appropriated
18 for fiscal year 2023, out of any money in the
19 Treasury not otherwise appropriated, to the
20 Corporation for National and Community Serv-
21 ice, \$1,305,000,000, to remain available until
22 September 30, 2027, for carrying out national
23 service programs authorized under section
24 122(a)(3)(B) of the National and Community
25 Service Act of 1990 (42 U.S.C.

1 12572(a)(3)(B)) which shall be used to make
2 funding adjustments to existing (as of the date
3 of enactment of this Act) awards and make new
4 awards to entities to support national service
5 programs authorized under the AmeriCorps
6 State and National program (whether or not
7 the entities are already grant recipients under
8 such provisions on the date of enactment of this
9 Act) and to increase the living allowances of
10 participants in national service programs.

11 (B) WAIVER OF MATCHING REQUIRE-
12 MENT.—For the purposes of carrying out this
13 subparagraph, the Corporation shall waive any
14 match requirement in whole or in part where a
15 grantee demonstrates such waiver would in-
16 crease access and remove barriers for organiza-
17 tions that serve communities that are adversely
18 affected by persistent poverty, discrimination,
19 or inequality.

20 (2) NATIONAL CIVILIAN COMMUNITY CORPS.—
21 In addition to amounts otherwise made available,
22 there is appropriated for fiscal year 2023, out of any
23 money in the Treasury not otherwise appropriated,
24 to the Corporation for National and Community
25 Service, \$80,000,000, to remain available until Sep-

1 tember 30, 2027, for carrying out the National Civil-
2 ian Community Corps authorized under section 152
3 of the National and Community Service Act of 1990
4 (42 U.S.C. 12612).

5 (3) VOLUNTEERS IN SERVICE TO AMERICA PRO-
6 GRAM.—In addition to amounts otherwise made
7 available, there is appropriated for fiscal year 2023,
8 out of any money in the Treasury not otherwise ap-
9 propriated, to the Corporation for National and
10 Community Service, \$100,000,000, to remain avail-
11 able until September 30, 2027, for carrying out the
12 Volunteers in Service to America (VISTA) program
13 for the purposes described in section 101 of the Do-
14 mestic Volunteer Service Act of 1973 (42 U.S.C.
15 4951), including to increase the living allowances of
16 volunteers, described in section 105(b) of such Act
17 (42 U.S.C. 4955).

18 (4) STATE COMMISSIONS.—In addition to
19 amounts otherwise made available, there is appro-
20 priated for fiscal year 2023, out of any money in the
21 Treasury not otherwise appropriated, to the Cor-
22 poration for National and Community Service,
23 \$40,000,000, to remain available until September
24 30, 2027, to make adjustments to existing (as of the
25 date of enactment of this Act) awards and new and

1 additional awards, including awards to State Com-
2 missions on National and Community Service, under
3 section 126(a) of the National and Community Serv-
4 ice Act of 1990 (42 U.S.C. 12576(a)).

5 (5) USE OF FUNDS.—Amounts made available
6 under paragraphs (1) through (4) shall be used by
7 the Corporation for National and Community Serv-
8 ice to carry out activities described in section
9 122(a)(3)(B) of the National and Community Serv-
10 ice Act of 1990 (42 U.S.C. 12572(a)(3)(B)) and for
11 activities related to environmental resiliency, remedi-
12 ation, or mitigation by—

13 (A) ensuring at least 50 percent of such
14 funds are awarded to entities that serve, and
15 have representation from, low-income commu-
16 nities, Tribal, Alaska Native, or Native Hawai-
17 ian communities, or communities experiencing
18 (or at risk of experiencing) adverse health and
19 environmental conditions;

20 (B) taking into account the diversity of
21 communities served by such entities and the di-
22 versity of AmeriCorps members serving in these
23 projects, including racial, ethnic, socioeconomic,
24 linguistic, or geographic diversity, and utilizing
25 culturally competent and multilingual strategies

1 in the provision of services to communities and
2 in the recruitment of members;

3 (C) supporting projects that are planned
4 and implemented with the community served by
5 such activities;

6 (D) providing participants with workforce
7 development opportunities such as pre-appren-
8 ticeship programs that articulate to registered
9 apprenticeships, and pathways to post-service
10 employment in high-quality jobs or registered
11 apprenticeships; and

12 (E) coordinating with and providing re-
13 sources to the Departments of Labor and Edu-
14 cation to improve the readiness of participants
15 to transition to high-quality jobs or further edu-
16 cation.

17 (b) ADMINISTRATIVE COSTS.—

18 (1) IN GENERAL.—In addition to amounts oth-
19 erwise made available, there is appropriated for fis-
20 cal year 2022, out of any money in the Treasury not
21 otherwise appropriated, to the Corporation for Na-
22 tional and Community Service, \$199,650,000, to re-
23 main available until September 30, 2027, which
24 shall be used for administrative expenses as provided
25 under section 501(a)(5) of the National and Com-

1 community Service Act of 1990 (42 U.S.C. 12681(a)(5))
2 and under section 504(a) of the Domestic Volunteer
3 Service Act of 1973 (42 U.S.C. 5084(a)), including
4 an evaluation of the Corporation's information tech-
5 nology security, corrective actions to address rec-
6 ommendations arising from audits of the agency and
7 the National Service Trust, and, in consultation with
8 the Inspector General, the development of grant
9 fraud prevention and detection controls and risk-
10 based anti-fraud grant monitoring. Not less than 5
11 percent of funds under this paragraph shall be re-
12 served for outreach to and recruitment of members
13 from communities traditionally underrepresented in
14 the programs and activities funded under this sec-
15 tion.

16 (2) PROJECT, OPERATIONS, AND MANAGEMENT
17 PLAN.—In addition to amounts otherwise made
18 available, there is appropriated for fiscal year 2022,
19 out of any money in the Treasury not otherwise ap-
20 propriated, to the Corporation for National and
21 Community Service, \$350,000, to remain available
22 until September 30, 2023, which shall be used by
23 the Chief Executive Officer of the Corporation for
24 National and Community Service in collaboration
25 with the Department of Labor, to develop, issue, and

1 implement a project, operations, and management
2 plan for funds appropriated under this section. In
3 developing the financial management portion of the
4 plan, the Chief Executive Officer shall consult with
5 the Inspector General. Such plan shall be provided
6 to the Committee on Education and Labor of the
7 House of Representatives and the Committee on
8 Health, Education, Labor, and Pensions of the Sen-
9 ate prior to obligating funds or making outlays for
10 funds appropriated under subsection (a).

11 (c) OFFICE OF INSPECTOR GENERAL.—In addition
12 to amounts otherwise made available, there is appro-
13 priated for fiscal year 2022, out of any money in the
14 Treasury not otherwise appropriated, to the Office of In-
15 spector General of the Corporation for National and Com-
16 munity Service, \$15,000,000 to remain available until
17 September 30, 2030, which shall be used by the Office
18 of Inspector General of the Corporation for National and
19 Community Service for salaries and expenses necessary for
20 oversight and audit of programs, activities and operations
21 funded under this section.

22 (d) NATIONAL SERVICE TRUST.—In addition to
23 amounts otherwise made available, there is appropriated
24 for fiscal year 2023, out of any money in the Treasury

1 not otherwise appropriated, to the National Service Trust,
2 \$260,000,000, to remain available until expended, for—

3 (1) administration of the National Service
4 Trust; and

5 (2) payment to the Trust for the provision of
6 educational awards pursuant to section 145(a)(1)(A)
7 and section 148 of the National and Community
8 Service Act of 1990 (42 U.S.C. 12601(a)(1)(A);
9 12604).

10 **SEC. 22402. DEPARTMENT OF LABOR.**

11 (a) IN GENERAL.—

12 (1) YOUTHBUILD PROGRAM.—In addition to
13 amounts otherwise made available, there is appro-
14 priated for fiscal year 2023, out of any money in the
15 Treasury not otherwise appropriated, to the Depart-
16 ment of Labor, \$250,000,000, to remain available
17 until September 30, 2027, except that no amounts
18 may be expended after September 30, 2031, for the
19 YouthBuild program authorized under section
20 171(c)(1) of the Workforce Innovation and Oppor-
21 tunity Act (29 U.S.C. 3226(c)(1)), including for the
22 purposes of improving and expanding access to serv-
23 ices, stipends, wages, and benefits described in sub-
24 sections (c)(2)(A)(vii) and (c)(2)(F) of section 171
25 of such Act.

1 (2) JOB CORPS PROGRAM.—In addition to
2 amounts otherwise made available, there is appro-
3 priated for fiscal year 2023, out of any money in the
4 Treasury not otherwise appropriated, to the Depart-
5 ment of Labor, \$500,000,000, to remain available
6 until September 30, 2030, except that no amounts
7 may be expended after September 30, 2031, for the
8 Job Corps program authorized under section 143 of
9 the Workforce Innovation and Opportunity Act (29
10 U.S.C. 3193 et seq.), including Civilian Conservation
11 Centers as described in section 147(d)(1) of such
12 Act (29 U.S.C. 3197) and for the purposes of im-
13 proving and expanding access to allowances and sup-
14 ports described in section 150 of such Act (29
15 U.S.C. 3200).

16 (3) EX-OFFENDER ACTIVITIES.—In addition to
17 amounts otherwise made available, there is appro-
18 priated for fiscal year 2023, out of any money in the
19 Treasury not otherwise appropriated, to the Depart-
20 ment of Labor, \$500,000,000, to remain available
21 until September 30, 2027, except that no amounts
22 may be expended after September 30, 2031, for ex-
23 offender activities under the authority of section
24 169(b)(5) of the Workforce Innovation and Oppor-
25 tunity Act (29 U.S.C. 3224(b)(5)).

1 (4) APPRENTICESHIP PROGRAMS.—In addition
2 to amounts otherwise made available, there is appro-
3 priated for fiscal year 2023, out of any money in the
4 Treasury not otherwise appropriated, to the Depart-
5 ment of Labor, \$1,000,000,000, to remain available
6 until September 30, 2027, except that no amounts
7 may be expended after September 30, 2031, to carry
8 out activities through grants, cooperative agree-
9 ments, contracts or other arrangements, with States
10 and other appropriate entities, including equity
11 intermediaries and business and labor industry part-
12 ner intermediaries, to create or expand only appren-
13 ticeship programs registered under the Act of Au-
14 gust 16, 1937 (commonly known as the “National
15 Apprenticeship Act”; 50 Stat. 664, chapter 663; 29
16 U.S.C. 50 et seq.), youth apprenticeship programs,
17 and pre-apprenticeship programs articulating to ap-
18 prenticeship programs registered under such Act.

19 (5) PAID YOUTH EMPLOYMENT ACTIVITIES.—In
20 addition to amounts otherwise made available, there
21 is appropriated for fiscal year 2023, out of any
22 money in the Treasury not otherwise appropriated,
23 to the Department of Labor, \$249,800,000, to re-
24 main available until September 30, 2030, except
25 that no amounts may be expended after September

1 30, 2031, for paid youth employment activities
2 under the authority of section 169(b)(5) of the
3 Workforce Innovation and Opportunity Act (29
4 U.S.C. 3224(b)(5)) for in-school and out-of-school
5 youth as defined in section 3 of such Act (29 U.S.C.
6 3102).

7 (b) USE OF FUNDS.—Amounts made available under
8 paragraphs (1) through (8) of subsection (a) shall be used
9 for activities to include training for careers in industry
10 sectors and occupations related to environmental resil-
11 iency, remediation, or mitigation and activities to increase
12 diversity within such industry sectors and occupations,
13 taking into account the diversity of communities and par-
14 ticipants served by such programs, including racial, ethnic,
15 socioeconomic, linguistic, or geographic diversity.

16 (c) PROJECT, OPERATIONS, AND MANAGEMENT
17 PLAN.—In addition to amounts otherwise made available,
18 there is appropriated for fiscal year 2022, out of any
19 money in the Treasury not otherwise appropriated, to the
20 Department of Labor, \$200,000, to remain available until
21 September 30, 2023, which shall be used by the Secretary
22 of Labor in collaboration with the Chief Executive Officer
23 of the Corporation for National and Community Service,
24 to develop and issue a project, operations, and manage-
25 ment plan for funds appropriated under this section. Such

1 plan shall be provided to the Committee on Education and
2 Labor of the House of Representatives and the Committee
3 on Health, Education, Labor, and Pensions of the Senate
4 prior to obligating funds or making outlays for funds ap-
5 propriated under subsection (a).

6 **PART 6—DEPARTMENT OF LABOR INSPECTOR**

7 **GENERAL FUNDING**

8 **SEC. 22501. DEPARTMENT OF LABOR INSPECTOR GENERAL**
9 **FUNDING.**

10 In addition to amounts otherwise available, there is
11 appropriated to the Office of Inspector General of the De-
12 partment of Labor for fiscal year 2022, out of any money
13 in the Treasury not otherwise appropriated,
14 \$100,000,000, to remain available until expended for sala-
15 ries and expenses necessary for oversight, investigations,
16 and audits of programs, grants, and projects of the De-
17 partment of Labor funded under this subtitle and subtitle
18 B of this title.

19 **Subtitle D—Child Care and**
20 **Universal Pre-Kindergarten**

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

23 (a) **SHORT TITLE.**—This section may be cited as the
24 “Birth Through Five Child Care and Early Learning En-
25 titlement Act”.

1 (b) DEFINITIONS.—

2 (1) IN GENERAL.—The definitions in section
3 658P of the Child Care and Development Block
4 Grant Act of 1990 (42 U.S.C. 9858n) shall apply to
5 this section, except as provided in subparagraph (2)
6 and as otherwise specified.

7 (2) ADDITIONAL TERMS.—In this section:

8 (A) CHILD CARE CERTIFICATE.—

9 (i) IN GENERAL.—The term “child
10 care certificate” means a certificate (that
11 may be a check or other disbursement)
12 that is issued by a State or local govern-
13 ment under this section directly to a par-
14 ent who may use such certificate only as
15 payment for child care services or as a de-
16 posit for child care services if such a de-
17 posit is required of other children being
18 cared for by the provider.

19 (ii) RULE.—Nothing in this section
20 shall preclude the use of such certificates
21 for sectarian child care services if freely
22 chosen by the parent. For the purposes of
23 this section, child care certificates shall be
24 considered Federal financial assistance to
25 the provider.

1 (B) CHILD EXPERIENCING HOMELESS-
2 NESS.—The term “child experiencing homeless-
3 ness” means an individual who is a homeless
4 child or youth under section 725 of the McKin-
5 ney-Vento Homeless Assistance Act (42 U.S.C.
6 11434a).

7 (C) ELIGIBLE ACTIVITY.—The term “eligi-
8 ble activity”, with respect to a parent, shall in-
9 clude, at minimum, activities consisting of—
10 (i) full-time or part-time employment;
11 (ii) self-employment;
12 (iii) job search activities;
13 (iv) job training;
14 (v) secondary, postsecondary, or adult
15 education, including education through a
16 program of high school classes, a course of
17 study at an institution of higher education,
18 classes towards an equivalent of a high
19 school diploma recognized by State law, or
20 English as a second language classes;
21 (vi) health treatment (including men-
22 tal health and substance use treatment) for
23 a condition that prevents the parent from
24 participating in other eligible activities;

1 (vii) activities to prevent child abuse
2 and neglect, or family violence prevention
3 or intervention activities;

4 (viii) employment and training activi-
5 ties under the supplemental nutrition as-
6 sistance program established under the
7 Food and Nutrition Act of 2008 (7 U.S.C.
8 2011 et seq.);

9 (ix) employment and training activi-
10 ties under the Workforce Innovation and
11 Opportunity Act (29 U.S.C. 3101)

12 (x) work activities under the program
13 of block grants to States for temporary as-
14 sistance for needy families under part A of
15 title IV of the Social Security Act (42
16 U.S.C. 601 et seq.); and

17 (xi) taking leave under the Family
18 and Medical Leave Act of 1993 (29 U.S.C.
19 2601 et seq.) (or equivalent provisions for
20 Federal employees), a State or local paid
21 or unpaid leave law, or a program of em-
22 ployer-provided leave.

23 (D) ELIGIBLE CHILD.—The term “eligible
24 child” means an individual (without regard to

1 the immigration status of the individual or of
2 any parent of the individual)—

3 (i) who is less than 6 years of age;

4 (ii) who is not yet in kindergarten;

5 (iii) whose family income does not ex-
6 ceed—

7 (I) for fiscal year 2022, 100 per-
8 cent of the State median income for a
9 family of the same size;

10 (II) for fiscal year 2023, 115
11 percent of such State median income;

12 (III) for fiscal year 2024, 130
13 percent of such State median income;
14 and

15 (IV) for each of fiscal years 2025
16 through 2027, 200 percent of such
17 State median income;

18 (iv) whose family assets do not exceed
19 \$1,000,000 (as certified by a member of
20 such family); and

21 (v) who—

22 (I) resides with a parent partici-
23 pating in an eligible activity;

24 (II) is included in a population of
25 vulnerable children identified by the

1 lead agency involved, which at a min-
2 imum shall include children experi-
3 encing homelessness, children in foster
4 care, children in kinship care, and
5 children who are receiving, or need to
6 receive, child protective services; or

7 (III) resides with a parent who is
8 more than 65 years of age.

9 (E) ELIGIBLE CHILD CARE PROVIDER.—

10 (i) IN GENERAL.—The term “eligible
11 child care provider” means a center-based
12 child care provider, a family child care pro-
13 vider, or other provider of child care serv-
14 ices for compensation that—

15 (I) is licensed to provide child
16 care services under State law;

17 (II) participates in the State’s
18 tiered system for measuring the qual-
19 ity of child care providers described in
20 subsection(f)(4)(B)—

21 (aa) not later than the last
22 day of the third fiscal year for
23 which the State receives funds
24 under this section; and

1 (bb) for the remainder of
2 the period for which the provider
3 receives funds under this section;
4 and

5 (III) satisfies the State and local
6 requirements applicable to eligible
7 child care providers under the Child
8 Care and Development Block Grant
9 Act of 1990 (42 U.S.C. 9857 et seq.),
10 including those requirements de-
11 scribed in section 658E(c)(2)(I) of
12 such Act (42 U.S.C. 9858c(c)(2)(I)).

13 (ii) SPECIAL RULE.—A child care pro-
14 vider who has been eligible to provide child
15 care services in a State for children receiv-
16 ing assistance under the Child Care and
17 Development Block Grant Act of 1990 (42
18 U.S.C. 9857 et seq.) on the date the State
19 submits an application for funds under this
20 section and remains in good standing with
21 the State, shall be deemed to be an eligible
22 child care provider under this section for 3
23 years after the State receives funding
24 under this section.

1 (F) FMAP.—The term “FMAP” has the
2 meaning given the term “Federal medical as-
3 sistance percentage” in the first sentence of
4 section 1905(b) of the Social Security Act (42
5 U.S.C. 1396d(b)).

6 (G) FAMILY CHILD CARE PROVIDER.—
7 Family child care provider means one or more
8 individuals who provide child care services less
9 than 24 hours per day per child, in a private
10 residence other than the residences of the chil-
11 dren, unless care for 24 hours is provided due
12 to the nature of the parents’ work.

13 (H) INCLUSIVE CARE.—The term “inclu-
14 sive”, with respect to care (including child
15 care), means care provided by an eligible child
16 care provider—

17 (i) for whom the percentage of chil-
18 dren served by the provider who are chil-
19 dren with disabilities or infants or toddlers
20 with disabilities reflects the prevalence of
21 children with disabilities and infants and
22 toddlers with disabilities (whichever the
23 provider serves) among children within the
24 State involved; and

1 (ii) that provides care and full partici-
2 pation for children with disabilities and in-
3 fants and toddlers with disabilities (which-
4 ever the provider serves) alongside children
5 who are—

6 (I) not children with disabilities;
7 and
8 (II) not infants and toddlers with
9 disabilities.

10 (I) INFANT OR TODDLER.—The term “in-
11 fant or toddler” means an individual who is less
12 than 3 years of age.

13 (J) INFANT OR TODDLER WITH A DIS-
14 ABILITY.—The term “infant or toddler with a
15 disability” has the meaning given the term in
16 section 632 of the Individuals with Disabilities
17 Education Act (20 U.S.C. 1432).

18 (K) LEAD AGENCY.—The term “lead agen-
19 cy” means the agency designated or established
20 under subsection (e).

21 (L) STATE.—The term “State” means any
22 of the 50 States and the District of Columbia.

23 (M) TERRITORY.—The term “territory”
24 means the Commonwealth of Puerto Rico, the
25 Virgin Islands of the United States, Guam,

1 American Samoa, and the Commonwealth of
2 the Northern Mariana Islands.

3 (N) TRIBAL ORGANIZATION.—The term
4 “Tribal organization” has the meaning given
5 the term in section 4 of the Indian Self-Deter-
6 mination and Education Assistance Act (25
7 U.S.C. 450b).

8 (O) URBAN INDIAN ORGANIZATION.—The
9 term “Urban Indian organization” has the
10 meaning given the term in section 4 of the In-
11 dian Health Care Improvement Act (25 U.S.C.
12 1603).

13 (c) APPROPRIATIONS.—

14 (1) IN GENERAL.—In addition to amounts oth-
15 erwise available, there is appropriated to the Depart-
16 ment of Health and Human Services, out of any
17 money in the Treasury not otherwise appropriated,
18 for carrying out this section—

19 (A) \$20,000,000,000 for fiscal year 2022,
20 to remain available until September 30, 2025,

21 (B) \$30,000,000,000 for fiscal year 2023,
22 to remain available until September 30, 2026

23 (C) \$40,000,000,000 for fiscal year 2024,
24 to remain available until September 30, 2027;

1 (D) such sums as may be necessary for
2 each of fiscal years 2025 through 2027, to re-
3 main available for one fiscal year.

4 (2) ADMINISTRATION.—

5 (A) FISCAL YEARS 2022 THROUGH 2024.—

6 There is appropriated, out of any money in the
7 Treasury not otherwise appropriated, to the De-
8 partment of Health and Human Services to
9 carry out subsection (k), \$130,000,000 for each
10 of fiscal years 2022, 2023, and 2024.

11 (B) FISCAL YEARS 2025 THROUGH 2027.—

12 From the amounts appropriated under sub-
13 section (a), the Secretary shall reserve, to carry
14 out subsection (k), up to 1 percent of such
15 amounts for each of fiscal years 2025, 2026,
16 and 2027.

17 (d) ESTABLISHMENT OF BIRTH THROUGH FIVE
18 CHILD CARE AND EARLY LEARNING ENTITLEMENT PRO-
19 GRAM.—

20 (1) IN GENERAL.—The Secretary is authorized
21 to administer a child care and early learning entitle-
22 ment program under which families, in States, terri-
23 tories, and Indian Tribes with an approved applica-
24 tion under subsection (f) or (g), shall be provided an
25 opportunity to obtain high-quality child care services

1 for eligible children, subject to the requirements of
2 this section.

3 (2) ASSISTANCE FOR EVERY ELIGIBLE
4 CHILD.—Beginning on October 1, 2024, every family
5 who applies for assistance under this section with re-
6 spect to a child in a State with an approved applica-
7 tion under subsection (g), or in a territory or Indian
8 tribe with an approved application under subsection
9 (f), and who is determined, by a lead agency (or
10 other entity designated by a lead agency) following
11 standards and procedures established by the Sec-
12 retary by rule, to be an eligible child, shall be offered
13 child care assistance in accordance with and subject
14 to the requirements and limitations of this section.

15 (e) LEAD AGENCY.—The Governor of a State or the
16 head of a territory or Indian tribe, desiring to receive as-
17 sistance under this section shall designate an agency
18 (which may be an appropriate collaborative agency), or es-
19 tablish a joint interagency office—

20 (1) to serve as the lead agency for the State,
21 territory, or Indian tribe under this section; and

22 (2) to administer, directly or through other gov-
23 ernmental or nongovernmental agencies of the State,
24 territory or Indian tribe the financial assistance re-
25 ceived under this section by the State, territory, or

1 Indian tribe, including by certifying the eligibility of
2 children.

3 (f) APPLICATIONS AND STATE PLANS.—

4 (1) APPLICATION.—To be eligible to receive as-
5 sistance under this section, a State shall prepare
6 and submit to the Secretary for approval an applica-
7 tion at such time, in such manner, and containing
8 a State plan that—

9 (A) for a transitional State plan, meets the
10 requirements under subsection (c) and contains
11 such information as the Secretary may require,
12 to demonstrate the State will meet the require-
13 ments of this section; and

14 (B) for a full State plan, meets the re-
15 quirements under subsection (d) and contains
16 that information.

17 (2) PERIOD COVERED BY PLAN.—A State plan
18 contained in the application shall be designed to be
19 implemented—

20 (A) for a transitional State plan, during a
21 1-year period; and

22 (B) for a full State plan, during a 3-year
23 period.

24 (3) REQUIREMENTS FOR TRANSITIONAL STATE
25 PLANS.—For a period of 1 year following the date

1 of enactment of this Act, the Secretary shall award
2 funds under this section to States with an approved
3 application that contains a transitional State plan,
4 submitted under paragraph (1)(A) that includes, at
5 a minimum—

6 (A) an assurance that the State will sub-
7 mit a State plan under paragraph (4); and

8 (B) a description of how the funds received
9 by the State under this section will be spent to
10 expand access to child care assistance and in-
11 crease the supply and quality of child care pro-
12 viders within the State, in alignment with the
13 requirements of this section.

14 (4) REQUIREMENTS FOR FULL STATE PLANS.—
15 The Secretary may award funds under this section
16 to States with an approved application that contains
17 a subsequent State plan, submitted under subsection
18 (a)(2), that includes, at a minimum, the following:

19 (A) PAYMENT RATES AND COST ESTI-
20 MATION.—

21 (i) PAYMENT RATES.—The State plan
22 shall certify that payment rates for the
23 provision of child care services for which
24 assistance is provided in accordance with
25 this section for the period covered by the

1 plan, within 3 years after the State re-
2 ceives funds under this section—

3 (I) will be sufficient to meet the
4 cost of child care, and set in accord-
5 ance with a cost estimation model or
6 cost study described in clause (ii) that
7 is approved by the Secretary; and

8 (II) will correspond to differences
9 in quality (including improved quality)
10 based on the State's tiered system for
11 measuring the quality of eligible child
12 care providers described in subpara-
13 graph (B).

14 (ii) COST ESTIMATION.—Such State
15 plan shall—

16 (I) demonstrate that the State
17 has, after consulting with relevant en-
18 tities and stakeholders, developed and
19 uses a statistically valid and reliable
20 cost estimation model or cost study
21 for the payment rates of child care
22 services in the State that reflect rates
23 for providers at each of the tiers of
24 the State's tiered system for meas-
25 uring the quality of child care pro-

1 viders described in subparagraph (B),
2 and variations in the cost of child care
3 services by geographic area, type of
4 provider, and age of child, and the ad-
5 ditional costs associated with pro-
6 viding inclusive child care services;
7 and

8 (II) certify that the State's pay-
9 ment rates for child care services for
10 which assistance is provided in accord-
11 ance with this section—

12 (aa) are set in accordance
13 with the most recent estimates
14 from the most recent cost esti-
15 mation model or cost study under
16 subclause (I), so that providers
17 at each tier of the tiered system
18 for measuring provider quality
19 described in subparagraph (B)
20 receive a payment that is suffi-
21 cient to meet the requirements of
22 such tier;

23 (bb) are set so as to provide
24 payments to providers not at the
25 top tier of the tiered system that

1 are sufficient to enable the pro-
2 viders to increase quality to meet
3 the requirements for the next
4 tier;

5 (cc) ensure adequate wages
6 for staff of child care providers
7 providing such child care services
8 that—

9 (AA) at a minimum,
10 provide a living wage for all
11 staff of such child care pro-
12 viders; and

13 (BB) are equivalent to
14 wages for elementary edu-
15 cators with similar creden-
16 tials and experience in the
17 State; and

18 (dd) are adjusted on an an-
19 nual basis for cost of living in-
20 creases to ensure those payment
21 rates remain sufficient to meet
22 the requirements of this section.

23 (iii) PAYMENT PRACTICES.—Such
24 State plan shall include an assurance that
25 the State will implement payment practices

1 that support the fixed costs of providing
2 child care services.

3 (B) TIERED SYSTEM FOR MEASURING THE
4 QUALITY OF CHILD CARE PROVIDERS.—Such
5 State plan shall certify that the State has im-
6 plemented, or assure that the State will imple-
7 ment within 3 years after receiving funds under
8 this section, a tiered system for measuring the
9 quality of eligible child care providers who pro-
10 vide child care services for which assistance is
11 made available under this section. Such tiered
12 system shall—

13 (i) include a set of standards, for de-
14 termining the tier of quality of a child care
15 provider, that—

16 (I) uses standards for a highest
17 tier that at a minimum are equivalent
18 to Head Start program performance
19 standards described in section
20 641A(a)(1)(B) of the Head Start Act
21 (42 U.S.C. 9836a(a)(1)(B)) or other
22 equivalent evidence-based standards
23 approved by the Secretary; and

24 (II) includes quality indicators
25 and thresholds that are appropriate

1 for child development in different
2 types of child care provider settings,
3 including child care centers and the
4 settings of family child care providers,
5 and are appropriate for providers
6 serving different age groups (includ-
7 ing mixed age groups) of children;

8 (ii) include a different set of stand-
9 ards that includes indicators, when appro-
10 priate, for care during nontraditional hours
11 of operation; and

12 (iii) provide for sufficient resources
13 and supports for child care providers at
14 tiers lower than the highest tier to facili-
15 tate progression toward higher quality
16 standards.

17 (C) ACHIEVING HIGH QUALITY FOR ALL
18 CHILDREN.—Such State plan shall certify the
19 State has implemented, or will implement with-
20 in 3 years of receiving funds under this section,
21 policies and financing practices that will ensure
22 all families of eligible children can choose for
23 the children to attend child care at the highest
24 quality tier within 6 years after the date of en-
25 actment of this Act.

1 (D) COMPENSATION.—Such plan shall pro-
2 vide a certification that the State has or will
3 have within 3 years after receiving funds under
4 this section, a wage ladder for staff of eligible
5 child care providers receiving assistance under
6 this section, including a certification that wages
7 for such staff, at a minimum, will meet the re-
8 quirements of subparagraph (A)(ii)(II)(cc).

9 (E) SLIDING FEE SCALE FOR COPAY-
10 MENTS.—

11 (i) IN GENERAL.—Except as provided
12 in clauses (ii)(I) and (iii), the State plan
13 shall provide an assurance that the State
14 will for the period covered by the plan use
15 a sliding fee scale described in clause (ii)
16 to determine a copayment for a family re-
17 ceiving assistance under this section (or,
18 for a family receiving part-time care, a re-
19 duced copayment that is the proportionate
20 amount of the full copayment).

21 (ii) SLIDING FEE SCALE.—A full co-
22 payment described in clause (i) shall use a
23 sliding fee scale that provides that, for a
24 family with a family income—

1 (I) of not more than 75 percent
2 of the State median income for a fam-
3 ily of the same size, there shall be no
4 copayment for the family, toward the
5 cost of the child care involved for all
6 eligible children in the family;

7 (II) of more than 75 percent but
8 not more than 100 percent of the
9 State median income for a family of
10 the same size, the copayment shall be
11 more than 0 but not more than 2 per-
12 cent of that family income, toward
13 such cost for all such children;

14 (III) of more than 100 percent
15 but not more than 125 percent of the
16 State median income for a family of
17 the same size, the copayment shall be
18 more than 2 but not more than 4 per-
19 cent of that family income, toward
20 such cost for all such children;

21 (IV) of more than 125 percent
22 but not more than 150 percent of the
23 State median income for a family of
24 the same size, the copayment shall be
25 more than 4 but not more than 7 per-

1 cent of that family income, toward
2 such cost for all such children; and

3 (V) of more than 150 percent but
4 not more than 200 percent of the
5 State median income for a family of
6 the same size, the copayment shall be
7 7 percent of that family income, to-
8 ward such cost for all such children.

9 (iii) SPECIAL RULES.—The State shall
10 not require a copayment under this sub-
11 paragraph for any eligible child of a family
12 with a child that is eligible for a Head
13 Start program under the Head Start Act
14 (42 U.S.C. 9831 et seq.), or a child who
15 has been identified as a member of a popu-
16 lation listed in subsection
17 (b)(2)(D)(v)((II). A State or another entity
18 may pay a copayment (full or reduced)
19 under this subparagraph on behalf of a
20 family, but may not receive Federal reim-
21 bursement under this section for such pay-
22 ment.

23 (F) PROHIBITION ON CHARGING MORE
24 THAN COPAYMENT.—The State plan shall cer-
25 tify that the State shall not permit a child care

1 provider receiving financial assistance under
2 this section to charge, for child care for an eli-
3 gible child, more than the total of—

4 (i) the financial assistance provided
5 for the child under this section; and

6 (ii) any applicable copayment pursu-
7 ant to subparagraph (E).

8 (G) ELIGIBILITY.—The State plan shall
9 assure that each child who receives assistance
10 under this section will be considered to meet all
11 eligibility requirements for such assistance, and
12 will receive such assistance, for not less than 24
13 months, and the child’s eligibility determination
14 and redetermination, including any determina-
15 tion based on the State’s definition of eligible
16 activities, shall be implemented in such a man-
17 ner that supports child well-being and reduces
18 barriers to enrollment, including continuity of
19 services.

20 (H) POLICIES TO SUPPORT ACCESS TO
21 CHILD CARE FOR UNDERSERVED POPU-
22 LATIONS.—The State plan shall assure that the
23 State will prioritize increasing access to, and
24 the quality and the supply of, child care in the
25 State for underserved populations, including at

1 a minimum, low-income children, children in
2 underserved areas, infants and toddlers, chil-
3 dren with disabilities and infants and toddlers
4 with disabilities, children who are dual language
5 learners, and children who receive care during
6 nontraditional hours.

7 (I) POLICIES.—The State plan shall in-
8 clude a certification that the State will apply,
9 under this section, the policies and procedures
10 described in subparagraphs (A), (B), (I), (J),
11 (K)(i), (R), and (U) of section 658E(c)(2) of
12 the Child Care and Development Block Grant
13 Act of 1990 (42 U.S.C. 9858c(c)(2)), and the
14 policies and procedures described in section
15 658H of such Act, to child care services pro-
16 vided under this section.

17 (J) LICENSING.—The State plan shall in-
18 clude an assurance that the State has or will
19 develop within 3 years after receiving funds
20 under this section, licensing standards for child
21 care providers and a pathway to such licensure
22 that is available to and appropriate for child
23 care providers in a variety of settings, to ensure
24 providers eligible under the Child Care and De-
25 velopment Block Grant Act of 1990 (42 U.S.C.

1 9857 et seq.), have a pathway to become eligi-
2 ble providers under this section.

3 (K) REPORTS.—The State plan shall in-
4 clude an agreement to provide to the Secretary
5 such periodic reports, providing a detailed ac-
6 counting of the uses of such funds received
7 under this section, as the Secretary may require
8 for the administration of this section.

9 (g) PAYMENTS.—

10 (1) TRANSITION PAYMENTS FOR FISCAL YEARS
11 2022 THROUGH 2024.—

12 (A) RESERVATIONS AND ALLOTMENTS.—

13 (i) IN GENERAL.—For each of fiscal
14 years 2022 through 2024, the Secretary
15 shall, from the amount appropriated under
16 subsection (c)(1)(A) for each such fiscal
17 year—

18 (I) reserve not less than 4 per-
19 cent for Indian Tribes, Tribal organi-
20 zations, and Urban Indian organiza-
21 tions for child care assistance;

22 (II) reserve not less than 0.5 of
23 1 percent for Guam, American
24 Samoa, the Commonwealth of the
25 Northern Mariana Islands, and the

1 United States Virgin Islands for child
2 care assistance; and

3 (III) from the amount so appro-
4 priated and not reserved under sub-
5 clauses (I) and (II), make allotments
6 to each State in the same manner as
7 the Secretary makes such allotments
8 using the formula under section
9 6580(b) of the Child Care and Devel-
10 opment Block Grant Act of 1990 (42
11 U.S.C. 9858n(b)).

12 (IV) \$1,250,000,000 annually for
13 each of the fiscal years 2023 through
14 2027 to carry out the program of
15 grants to localities in subsection (i)

16 (ii) DEFINITION.—For purposes of
17 this paragraph, the term “State” means
18 the 50 States, the District of Columbia,
19 and the Commonwealth of Puerto Rico.

20 (B) PAYMENTS.—

21 (i) INDIAN TRIBES, TRIBAL ORGANIZA-
22 TIONS, AND URBAN INDIAN ORGANIZA-
23 TIONS.—

24 (I) IN GENERAL.—For each of
25 fiscal years 2022 through 2024, from

1 the amount reserved for Indian
2 Tribes, Tribal organizations, and
3 Urban Indian organizations under
4 subparagraph (A)(i)(I), the Secretary
5 shall make payments to Indian Tribes,
6 Tribal organizations, and Urban In-
7 dian organizations, and the Tribes,
8 Tribal organizations, and Indian orga-
9 nizations shall be entitled to such pay-
10 ments, for carrying out programs or
11 activities consistent with the objectives
12 of this section.

13 (II) APPLICATIONS.—An Indian
14 Tribe, Tribal organization, or Urban
15 Indian organization seeking a pay-
16 ment under this clause shall submit
17 an application to the Secretary at
18 such time, in such manner, and con-
19 taining such information as the Sec-
20 retary may specify, including the
21 agreement described in subsection
22 (f)(4)(K).

23 (ii) TERRITORIES.—

24 (I) IN GENERAL.—For each of
25 fiscal years 2022 through 2024, from

1 the amount reserved for territories
2 under subsection (A)(i)(II), the Sec-
3 retary shall make payments to the ter-
4 ritories specified in that paragraph,
5 and the territories shall be entitled to
6 such payments, for carrying out pro-
7 grams or activities consistent with the
8 objectives of this section.

9 (II) APPLICATIONS.—A territory
10 specified in clause (i)(II) seeking a
11 payment under this clause shall sub-
12 mit an application to the Secretary at
13 such time, in such manner, and con-
14 taining such information as the Sec-
15 retary may specify, including the
16 agreement described in subsection
17 (f)(4)(K).

18 (iii) STATES.—For each of fiscal years
19 2022 through 2024, each State that has
20 an application approved under subsection
21 (f) shall be entitled to a payment under
22 this clause in the amount equal to its allot-
23 ment under subparagraph (A) for such fis-
24 cal year.

1 (C) AUTHORITIES.—Notwithstanding any
2 other provision of this paragraph, for each of
3 fiscal years 2022 through 2024, the Secretary
4 shall have the authority to reallocate funds that
5 were allotted under subparagraph (A) from any
6 State without an approved application under
7 subsection (f) by the date required by the Sec-
8 retary, to States with approved applications
9 under that subsection, to Tribes with an ap-
10 proved application under subparagraph (A)(ii),
11 and to territories with an approved application
12 under .

13 (2) PAYMENTS FOR FISCAL YEARS 2025
14 THROUGH 2027.—

15 (A) IN GENERAL.—For each of fiscal years
16 2025 through 2027:

17 (i) CHILD CARE ASSISTANCE FOR ELI-
18 GIBLE CHILDREN.—

19 (I) IN GENERAL.—The Secretary
20 shall pay to each State with an ap-
21 proved application under subsection
22 (f), and that State shall be entitled to,
23 an amount for each quarter equal to
24 90 percent of expenditures in the
25 quarter for child care assistance for

1 eligible children described under sub-
2 section (h)(2)(B). The Secretary shall
3 pay to each State with an approved
4 application under subsection (f), and
5 that State shall be entitled to, an
6 amount for each quarter equal to 90
7 percent of expenditures in the quarter
8 for the components of the child care
9 entitlement program described under
10 subsection (h)(2)(B).

11 (II) EXCEPTION.—Funds re-
12 served from the amount under sub-
13 section (h)(2)(C) shall be subject to
14 clause (ii).

15 (ii) ACTIVITIES TO IMPROVE THE
16 QUALITY AND SUPPLY OF CHILD CARE
17 SERVICES.—The Secretary shall pay to
18 each State with such an approved applica-
19 tion, and that State shall be entitled to, an
20 amount for each quarter equal to the
21 FMAP of expenditures in the quarter to
22 carry out the quality and supply building
23 activities under subsection (h)(2)(C) sub-
24 ject to the limit specified in clause (i) of
25 such subsection.

1 (iii) ADMINISTRATION.—The Sec-
2 retary shall pay to each State with such an
3 approved application, and that State shall
4 be entitled to, an amount for each quarter
5 equal to 50 percent of expenditures in the
6 quarter for the costs of administration in-
7 curred by the State—

8 (I) which shall include reasonable
9 costs incurred by the State in car-
10 rying out the child care program es-
11 tablished in this section; and

12 (II) which may include, at the
13 option of the State, costs associated
14 with carrying out requirements, poli-
15 cies, and procedures described in sec-
16 tion 658H of the Child Care and De-
17 velopment Block Grant Act (42
18 U.S.C. 9858f).

19 (B) ADVANCE PAYMENT; RETROSPECTIVE
20 ADJUSTMENT.—For each of fiscal years 2025
21 through 2027, the Secretary may make pay-
22 ments under this subsection for each quarter on
23 the basis of advance estimates of expenditures
24 submitted by the State and such other inves-
25 tigation as the Secretary may find necessary,

1 and shall reduce or increase the payments as
2 necessary to adjust for any overpayment or un-
3 derpayment for previous quarters.

4 (C) FLEXIBILITY IN SUBMITTAL OF
5 CLAIMS.—Nothing in this subsection shall be
6 construed as preventing a State from claiming
7 as expenditures in a quarter expenditures that
8 were incurred in a previous quarter and not
9 claimed in such previous quarter.

10 (D) TERRITORIES AND TRIBES.—For each
11 of fiscal years 2025 through 2027, the Sec-
12 retary shall make payments to territories, and
13 Indian tribes, tribal organizations, and Urban
14 Indian organizations, with applications sub-
15 mitted as described in subsection (a), and ap-
16 proved by the Secretary. The territories, Indian
17 tribes, tribal organizations, and Urban Indian
18 organizations shall be entitled to such payments
19 to carry out the activities described in section
20 08__(b).

21 (h) USE OF FUNDS.—

22 (1) USE OF FUNDS FOR TRANSITION YEARS.—
23 For each of fiscal years 2022 through 2024, a State
24 that receives a payment under subsection (g)(1)
25 shall reserve and use—

1 (A) 50 percent of such payment for activi-
2 ties to—

3 (i) expand access to child care assist-
4 ance for eligible children (with priority for
5 providing access for children in families
6 with incomes less than 85 percent of the
7 State median income); and

8 (ii) increase child care provider pay-
9 ment rates to support the cost of providing
10 high-quality child care services, including
11 rates sufficient to support increased wages
12 for staff of eligible child care providers;

13 (B) 25 percent of such payment for activi-
14 ties described in subsection (b)(3); and

15 (C) 25 percent for activities under sub-
16 paragraph (A) or activities under subparagraph
17 (B), as determined by the State.

18 (2) USE OF FUNDS FOR FISCAL YEARS 2025
19 THROUGH 2027.—

20 (A) IN GENERAL.—Starting on October 1,
21 2024, a State shall use amounts provided to the
22 State under subsection (g)(2) for child care
23 services (provided on a sliding fee scale basis),
24 activities to improve the quality and supply of
25 child care services, and State administration.

1 (B) CHILD CARE ASSISTANCE FOR ELIGI-
2 BLE CHILDREN.—

3 (i) IN GENERAL.—The State shall en-
4 sure that parents of eligible children can
5 access child care services provided by an
6 eligible child care provider through a grant
7 or contract under clause (ii) or a certifi-
8 cate under clause (iii).

9 (ii) GRANTS AND CONTRACTS.—The
10 State shall award grants or contracts to el-
11 igible child care providers, consistent with
12 the requirements under this section, for
13 the provision of child care services for eli-
14 gible children that, at minimum, support
15 providers' operating expenses to meet and
16 sustain health, safety, quality, and wage
17 standards required under this section.

18 (iii) CERTIFICATES.—The State shall
19 issue a child care certificate directly to a
20 child care provider on behalf of a parent
21 who may use such certificate only as pay-
22 ment for child care services or as a deposit
23 for child care services if such a deposit is
24 required of other children being cared for

1 by the provider, consistent with the re-
2 quirements under this section.

3 (C) ACTIVITIES TO IMPROVE THE QUALITY
4 AND SUPPLY OF CHILD CARE SERVICES.—

5 (i) QUALITY CHILD CARE ACTIVI-
6 TIES.—

7 (I) AMOUNT.—For each of fiscal
8 years 2025 through 2027, from the
9 total of the annual payments made to
10 the State for a particular fiscal year,
11 the State shall reserve and use a qual-
12 ity child care amount equal to not less
13 than 5 percent and not more than 10
14 percent of the amount made available
15 to the State through such payments
16 for that particular fiscal year (and
17 shall reserve and use a proportional
18 amount from each quarterly payment
19 made to the State for that particular
20 fiscal year).

21 (II) USE OF QUALITY CHILD
22 CARE AMOUNT.—Each State shall use
23 the quality child care amount de-
24 scribed in subelause (I) to implement
25 activities described in subparagraphs

1 (B) and (C) that increase the quality
2 and supply of eligible child care pro-
3 viders, and the number of available
4 slots in the State for child care serv-
5 ices funded under this section,
6 prioritizing assistance for child care
7 providers who are in underserved com-
8 munities and who are providing, or
9 are seeking to provide, child care serv-
10 ices for underserved populations iden-
11 tified in subsection (f)(4)(H).

12 (III) ADMINISTRATION.—Assist-
13 ance provided under this subpara-
14 graph may be administered—

15 (aa) directly by the lead
16 agency; or

17 (bb) through other State
18 government agencies, local or re-
19 gional child care resource and re-
20 ferral organizations, community
21 development financial institu-
22 tions, other intermediaries with
23 experience supporting child care
24 providers, or other appropriate
25 entities that enter into a contract

1 with the State to provide such
2 assistance.

3 (ii) ACTIVITIES.—Activities funded
4 under the quality child care amount de-
5 scribed in clause (i) shall include each of
6 the following:

7 (I) STARTUP GRANTS AND SUP-
8 PLY EXPANSION GRANTS.—

9 (aa) IN GENERAL.—From a
10 portion of the quality child care
11 amount, a State shall make start-
12 up and supply expansion grants
13 to support child care providers
14 who are providing, or seeking to
15 provide, child care services to
16 children receiving assistance
17 under this section, with priority
18 for providers providing or seeking
19 to provide child care in under-
20 served communities and for un-
21 derserved populations identified
22 in subsection (f)(4)(H), to—

23 (AA) support startup
24 and expansion costs; and

1 (BB) assist such pro-
2 viders in meeting health and
3 safety requirements and
4 achieving licensure.

5 (bb) REQUIREMENT.—As a
6 condition of receiving a startup
7 or supply expansion grant under
8 this subclause, a child care pro-
9 vider shall commit to meeting the
10 requirements of an eligible pro-
11 vider under this section, and pro-
12 viding child care services to chil-
13 dren receiving assistance under
14 this section on an ongoing basis.

15 (II) QUALITY GRANTS.—From a
16 portion of the quality child care
17 amount, a State shall provide quality
18 grants to eligible child care providers
19 providing child care services to chil-
20 dren receiving assistance under this
21 section to improve the quality of such
22 providers, including—

23 (aa) supporting such pro-
24 viders in meeting or making
25 progress toward the requirements

1 for the highest tier of the State’s
2 tiered system for measuring the
3 quality of child care providers
4 under subsection (f)(4)(B); and

5 (bb) supporting such pro-
6 viders in sustaining child care
7 quality.

8 (III) FACILITIES GRANTS.—

9 (aa) IN GENERAL.—From a
10 portion of the quality child care
11 amount, a State shall provide
12 support, including through
13 awarding facilities grants, for re-
14 modeling, renovation, or repair of
15 a building or facility to the ex-
16 tent permitted under section
17 658F(b) of the Child Care and
18 Development Block Grant Act of
19 1990 (42 U.S.C. 9858).

20 (bb) ADDITIONAL USES.—
21 For fiscal years 2022 through
22 2024, and in subsequent years
23 with approval from the Secretary,
24 a State may provide such facili-
25 ties grants for construction, per-

1 manent improvement, or major
2 renovation of a building or facil-
3 ity primarily used for providing
4 child care services, in accordance
5 with the following:

6 (AA) Federal interest
7 provisions will not apply to
8 the renovation or rebuilding
9 of privately-owned family
10 child care homes under this
11 subclause.

12 (BB) Eligible child care
13 providers may not use funds
14 for buildings or facilities
15 that are used primarily for
16 sectarian instruction or reli-
17 gious worship.

18 (CC) The Secretary
19 shall develop parameters on
20 the use of funds under this
21 subclause for family child
22 care homes.

23 (DD) The Secretary
24 shall not retain Federal in-
25 terest after a period of 10

1 years in any facility built,
2 renovated, or repaired with
3 funds awarded under this
4 subclause.

5 (IV) ADDITIONAL ACTIVITIES TO
6 IMPROVE THE QUALITY OF CHILD
7 CARE SERVICES.—A State shall use a
8 portion of the quality child care
9 amount to improve the quality of child
10 care services, which shall include—

11 (aa) supporting the training
12 and professional development of
13 the early childhood workforce, in-
14 cluding supporting degree attain-
15 ment and credentialing for early
16 childhood educators;

17 (bb) developing, imple-
18 menting, or enhancing the
19 State’s tiered system for meas-
20 uring the quality of child care
21 providers under subsection
22 (f)(4)(B);

23 (cc) improving the supply
24 and quality of developmentally
25 appropriate child care programs

1 and services for underserved pop-
2 ulations described in subsection
3 (f)(4)(H);

4 (dd) improving access to
5 child care services for children
6 experiencing homelessness and
7 children in foster care; and

8 (ee) other activities to im-
9 prove the supply and quality of
10 child care services, including ac-
11 tivities described in paragraphs
12 (1) through (10) of section
13 658G(b) of the Child Care and
14 Development Block Grant Act of
15 1990 (42 U.S.C. 9858e).

16 (V) TECHNICAL ASSISTANCE.—
17 From a portion of the quality child
18 care amount, the State shall provide
19 technical assistance to increase the
20 supply and quality of eligible child
21 care providers who are providing, or
22 seeking to provide, child care services
23 to children receiving assistance under
24 this section, including providing sup-

1 port to enable providers to achieve li-
2 censure.

3 (i) GRANTS TO LOCALITIES.—

4 (1) DEFINITION OF ELIGIBLE LOCALITY.—In
5 this subsection the term “eligible locality” means a
6 city, county, or other unit of general local govern-
7 ment, or a Head Start grantee.

8 (2)(A) IN GENERAL.—The Secretary shall use
9 funds reserved in subsection (g)(1)(A)(i)(IV)) to
10 award local Birth through Five Child Care and
11 Early Learning Grants to eligible localities located
12 in States that have made it apparent that they will
13 not apply for payments under subsection (f). The
14 Secretary shall award the grants to eligible localities
15 in a State from the allotment made for that State
16 under subparagraph (B). The Secretary shall specify
17 the requirements for an eligible locality to provide
18 access to child care to eligible children, which shall,
19 to the greatest extent practicable, be consistent with
20 the requirements applicable to States under this sec-
21 tion.

22 (B) ALLOTMENTS.—For each State de-
23 scribed in subparagraph (A), the Secretary shall
24 allot for the State an amount that bears the
25 same relationship to the funds reserved under

1 subsection (g)(1)(A)(i)(IV) as the number of
2 children 200 percent below the Federal poverty
3 line in the State bears to the total of all such
4 children in States described in subparagraph
5 (A).

6 (C) APPLICATION.—To receive a grant
7 from the corresponding State allotment under
8 this subsection, an eligible locality shall submit
9 an application to the Secretary at such time, in
10 such manner, and containing such information
11 as the Secretary may require. The requirements
12 for the application shall, to the greatest extent
13 practicable, be consistent with the State plan
14 requirements applicable to States under this
15 subsection (f).

16 (D) PRIORITY FOR LOCALITIES SERVING
17 UNDERSERVED POPULATIONS.—In awarding a
18 grant under this paragraph, the Secretary, shall
19 give priority to eligible localities seeking to
20 serve underserved populations.

21 (j) PROGRAM REQUIREMENTS.—

22 (1) NONDISCRIMINATION.—The following provi-
23 sions of law shall apply to any program or activity
24 that receives funds provided under this section:

1 (A) Title IX of the Education Amendments
2 of 1972 (20 U.S.C. 1681 et seq.).

3 (B) Title VI of the Civil Rights Act of
4 1964 (42 U.S.C. 2000d et seq.).

5 (C) Section 504 of the Rehabilitation Act
6 of 1973 (29 U.S.C. 794).

7 (D) The Americans with Disabilities Act of
8 1990 (42 U.S.C. 12101 et seq.).

9 (E) Section 654 of the Head Start Act (42
10 U.S.C. 9849).

11 (2) MAINTENANCE OF EFFORT.—To be eligible
12 to receive a grant under this section, a State shall
13 that receives payments under this section for a fiscal
14 year, in using the funds made available through the
15 payments, shall maintain child care assistance for
16 families at levels not less than the levels provided by
17 the State in fiscal year 2021. The Secretary shall
18 determine the State expenditures allowable under
19 this requirement.

20 (k) MONITORING AND ENFORCEMENT.—

21 (1) REVIEW OF COMPLIANCE WITH REQUIRE-
22 MENTS AND STATE PLAN.—The Secretary shall re-
23 view and monitor State compliance with this section
24 and the plan described in subsection (f)(4) of the
25 State.

1 (2) ISSUANCE OF RULE.—The Secretary shall
2 establish by rule procedures for—

3 (A) receiving, processing, and determining
4 the validity of complaints or findings concerning
5 any failure of a State to comply with the State
6 plan or any other requirement of this section;

7 (B) notifying a State when the Secretary
8 has determined there has been a failure by the
9 State to comply with a requirement of this sec-
10 tion; and

11 (C) imposing sanctions under this sub-
12 section for such a failure.

13 (l) ADMINISTRATION.—Using funds reserved under
14 subsection (b)(2), the Secretary shall provide technical as-
15 sistance to States, territories and Indian Tribes and carry
16 out research, evaluations, and administration related to
17 this section.

18 (m) TRANSITION PROVISIONS.—

19 (1) TREATMENT OF CHILD CARE AND DEVEL-
20 OPMENT BLOCK GRANT FUNDS.—For each of fiscal
21 years 2025, 2026, and 2027, a State receiving as-
22 sistance under this section shall not use more than
23 10 percent of any funds received under the Child
24 Care and Development Block Grant Act of 1990 to

1 provide child care assistance to children under the
2 age of 6, who are eligible under that Act.

3 (2) SPECIAL RULES REGARDING ELIGIBILITY.—

4 Any child who is less than 6 years of age, is not yet
5 in kindergarten, and is receiving assistance under
6 the Child Care and Development Block Grant Act of
7 1990 (42 U.S.C. 9857 et seq.) on the date funding
8 is first allocated to the lead agency under this sec-
9 tion—

10 (A) shall be deemed immediately eligible to
11 receive assistance under this section; and

12 (B) may continue to use the child care pro-
13 vider of the family's choice.

14 (3) TRANSITION PROCEDURES.—The Secretary
15 is authorized to institute procedures for imple-
16 menting this section, including issuing guidance for
17 States receiving funds under subsection (g).

18 **SEC. 23002. UNIVERSAL PRESCHOOL.**

19 (a) DEFINITIONS.—In this section:

20 (1) CHILD EXPERIENCING HOMELESSNESS.—

21 The term “child experiencing homelessness” means
22 an individual who is a homeless child or youth under
23 section 725 of the McKinney-Vento Homeless Assist-
24 ance Act (42 U.S.C. 11434a).

1 (2) CHILD WITH A DISABILITY.—The term
2 “child with a disability” has the meaning given the
3 term in section 602 of the Individuals with Disabil-
4 ities Education Act (20 U.S.C. 1401).

5 (3) COMPREHENSIVE SERVICES.—The term
6 “comprehensive services” means services that are
7 provided to low-income children and their families,
8 and that are health, educational, nutritional, social,
9 and other services that are determined, based on
10 family needs assessments, to be necessary, within
11 the means of section 636 of the Head Start Act (42
12 U.S.C. 9831).

13 (4) DUAL LANGUAGE LEARNER.—The term
14 “dual language learner” means an individual who is
15 limited English proficient, as defined in section 637
16 of the Head Start Act (42 U.S.C. 9832).

17 (5) ELIGIBLE CHILD.—The term “eligible
18 child” means a child who is age 3 or 4, on the date
19 established by the applicable local educational agen-
20 cy for kindergarten entry.

21 (6) ELIGIBLE PROVIDER.—The term “eligible
22 provider” means—

23 (A) a local educational agency, acting
24 alone or in a consortium or in collaboration
25 with an educational service agency (as defined

1 in section 8101 of the Elementary and Sec-
2 ondary Education Act of 1965 (20 U.S.C.
3 7801)), that is licensed by the State or meets
4 comparable health and safety standards;

5 (B) a Head Start agency or delegate agen-
6 cy funded under the Head Start Act (42 U.S.C.
7 9831 et seq.);

8 (C) a licensed center-based child care pro-
9 vider, licensed family child care provider, or
10 community- or neighborhood-based network of
11 licensed family child care providers; or

12 (D) a consortium of entities described in
13 any of subparagraphs (A), (B), and (C).

14 (7) INDIAN TRIBE.—The term “Indian Tribe”
15 has the meaning given the term in section 4 of the
16 Indian Self-Determination and Education Assistance
17 Act (25 U.S.C. 450b).

18 (8) LOCAL EDUCATIONAL AGENCY.—The term
19 “local educational agency” has the meaning given
20 the term in section 8101 of the Elementary and Sec-
21 ondary Education Act of 1965.

22 (9) POVERTY GUIDELINES.—The term “poverty
23 guidelines” means the poverty guidelines updated
24 periodically in the Federal Register by the Depart-
25 ment of Health and Human Services under the au-

1 thority of section 673 of the Community Services
2 Block Grant Act (42 U.S.C. 9902).

3 (10) SECRETARY.—The term “Secretary”
4 means the Secretary of Health and Human Services.

5 (11) STATE.—The term “State” means each of
6 the several States and the District of Columbia.

7 (12) TERRITORY.—The term “territory” means
8 each of the Commonwealth of Puerto Rico, the
9 United States Virgin Islands, Guam, American
10 Samoa, and the Commonwealth of the Northern
11 Mariana Islands.

12 (13) TRIBAL ORGANIZATION.—The term “Trib-
13 al organization” has the meaning given the term
14 “tribal organization” in section 658P of the Child
15 Care and Development Block Grant Act of 1990 (42
16 U.S.C. 9858n).

17 (14) URBAN INDIAN ORGANIZATION.—The term
18 “Urban Indian organization” has the meaning given
19 the term in section 4 of the Indian Health Care Im-
20 provement Act (25 U.S.C. 1602).

21 (b) UNIVERSAL PRESCHOOL.—

22 (1) APPROPRIATION.—In addition to amounts
23 otherwise available, there is appropriated to the Sec-
24 retary for each of fiscal years 2022 through 2028,
25 out of any money in the Treasury not otherwise ap-

1 appropriated, such sums as may be necessary to carry
2 out this section and provide the Federal share of the
3 cost of universal, high-quality, free, inclusive, and
4 mixed delivery preschool services, on a voluntary
5 basis, to children throughout the States under this
6 section, including providing the Federal share of the
7 cost of State activities described in subsection (c)(4).

8 (2) SECRETARIAL RESERVATIONS.—The Sec-
9 retary, in collaboration with the Secretary of Edu-
10 cation, shall reserve, from the amount appropriated
11 under this subsection—

12 (A) not less than 4 percent for payments
13 to Indian Tribes, Tribal organizations, and
14 Urban Indian organizations for activities de-
15 scribed in this section;

16 (B) not more than $\frac{1}{2}$ of 1 percent for the
17 territories, to be distributed among the terri-
18 tories on the basis of their relative need, as de-
19 termined by the Secretary of Health and
20 Human Services in accordance with the objec-
21 tives of this section, for activities described in
22 this section;

23 (C) $\frac{1}{2}$ of 1 percent for eligible local enti-
24 ties that serve children in families who are en-

1 gaged in migrant or seasonal agricultural labor,
2 for activities described in this section;

3 (D) for Federal activities, including admin-
4 istration, monitoring, technical assistance, and
5 research—

6 (i) \$165,000,000 for fiscal year 2022
7 and \$200,000,000 for fiscal year 2023;
8 and

9 (ii) for each of fiscal years 2025
10 through 2028, not more than 2 percent;

11 (E) \$2,500,000,000 for each of fiscal years
12 2022 through 2027 to improve compensation of
13 Head Start staff consistent with subparagraphs
14 (A)(i) and (B)(viii) of section 640(a)(5) of the
15 Head Start Act (42 U.S.C. 9835(a)(5)), not-
16 withstanding section 653(a)(1) of such Act (43
17 U.S.C. 9848(a)(1)); and

18 (F) \$1,250,000,000 annually for each of
19 fiscal years 2023 through 2028 to carry out the
20 program of grants to localities described in sub-
21 section (e).

22 (c) PAYMENTS FOR STATE UNIVERSAL PRESCHOOL
23 SERVICES.—

24 (1) IN GENERAL.—A State that has submitted,
25 and had approved by the Secretary, a State plan for

1 universal preschool services is entitled to a payment
2 under this subsection.

3 (2) PAYMENTS TO STATES.—

4 (A) PRESCHOOL SERVICES.—The Sec-
5 retary shall pay to each State with an approved
6 State plan under paragraph (6), an amount for
7 each year equal to—

8 (i) 100 percent of the State's expendi-
9 tures in the year for preschool services de-
10 scribed in subsection (d), for each of fiscal
11 years 2022, 2023, and 2024;

12 (ii) 90 percent of the State's expendi-
13 tures in the year for such preschool serv-
14 ices, for fiscal year 2025;

15 (iii) 80 percent of the State's expendi-
16 tures in the year for such preschool serv-
17 ices, for fiscal year 2026;

18 (iv) 70 percent of the State's expendi-
19 tures in the year for such preschool serv-
20 ices, for fiscal year 2027; and

21 (v) 60 percent of the State's expendi-
22 tures in the year for such preschool serv-
23 ices, for fiscal year 2028.

24 (B) STATE ACTIVITIES.—The Secretary
25 shall pay to each State with an approved State

1 plan under paragraph (6) an amount for a fis-
2 cal year equal to 50 percent of the amount of
3 the State's expenditures for the activities de-
4 scribed in paragraph (4), except that in no case
5 shall a payment for a fiscal year under this sub-
6 paragraph exceed the amount equal to 10 per-
7 cent of the State's expenditures described in
8 subparagraph (A) for such fiscal year.

9 (C) NON-FEDERAL SHARE.—The remain-
10 der of the cost paid by the State for preschool
11 services, that is not provided under subpara-
12 graph (A), shall be considered the non-Federal
13 share of the cost of those services. The remain-
14 der of the cost paid by the State for State ac-
15 tivities, that is not provided under subpara-
16 graph (B), shall be considered the non-Federal
17 share of the cost of those activities.

18 (3) ADVANCE PAYMENT; RETROSPECTIVE AD-
19 JUSTMENT.—The Secretary may make a payment
20 under subparagraph (A) or (B) of paragraph (2) for
21 a year on the basis of advance estimates of expendi-
22 tures submitted by the State and such other inves-
23 tigation as the Secretary may find necessary, and
24 may reduce or increase the payment as necessary to

1 adjust for any overpayment or underpayment for a
2 previous year.

3 (4) STATE ACTIVITIES.—A State that receives a
4 payment under paragraph (2)(B) shall carry out all
5 of the following activities:

6 (A) State administration of the State’s
7 preschool services program described in this
8 section.

9 (B) Supporting a continuous quality im-
10 provement system through the use of data, re-
11 searching, monitoring, training, technical assist-
12 ance, professional development, and coaching to
13 support providers participating or seeking to
14 participate in the State’s preschool services pro-
15 gram and to support such providers in meeting
16 the requirements of this section.

17 (C) Providing outreach and enrollment
18 support for families of eligible children, includ-
19 ing specific outreach to families of underserved
20 populations.

21 (D) Supporting data systems building.

22 (E) Supporting staff of eligible providers
23 in pursuing credentials and degrees, including
24 baccalaureate degrees.

1 (F) Supporting activities that ensure ac-
2 cess to inclusive preschool programs for chil-
3 dren with disabilities, including, as applicable,
4 activities that redesign or restructure existing
5 preschool programs, as of the date of the activ-
6 ity, to improve inclusive services for children
7 with disabilities.

8 (G) Providing age-appropriate transpor-
9 tation services for children, which at a min-
10 imum shall include transportation services for
11 children experiencing homelessness and children
12 in foster care.

13 (H) Conducting or updating the State's
14 statewide needs assessment used for purposes
15 of paragraph (6)(B)(ii).

16 (5) LEAD AGENCY.—The Governor of a State
17 desiring to receive a payment under this subsection
18 shall designate a State lead agency (such as a State
19 agency or joint interagency office) for the adminis-
20 tration of the universal preschool services program
21 under this section.

22 (6) STATE PLAN.—In order to be eligible for
23 payments under this section, the Governor of a State
24 shall submit a State plan for universal, high-quality,
25 free, inclusive, and mixed delivery preschool services

1 to the Secretary for approval at such time, in such
2 manner, and containing such information as the Sec-
3 retary, in collaboration with the Secretary of Edu-
4 cation, may require. Such plan shall include each of
5 the following:

6 (A) A certification that the State has in
7 place developmentally appropriate, evidence-
8 based preschool standards that, at a minimum
9 are as rigorous as the standards specified in
10 subparagraph (B) of section 641A(a)(1) of the
11 Head Start Act (42 U.S.C. 9836a(a)(1)) and
12 include program standards for class sizes and
13 ratios.

14 (B) A certification that the State will
15 prioritize the establishment and expansion of
16 universal, high-quality, free, inclusive, and
17 mixed delivery preschool services in high-need
18 communities, as identified by the State, includ-
19 ing—

20 (i) a description of which high-need
21 communities the State will prioritize for
22 that establishment and expansion within
23 and across those communities;

24 (ii) a description of how the State de-
25 termined which communities are high-need

1 communities, including how the State used
2 a research-based methodology, approved by
3 the Secretary, to identify and serve such
4 communities, as determined by—

5 (I) the rate of poverty among eli-
6 gible children in the community;

7 (II) rates of access to high-qual-
8 ity preschool within the community,
9 including, as applicable, rates of dis-
10 parities for underserved or vulnerable
11 populations as identified through a
12 periodic needs assessment conducted
13 through the preschool development
14 grants program under section 9212 of
15 the Every Student Succeeds Act (42
16 U.S.C. 9831 note) as applicable, or
17 through another such statewide needs
18 assessment; and

19 (III) other indicators of commu-
20 nity need as required by the Sec-
21 retary; and

22 (iii) an assurance that the State will
23 distribute funding for such preschool serv-
24 ices under this section within such a high-
25 need community so that a majority of chil-

1 dren in the community are offered such
2 preschool services before the State estab-
3 lishes and expands free preschool services
4 in communities with lower levels of need.

5 (C) As applicable, a description of how the
6 State plans to use funding provided under this
7 section to ensure that existing (as of the date
8 of submission of the State plan) publicly funded
9 preschool programs in the State meet the re-
10 quirements of this section for a preschool pro-
11 gram.

12 (D) A certification that the State will, in
13 establishing and operating the program of pre-
14 school services supported under this section,
15 support a mixed delivery preschool system, in-
16 cluding a certification that the State will facili-
17 tate the participation in the system of Head
18 Start programs and programs offered by other
19 eligible providers, including providers of li-
20 censed family child care).

21 (E) An assurance that the State will use
22 funding provided under this section to ensure
23 children with disabilities have access to and
24 participate in inclusive preschool programs con-
25 sistent with provisions in the Individuals with

1 Disabilities Education Act, including an assur-
2 ance that the State will offer inclusive program-
3 ming that supports the least restrictive environ-
4 ment requirements in Section 619 of the Indi-
5 viduals with Disabilities Act for all eligible chil-
6 dren who are children with disabilities.

7 (F) A certification that the State will sup-
8 port the continuous quality improvement of pro-
9 grams providing preschool services under this
10 section, including support through technical as-
11 sistance, monitoring, and research.

12 (G) A certification that the State will en-
13 sure a highly qualified early childhood work-
14 force to support the requirements of this sec-
15 tion.

16 (H) A description of how the State will co-
17 ordinate the State's preschool standards de-
18 scribed in subparagraph (A) with other early
19 learning standards within the State.

20 (I) A description of how the State will—

21 (i) coordinate services and funding
22 provided under this section with services
23 and funding for other Federal, State, and
24 local child care and early childhood devel-
25 opment programs;

1 (ii) at the option of an Indian Tribe
2 or Tribal organization in the State, col-
3 laborate and coordinate services and fund-
4 ing with such Indian Tribe or Tribal orga-
5 nization;

6 (iii) partner with Head Start agencies
7 to ensure the full utilization of Head Start
8 programs within the State;

9 (iv) collaborate with entities carrying
10 out programs under section 619 or part C
11 of the Individuals with Disabilities Edu-
12 cation Act, to support inclusive preschool
13 programs; and

14 (v) improve transitions of children
15 from early childhood education to elemen-
16 tary school.

17 (J) An assurance that the State will part-
18 ner with not less than 1 institution of higher
19 education to facilitate degree attainment for
20 staff of preschool programs.

21 (K) An assurance that the State will en-
22 sure all preschool services in the State funded
23 under this section will be—

1 (i)(I) universally available to all chil-
2 dren in the State without any additional
3 eligibility requirements; and

4 (II) be high quality, free, and in-
5 clusive;

6 (ii) by not later than 1 year after re-
7 ceiving such funding, meet the State's pre-
8 school education standards described in
9 subparagraph (A);

10 (iii) offer programming that meets the
11 duration requirements of at least 1,020 an-
12 nual hours, in the program performance
13 standards applicable to Head Start pro-
14 grams described in section 641A of the
15 Head Start Act (42 U.S.C. 9836a);

16 (iv) adopt policies and practices to
17 conduct outreach and provide expedited en-
18 rollment, including prioritization, to—

19 (I) children experiencing home-
20 lessness;

21 (II) children in foster care or
22 kinship care;

23 (III) children in families who are
24 engaged in migrant or seasonal agri-
25 cultural labor;

1 (IV) children with disabilities, in-
2 cluding children served under part C
3 of the Individuals with Disabilities
4 Education Act who are an eligible
5 child under section 101(a)(3) of this
6 Act; and

7 (V) dual language learners;

8 (v) provide salaries, and set salary
9 schedules, for staff that are equivalent to
10 salaries of elementary school staff with
11 similar credentials and experience; and

12 (vi) require educational qualifications
13 for teachers (excluding individuals who
14 were employed by an eligible child care
15 provider or early education program for a
16 cumulative three of the last five years from
17 the date of enactment and have the nec-
18 essary content knowledge and teaching
19 skills for early childhood educators, as
20 demonstrated through measures deter-
21 mined by the State) in the preschool pro-
22 gram including, at a minimum, requiring
23 that lead teachers in the preschool pro-
24 gram have a baccalaureate degree in early
25 childhood education or a related field by

1 not later than 7 years after the date of en-
2 actment of this Act (The requirements
3 specified in this clause shall not apply to
4 individuals who were employed by an eligi-
5 ble child care provider or early education
6 program for a cumulative 3 of the last 5
7 years from the date of enactment and have
8 the necessary content knowledge and
9 teaching skills for early childhood edu-
10 cators, as demonstrated through measures
11 determined by the State.).

12 (L) An assurance that the State will meet
13 the requirements of clauses (ii) and (iii) of sec-
14 tion 658E(c)(2)(T) of the Child Care and De-
15 velopment Block Grant Act of 1990 (42 U.S.C.
16 9858c(c)(2)(T)), with respect to funding and
17 assessments under this section.

18 (M) A certification that subgrant amounts
19 described under subsection (d) are sufficient to
20 enable the eligible provider to meet the require-
21 ments of this title, and will provide for in-
22 creased staff payment amounts based on the
23 criteria described in (K)(v) and (vi).

24 (N) A certification that preschool seats will
25 be distributed equitably among child care (in-

1 including family child care), Head Start, and
2 schools within the State.

3 (7) DURATION OF THE PLAN.—Each State plan
4 shall remain in effect for a period of 3 years.
5 Amendments to the State plan shall remain in effect
6 for the duration of the plan.

7 (8) Transitional State Plan—The Secretary
8 shall make available a transitional State plan for a
9 period of one year that contains such information as
10 the Secretary may require, to demonstrate the State
11 will meet the requirements of this title and that in-
12 cludes—

13 (A) an assurance that the State will sub-
14 mit a State plan under paragraph (6); and

15 (B) a description of how the funds received
16 by the State under this title will be spent to ex-
17 pand access to universal, high-quality, free, in-
18 clusive, and mixed delivery preschool programs
19 in alignment with the requirements of this title.

20 (d) SUBGRANTS AND CONTRACTS FOR LOCAL PRE-
21 SCHOOL PROGRAMS.—

22 (1) SUBGRANTS AND CONTRACTS.—

23 (A) IN GENERAL.—A State that receives a
24 payment under subsection (c)(2)(A) for a fiscal
25 year shall use amounts provided through the

1 payment to pay the Federal share of the costs
2 of subgrants to, or contracts with, eligible pro-
3 viders to operate universal, high-quality, free,
4 inclusive, and mixed delivery preschool pro-
5 grams through the State preschool program in
6 accordance with paragraph (2). A State shall
7 reduce or increase the amounts provided under
8 such subgrants or contracts if needed to adjust
9 for any overpayment or underpayment de-
10 scribed in subsection (c)(3).

11 (B) AMOUNT.—A State shall award a
12 subgrant or contract under this subsection in a
13 sufficient amount to enable the eligible provider
14 to operate a universal, high-quality, free, and
15 inclusive preschool program that meets the re-
16 quirements of subsection (c)(6)(K) and which
17 amount shall reflect variations in the cost of
18 preschool services by geographic area, type of
19 provider, and age of child, and the additional
20 costs associated with providing inclusive pre-
21 school services for children with disabilities .

22 (C) DURATION.—The State shall award a
23 subgrant or contract under this subsection for
24 a period of not less than 3 years, unless the
25 subgrant or contract is terminated or sus-

1 pended, or the subgrant period is reduced, for
2 cause.

3 (2) ENHANCED PAYMENTS FOR COMPREHEN-
4 SIVE SERVICES.—In awarding subgrants or con-
5 tracts under this subsection and in addition to meet-
6 ing the requirements of paragraph (1)(B), the State
7 shall award subgrants or contracts with enhanced
8 payments to eligible providers that offer preschool
9 programs funded under this subsection to a high
10 percentage of low-income children to support—

11 (A) comprehensive services, including so-
12 cial, emotional and other services that support
13 child well-being;

14 (B) health and developmental screenings;
15 and

16 (C) service referral for children and fami-
17 lies served by the program involved.

18 (3) ESTABLISHING AND EXPANDING UNIVERSAL
19 PRESCHOOL PROGRAMS.—

20 (A) ESTABLISHING AND EXPANDING UNI-
21 VERSAL PRESCHOOL PROGRAMS IN HIGH-NEED
22 COMMUNITIES.—In awarding subgrants or con-
23 tracts under this subsection, the State shall
24 first prioritize establishing and expanding uni-
25 versal preschool programs within and across

1 high-need communities identified under sub-
2 section (c)(6)(B) by awarding subgrants or con-
3 tracts to eligible providers operating within, or
4 with capacity to operate within and across, such
5 high-need communities. Such subgrants or con-
6 tracts shall be used to enroll and serve children
7 in the preschool program, including—

8 (i) personnel (including classroom and
9 administrative personnel), including com-
10 pensation and benefits;

11 (ii) costs associated with imple-
12 menting the State's preschool standards,
13 providing curriculum sports, and meeting
14 early learning and development standards;

15 (iii) professional development, teacher
16 supports, and training;

17 (iv) implementing developmentally ap-
18 propriate health and safety standards (in-
19 cluding licensure, where applicable), teach-
20 er to child ratios, and group size maxi-
21 mums;

22 (v) materials, equipment and supplies;

23 (vi) meeting health and safety stand-
24 ards, including licensure; and

1 (vii) rent or mortgage, utilities, build-
2 ing security, indoor and outdoor mainte-
3 nance, and insurance.

4 (4) ESTABLISHING AND EXPANDING UNIVERSAL
5 PRESCHOOL PROGRAMS IN ADDITIONAL COMMU-
6 NITIES.—Once a State that receives a payment
7 under subsection (c)(2)(A) meets the requirements
8 of paragraph (2) with respect to establishing and ex-
9 panding preschool programs within and across high-
10 need communities, the State shall use any remaining
11 funds from such payment to enroll and serve chil-
12 dren in preschool programs, as described in such
13 paragraph, to additional communities in accordance
14 with the statewide needs assessment used for pur-
15 poses of paragraph (6)(B)(ii). Such funds shall be
16 used for the activities described in (2)(A)(i)-(viii).

17 (e) GRANTS TO LOCALITIES.—

18 (1) DEFINITIONS.—In this subsection:

19 (A) ELIGIBLE LOCALITY.—The term “eli-
20 gible locality” means a city, county, or other
21 unit of general local government, a local edu-
22 cational agency, or a Head Start agency.

23 (B) LOW-INCOME YOUNG CHILD.—The
24 term “low-income young child” means a child
25 who is under age 6 and from a family with a

1 family income that is not more than 200 per-
2 cent of the poverty guidelines.

3 (2) IN GENERAL.—The Secretary shall use
4 funds reserved in subsection (b)(2)(F) to award local
5 universal preschool grants to eligible localities lo-
6 cated in States that, as of October 1, 2023, have
7 made it apparent that they will not apply for pay-
8 ments under subsection (c)(2)(A). The Secretary
9 shall award the grants to eligible localities in a State
10 from the allotment made for that State under para-
11 graph (3). The Secretary shall specify the require-
12 ments for an eligible locality to conduct a preschool
13 services program under this subsection which shall,
14 to the greatest extent practicable, be consistent with
15 the requirements applicable to States under this sec-
16 tion, including ensuring a free, universal, high-qual-
17 ity, inclusive mixed delivery preschool system.

18 (3) ALLOTMENTS.—For each State described in
19 paragraph (2), the Secretary shall allot for the State
20 an amount that bears the same relationship to the
21 funds reserved under subsection (b)(2)(F) as the
22 number of low-income young children in the State
23 bears to the total of all such children in States de-
24 scribed in paragraph (2).

1 (4) APPLICATION.—To receive a grant from the
2 corresponding State allotment under this subsection,
3 an eligible locality shall submit an application to the
4 Secretary at such time, in such manner, and con-
5 taining such information as the Secretary may re-
6 quire. The requirements for the application shall, to
7 the greatest extent practicable, be consistent with
8 the State plan requirements applicable to States
9 under this section.

10 (5) PRIORITY FOR LOCALITIES SERVING UN-
11 DERSERVED COMMUNITIES.—In awarding a grant
12 under this subsection, the Secretary, in collaboration
13 with the Secretary of Education, shall give priority
14 to eligible localities serving high-need communities,
15 determined in accordance with subsection (d)(2)(B).

16 (f) ALLOWABLE SOURCES OF NON-FEDERAL
17 SHARE.—For purposes of calculating the amount of the
18 non-Federal share, as determined under subsection (c), re-
19 lating to a payment under such subsection, a State’s non-
20 Federal share—

21 (1) may be in cash or in kind, fairly evaluated,
22 including facilities or property, equipment, or serv-
23 ices;

24 (2) shall include any increase in amounts spent
25 by the State to expand half-day kindergarten pro-

1 grams in the State, as of the day before the date of
2 enactment of this Act, into full-day kindergarten
3 programs;

4 (3) shall not include contributions being used as
5 a non-Federal share or match for another Federal
6 award;

7 (4) shall be provided from State or local
8 sources, contributions from philanthropy or other
9 private organizations, or a combination of such
10 sources and contributions and

11 (5) shall count no more than 50 percent of the
12 State's current spending on prekindergarten pro-
13 grams (as of the date of enactment of this Act) to-
14 ward the State match.

15 (g) MAINTENANCE OF EFFORT.—

16 (1) IN GENERAL.—If a State reduces its com-
17 bined fiscal effort per child for the State's preschool
18 program (whether a publicly funded preschool pro-
19 gram or a program under this section) or through
20 State supplemental assistance funds for Head Start
21 programs assisted under the Head Start Act (42
22 U.S.C. 9831 et seq.), or through any State spending
23 on preschool services for any fiscal year that a State
24 receives payments under subparagraphs (A) and (B)
25 of subsection (c)(2) (referred to in this paragraph as

1 the “reduction fiscal year”) relative to the previous
2 fiscal year, the Secretary, in collaboration with the
3 Secretary of Education, shall reduce support for
4 such State under such subsection by the same
5 amount as the total reduction in State fiscal effort
6 for such reduction fiscal year.

7 (2) WAIVER.—The Secretary, in collaboration
8 with the Secretary of Education, may waive the re-
9 quirements of paragraph (1) if—

10 (A) the Secretaries determine that a waiv-
11 er would be appropriate due to a precipitous de-
12 cline in the financial resources of a State as a
13 result of unforeseen economic hardship, or a
14 natural disaster, that has necessitated across-
15 the-board reductions in State services during
16 the 5-year period preceding the date of the de-
17 termination, including for early childhood edu-
18 cation programs; or

19 (B) due to the circumstance of a State re-
20 quiring reductions in specific programs, includ-
21 ing early childhood education, the State pre-
22 sents to the Secretaries a justification and dem-
23 onstration why other programs could not be re-
24 duced and how early childhood education pro-

1 grams in the State will not be disproportion-
2 ately harmed by such State reductions.

3 (h) SUPPLEMENT NOT SUPPLANT.—Funds received
4 under this section shall be used to supplement and not
5 supplant other Federal, State, and local public funds ex-
6 pended on early childhood education programs in the
7 State.

8 (i) NONDISCRIMINATION PROVISIONS.—The fol-
9 lowing provisions of law shall apply to any program or ac-
10 tivity that receives funds provided under this section:

11 (1) Title IX of the Education Amendments of
12 1972 (20 U.S.C. 1681 et seq.).

13 (2) Title VI of the Civil Rights Act of 1964 (42
14 U.S.C. 2000d et seq.).

15 (3) Section 504 of the Rehabilitation Act of
16 1973 (29 U.S.C. 794).

17 (4) The Americans with Disabilities Act of
18 1990 (42 U.S.C. 12101 et seq.).

19 (5) Section 654 of the Head Start Act (42
20 U.S.C. 9849)

21 **Subtitle E—Child Nutrition and** 22 **Related Programs**

23 **SEC. 24001. EXPANDING COMMUNITY ELIGIBILITY.**

24 (a) MULTIPLIER AND THRESHOLD ADJUSTED.—

1 (1) MULTIPLIER.—Clause (vii) of section
2 11(a)(1)(F) of the Richard B. Russell National
3 School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is
4 amended to read as follows:

5 “(vii) MULTIPLIER.—

6 “(I) IMPLEMENTATION IN 2022-
7 2030.—For each school year beginning
8 on or after July 1, 2022, and ending
9 before July 1, 2030, the Secretary
10 shall use a multiplier of 2.5.

11 “(II) IMPLEMENTATION AFTER
12 2030.—For each school year beginning
13 on or after July 1, 2030, the Sec-
14 retary shall use a multiplier of 1.6.”.

15 (2) THRESHOLD.—Clause (viii) of section
16 11(a)(1)(F) of the Richard B. Russell National
17 School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is
18 amended to read as follows:

19 “(viii) THRESHOLD.—

20 “(I) IMPLEMENTATION IN 2022-
21 2030.—For each school year beginning
22 on or after July 1, 2022, and ending
23 before July 1, 2030, the threshold
24 shall be not more than 25 percent.

1 “(II) IMPLEMENTATION AFTER
2 2030.—For each school year beginning
3 on or after July 1, 2030, the thresh-
4 old shall be not more than 40 per-
5 cent.”.

6 (3) APPLICABILITY.—The amendments made
7 by this subsection shall apply to a local educational
8 agency with respect to a school year beginning on or
9 after July 1, 2022, for which such local educational
10 agency elects to receive special assistance payments
11 under subparagraph (F) of section 11(a)(1) of the
12 Richard B. Russell National School Lunch Act (42
13 U.S.C. 1759a(a)(1)).

14 (b) STATEWIDE COMMUNITY ELIGIBILITY.—Section
15 11(a)(1)(F) of the Richard B. Russell National School
16 Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is amended by
17 adding at the end the following:

18 “(xiv) STATEWIDE COMMUNITY ELIGI-
19 BILITY.—For each school year beginning
20 on or after July 1, 2022, and ending be-
21 fore July 1, 2030, the Secretary shall es-
22 tablish a statewide community eligibility
23 program under which, in the case of a
24 State agency that agrees to provide fund-
25 ing from sources other than Federal funds

1 to ensure that local educational agencies in
2 the State receive the free reimbursement
3 rate for 100 percent of the meals served at
4 applicable schools—

5 “(I) the multiplier described in
6 clause (vii) shall apply;

7 “(II) the threshold described in
8 clause (viii) shall be applied by sub-
9 stituting zero for 25; and

10 “(III) the percentage of enrolled
11 students who were identified students
12 shall be calculated across all applica-
13 ble schools in the State regardless of
14 local educational agency.”.

15 **SEC. 24002. DIRECT CERTIFICATION FOR CHILDREN RE-**
16 **CEIVING MEDICAID BENEFITS.**

17 (a) IN GENERAL.—Section 9 of the Richard B. Rus-
18 sell National School Lunch Act (42 U.S.C. 1758(b)) is
19 amended—

20 (1) in subsection (b)—

21 (A) by amending paragraph (5) to read as
22 follows:

23 “(5) DISCRETIONARY CERTIFICATION.—

24 “(A) FREE LUNCHES OR BREAKFASTS.—

25 Subject to paragraph (6), any local educational

1 agency may certify any child as eligible for free
2 lunches or breakfasts, without further applica-
3 tion, by directly communicating with the appro-
4 priate State or local agency to obtain docu-
5 mentation of the status of the child as—

6 “(i) a member of a family that is re-
7 ceiving assistance under the temporary as-
8 sistance for needy families program funded
9 under part A of title IV of the Social Secu-
10 rity Act (42 U.S.C. 601 et seq.) that the
11 Secretary determines complies with stand-
12 ards established by the Secretary that en-
13 sure that the standards under the State
14 program are comparable to or more re-
15 strictive than those in effect on June 1,
16 1995;

17 “(ii) a homeless child or youth (de-
18 fined as 1 of the individuals described in
19 section 725(2) of the McKinney-Vento
20 Homeless Assistance Act (42 U.S.C.
21 11434a(2));

22 “(iii) served by the runaway and
23 homeless youth grant program established
24 under the Runaway and Homeless Youth
25 Act (42 U.S.C. 5701 et seq.);

1 “(iv) a migratory child (as defined in
2 section 1309 of the Elementary and Sec-
3 ondary Education Act of 1965 (20 U.S.C.
4 6399));

5 “(v) an eligible child (as defined in
6 paragraph (15)(A)); or

7 “(vi)(I) a foster child whose care and
8 placement is the responsibility of an agen-
9 cy that administers a State plan under
10 part B or E of title IV of the Social Secu-
11 rity Act (42 U.S.C. 621 et seq.); or

12 “(II) a foster child who a court has
13 placed with a caretaker household.

14 “(B) REDUCED PRICE LUNCHESES OR
15 BREAKFASTS.—Subject to paragraph (6), any
16 local educational agency may certify any child
17 who is not eligible for free school lunch or
18 breakfast as eligible for reduced price lunches
19 or breakfasts, without further application, by
20 directly communicating with the appropriate
21 State or local agency to obtain documentation
22 of the status of the child as a child eligible for
23 reduced price meals (as defined in paragraph
24 (15)(A)).”;

1 (B) in paragraph (6)(A), by striking “or
2 (5)” both places it appears and inserting “(5),
3 or (15)”; and

4 (C) in paragraph (15)—

5 (i) in subparagraph (A)—

6 (I) by amending clause (i) to
7 read as follows:

8 “(i) ELIGIBLE CHILD.—The term ‘eli-
9 gible child’ means a child—

10 “(I)(aa) who is eligible for and
11 receiving medical assistance under the
12 Medicaid program; and

13 “(bb) who is a member of a fam-
14 ily with an income as measured by the
15 Medicaid program that does not ex-
16 ceed 133 percent of the poverty line
17 (as determined under the poverty
18 guidelines updated periodically in the
19 Federal Register by the Department
20 of Health and Human Services under
21 the authority of section 673(2) of the
22 Community Services Block Grant Act
23 (42 U.S.C. 9902(2), including any re-
24 vision required by such section)) ap-
25 plicable to a family of the size used

1 for purposes of determining eligibility
2 for the Medicaid program;

3 “(II) who is eligible for the Med-
4 icaid program because such child re-
5 ceives supplemental security income
6 benefits under title XVI of the Social
7 Security Act (42 U.S.C. 1381–1385)
8 or State supplementary benefits of the
9 type referred to in section 1616(a) of
10 such Act (or payments of the type de-
11 scribed in section 212(a) of Public
12 Law 93–66);

13 “(III) who is eligible for the
14 Medicaid program because such child
15 receives an adoption assistance pay-
16 ment made under section 473(a) of
17 the Social Security Act (42 U.S.C.
18 673(a)) or under a similar State-fund-
19 ed or State-operated program, as de-
20 termined by the Secretary;

21 “(IV) who is eligible for the Med-
22 icaid program because such child re-
23 ceives a kinship guardianship assist-
24 ance payment made under section
25 473(d) of the Social Security Act (42

1 U.S.C. 673(d)) or under a similar
2 State-funded or State-operated pro-
3 gram, as determined by the Secretary,
4 without regard to whether such child
5 was previously in foster care; or

6 “(V) who is a member of a
7 household (as that term is defined in
8 section 245.2 of title 7, Code of Fed-
9 eral Regulations (or successor regula-
10 tions)) with a child described in sub-
11 clause (I), (II), (III), or (IV).”; and

12 (II) by adding at the end the fol-
13 lowing:

14 “(iii) CHILD ELIGIBLE FOR REDUCED
15 PRICE MEALS.—The term ‘child eligible for
16 reduced price meals’ means a child—

17 “(I)(aa) who is eligible for and
18 receiving medical assistance under the
19 Medicaid program; and

20 “(bb) who is a member of a fam-
21 ily with an income as measured by the
22 Medicaid program that does exceed
23 133 percent but does not exceed 185
24 percent of the poverty line (as deter-
25 mined under the poverty guidelines

1 updated periodically in the Federal
2 Register by the Department of Health
3 and Human Services under the au-
4 thority of section 673(2) of the Com-
5 munity Services Block Grant Act (42
6 U.S.C. 9902(2), including any revision
7 required by such section)) applicable
8 to a family of the size used for pur-
9 poses of determining eligibility for the
10 Medicaid program; or

11 “(II) who is a member of a
12 household (as that term is defined in
13 section 245.2 of title 7, Code of Fed-
14 eral Regulations (or successor regula-
15 tions)) with a child described in sub-
16 clause (I).”;

17 (ii) by striking subparagraphs (B),
18 (C), (D), (E), (G), and (H);

19 (iii) in subparagraph (F)—

20 (I) in the enumerator, by striking
21 “(F)” and inserting “(D)”; and

22 (II) by striking “conducting the
23 demonstration project under this
24 paragraph” and inserting “carrying
25 out this paragraph”;

1 (iv) by inserting after subparagraph
2 (A) the following:

3 “(B) AGREEMENTS TO CARRY OUT CER-
4 TIFICATION.—To certify a child under subpara-
5 graph (A)(v) or (B) of paragraph (5), a State
6 agency shall enter into an agreement with 1 or
7 more State agencies conducting eligibility deter-
8 minations for the Medicaid program.

9 “(C) PROCEDURES.—Subject to paragraph
10 (6), an agreement under subparagraph (B)
11 shall establish procedures under which—

12 “(i) an eligible child may be certified
13 for free lunches under this Act and free
14 breakfasts under section 4 of the Child
15 Nutrition Act of 1966 (42 U.S.C. 1773),
16 without further application (as defined in
17 paragraph (4)(G)); and

18 “(ii) a child eligible for reduced price
19 meals may be certified for reduced price
20 lunches under this Act or reduced price
21 breakfasts under section 4 of the Child
22 Nutrition Act of 1966 (42 U.S.C. 1773),
23 without further application (as defined in
24 paragraph (4)(G)).”; and

25 (v) by adding at the end the following:

1 “(E) SUNSET.—The authority under this
2 paragraph shall terminate on the last day of
3 school year 2030–2031.”; and

4 (2) in subsection (d)(2)(G), by inserting “or
5 child eligible for reduced price meals” after “eligible
6 child”.

7 (b) APPLICABILITY.—The amendments made by this
8 section shall apply with respect to the period—

9 (1) beginning on July 1, 2022; and

10 (2) ending on the last day of school year 2030–
11 2031.

12 **SEC. 24003. SUMMER ELECTRONIC BENEFITS TRANSFER**
13 **FOR CHILDREN PROGRAM.**

14 The Richard B. Russell National School Lunch Act
15 is amended by inserting after section 13 (42 U.S.C. 1761)
16 the following:

17 **“SEC. 13A. SUMMER ELECTRONIC BENEFITS TRANSFER**
18 **FOR CHILDREN PROGRAM.**

19 “(a) PROGRAM ESTABLISHED.—The Secretary shall
20 establish a program under which States and covered In-
21 dian Tribal organizations participating in such program
22 shall, beginning with summer 2023 and annually for each
23 summer before the date described in subsection (g), issue
24 to eligible households summer EBT benefits—

25 “(1) in accordance with this section; and

1 “(2) for the purpose of providing nutrition as-
2 sistance through electronic benefits transfer during
3 the summer months for eligible children, to ensure
4 continued access to food when school is not in ses-
5 sion for the summer.

6 “(b) SUMMER EBT BENEFITS REQUIREMENTS.—

7 “(1) PURCHASE OPTIONS.—

8 “(A) BENEFITS ISSUED BY STATES.—

9 “(i) WIC PARTICIPATION STATES.—In
10 the case of a State that participated in a
11 demonstration program under section
12 749(g) of the Agriculture, Rural Develop-
13 ment, Food and Drug Administration, and
14 Related Agencies Appropriations Act, 2010
15 (Public Law 111–80; 123 Stat. 2132) dur-
16 ing calendar year 2018 using a WIC
17 model, summer EBT benefits issued pur-
18 suant to subsection (a) by such a State
19 may only be used by the eligible household
20 that receives such summer EBT benefits to
21 purchase—

22 “(I) supplemental foods from re-
23 tailers that have been approved for
24 participation in—

1 “(aa) the special supple-
2 mental nutrition program for
3 women, infants, and children
4 under section 17 of the Child
5 Nutrition Act of 1966 (42 U.S.C.
6 1786); or

7 “(bb) the program under
8 this section; or

9 “(II) food (as defined in section
10 3(k) of the Food and Nutrition Act of
11 2008 (7 U.S.C. 2011(k))) from retail
12 food stores that have been approved
13 for participation in the supplemental
14 nutrition assistance program estab-
15 lished under such Act, in accordance
16 with section 7(b) of such Act (7
17 U.S.C. 2016(b)).

18 “(ii) OTHER STATES.—Summer EBT
19 benefits issued pursuant to subsection (a)
20 by a State not described in clause (i) may
21 only be used by the eligible household that
22 receives such summer EBT benefits to
23 purchase food (as defined in section 3(k)
24 of the Food and Nutrition Act of 2008 (7
25 U.S.C. 2011(k))) from retail food stores

1 that have been approved for participation
2 in the supplemental nutrition assistance
3 program established under such Act, in ac-
4 cordance with section 7(b) of such Act (7
5 U.S.C. 2016(b)).

6 “(B) BENEFITS ISSUED BY COVERED IN-
7 DIAN TRIBAL ORGANIZATIONS.—Summer EBT
8 benefits issued pursuant to subsection (a) by a
9 covered Indian Tribal organization may only be
10 used by the eligible household that receives such
11 summer EBT benefits to purchase supple-
12 mental foods from retailers that have been ap-
13 proved for participation in—

14 “(i) the special supplemental nutrition
15 program for women, infants, and children
16 under section 17 of the Child Nutrition
17 Act of 1966 (42 U.S.C. 1786); or

18 “(ii) the program under this section.

19 “(2) AMOUNT.—Summer EBT benefits issued
20 pursuant to subsection (a)—

21 “(A) shall be—

22 “(i) for calendar year 2023, in an
23 amount equal to \$75 for each child in the
24 eligible household per month during the
25 summer; and

1 “(ii) for calendar year 2024 and each
2 year thereafter, in an amount equal to the
3 amount described in clause (i), adjusted to
4 the nearest lower dollar increment to re-
5 flect changes to the cost of the thrifty food
6 plan (as defined in section 3(u) of the
7 Food and Nutrition Act of 2008 (7 U.S.C.
8 2012(u)) for the 12-month period ending
9 on November 30 of the preceding calendar
10 year; and

11 “(B) may be issued—

12 “(i) in the form of an EBT card; or

13 “(ii) through electronic delivery.

14 “(c) ENROLLMENT IN PROGRAM.—

15 “(1) STATE REQUIREMENTS.—States partici-
16 pating in the program under this section shall—

17 “(A) with respect to a summer, automati-
18 cally enroll eligible children in the program
19 under this section without further application;

20 “(B) establish procedures to carry out the
21 enrollment described in subparagraph (A); and

22 “(C) require local educational agencies to
23 allow eligible households to opt out of participa-
24 tion in the program under this section and es-

1 tablish procedures for opting out of such par-
2 ticipation.

3 “(2) COVERED INDIAN TRIBAL ORGANIZATION
4 REQUIREMENTS.—Covered Indian Tribal organiza-
5 tions participating in the program under this section
6 shall, to the maximum extent practicable, meet the
7 requirements under subparagraphs (A) through (C)
8 of paragraph (1).

9 “(d) IMPLEMENTATION GRANTS.—On and after Oc-
10 tober 1, 2021, the Secretary shall carry out a program
11 to make grants to States and covered Indian Tribal orga-
12 nizations to build capacity for implementing the program
13 under this section.

14 “(e) ALTERNATE PLANS IN THE CASE OF CONTIN-
15 UOUS SCHOOL CALENDAR.—The Secretary shall establish
16 alternative plans for when summer EBT benefits may be
17 issued pursuant to subsection (a) in the case of children
18 who are under a continuous school calendar.

19 “(f) FUNDING.—

20 “(1) PROGRAM FUNDING.—In addition to
21 amounts otherwise available, there is appropriated
22 for each of fiscal years 2022 through 2029, out of
23 any money in the Treasury not otherwise appro-
24 priated, such sums, to remain available for the pe-
25 riod described in paragraph (2), as may be necessary

1 to carry out this section, including for administrative
2 expenses incurred by the Secretary, States, covered
3 Indian Tribal organizations, and local educational
4 agencies.

5 “(2) PERIOD DESCRIBED.—With respect to
6 each fiscal year under paragraph (1), amounts made
7 available for such a fiscal year under such para-
8 graph shall remain available for the 2-year period
9 following the date such amounts are made available.

10 “(3) IMPLEMENTATION GRANT FUNDING.—In
11 addition to amounts otherwise available, including
12 under paragraph (1), there is appropriated for fiscal
13 year 2022, out of any money in the Treasury not
14 otherwise appropriated, \$50,000,000, to remain
15 available until expended, to carry out subsection (d).

16 “(g) SUNSET.—The authority under this section shall
17 terminate on September 30, 2029.

18 “(h) DEFINITIONS.—In this section:

19 “(1) COVERED INDIAN TRIBAL ORGANIZA-
20 TION.—The term ‘covered Indian Tribal organiza-
21 tion’ means an Indian Tribal organization that par-
22 ticipates in the special supplemental nutrition pro-
23 gram for women, infants, and children under section
24 17 of the Child Nutrition Act of 1966 (42 U.S.C.
25 1786).

1 “(2) ELIGIBLE CHILD.—The term ‘eligible
2 child’ means, with respect to a summer, a child who
3 was, during the school year immediately preceding
4 such summer—

5 “(A) certified to receive free or reduced
6 price lunch under the school lunch program
7 under this Act;

8 “(B) certified to receive free or reduced
9 price breakfast under the school breakfast pro-
10 gram under section 4 of the Child Nutrition Act
11 of 1966 (42 U.S.C. 1773); or

12 “(C) enrolled in a school described in sub-
13 paragraph (B), (C), (D), (E), or (F) of section
14 11(a)(1).

15 “(3) ELIGIBLE HOUSEHOLD.—The term ‘eligi-
16 ble household’ means a household that includes at
17 least 1 eligible child.

18 “(4) SUPPLEMENTAL FOODS.—The term ‘sup-
19 plemental foods’—

20 “(A) means foods—

21 “(i) containing nutrients determined
22 by nutritional research to be lacking in the
23 diets of children; and

24 “(ii) that promote the health of the
25 population served by the program under

1 this section, as indicated by relevant nutri-
2 tion science, public health concerns, and
3 cultural eating patterns, as determined by
4 the Secretary; and

5 “(B) includes foods not described in sub-
6 paragraph (A) substituted by State agencies,
7 with the approval of the Secretary, that—

8 “(i) provide the nutritional equivalent
9 of foods described in such subparagraph;
10 and

11 “(ii) allow for different cultural eating
12 patterns than foods described in such sub-
13 paragraph.”.

14 **SEC. 24004. SCHOOL KITCHEN EQUIPMENT GRANTS.**

15 (a) In addition to amounts otherwise available, there
16 is appropriated to the Secretary of Agriculture for fiscal
17 year 2022, out of any money in the Treasury not otherwise
18 appropriated, \$500,000,000, to remain available until ex-
19 pended, to award grants to States (as defined in section
20 12(d) of the Richard B. Russell National School Lunch
21 Act (42 U.S.C. 1760(d))) to make competitive subgrants
22 to local educational agencies and schools to purchase
23 equipment with a value of greater than \$1,000 that, with
24 respect to the school lunch program established under the
25 Richard B. Russell National School Lunch Act (42 U.S.C.

1 1751-1769j) and the school breakfast program established
2 under section 4 of the Child Nutrition Act of 1966 (42
3 U.S.C. 1773), is necessary to serve healthier meals, im-
4 prove food safety, and increase scratch cooking.

5 (b) The Secretary may set aside up to 5 percent of
6 the funds made available under subsection (a) for the pur-
7 pose of training and technical assistance to support
8 scratch cooking, which may be administered by States or
9 other entities.

10 **SEC. 24005. HEALTHY FOOD INCENTIVES DEMONSTRATION.**

11 (a) In addition to amounts otherwise available, there
12 is appropriated to the Secretary of Agriculture for fiscal
13 year 2022, out of any money in the Treasury not otherwise
14 appropriated, \$634,000,000, to remain available until ex-
15 pended, to provide competitive grants to States in accord-
16 ance with this section.

17 (b) A State that receives a grant under this section
18 shall use such grant funds to make subgrants to local edu-
19 cational agencies and schools for activities that support—

20 (1) serving healthy school meals and afterschool
21 snacks that meet discretionary goals established by
22 the Secretary;

23 (2) increasing scratch cooking;

24 (3) conducting experiential nutrition education
25 activities, including school garden programs;

1 (4) procuring local, regional, and culturally ap-
2 propriate foods and foods produced by underserved
3 or limited resource farmers, as defined by the Sec-
4 retary, to serve as part of the child nutrition pro-
5 grams under the Richard B. Russell National School
6 Lunch Act (42 U.S.C. 1751-1769j) or the Child Nu-
7 trition Act of 1966 (42 U.S.C. 1771-1793);

8 (5) reducing the availability of less healthy
9 foods, as defined by the Secretary, during the school
10 day; or

11 (6) carrying out additional activities to encour-
12 age the development of healthy nutrition and phys-
13 ical activity habits among children.

14 (c) A State that receives a grant under this section
15 may use such grant funds to fund a statewide nutrition
16 education coordinator to—

17 (1) support individual school food authority nu-
18 trition education efforts; and

19 (2) facilitate collaboration with other nutrition
20 education efforts in the State.

21 (d) A State that receives a grant under this section
22 may not use more than 5 percent of such grant funds to
23 carry out administrative activities.

1 (e) In this section, the term “State” has the meaning
2 given the term in section 12(d) of the Richard B. Russell
3 National School Lunch Act (42 U.S.C. 1760(d)).

4 **Subtitle F—Human Services and** 5 **Community Supports**

6 **SEC. 25001. ASSISTIVE TECHNOLOGY.**

7 In addition to amounts otherwise available, there is
8 appropriated for fiscal year 2022, out of any money in
9 the Treasury not otherwise appropriated, \$10,000,000, to
10 remain available until expended, to carry out the Assistive
11 Technology Act of 1998 (29 U.S.C. 3001 et seq.).

12 **SEC. 25002. FAMILY VIOLENCE PREVENTION AND SERVICES** 13 **FUNDING.**

14 In addition to amounts otherwise available, there is
15 appropriated for fiscal year 2022, out of any money in
16 the Treasury not otherwise appropriated, \$27,000,000, to
17 remain available until expended, for necessary administra-
18 tive expenses to carry out sections 303, 309, and 313 of
19 the Family Violence Prevention and Services Act (42
20 U.S.C. 10401-10414) and section 2204 of the American
21 Rescue Plan Act of 2021 (Public Law 117-2).

22 **SEC. 25003. PREGNANCY ASSISTANCE FUND.**

23 Section 10214 of the Patient Protection and Afford-
24 able Care Act (42 U.S.C. 18204) is amended by striking
25 the period and inserting “, and \$25,000,000 for each of

1 fiscal years 2022 through 2024, to remain available until
2 expended, to carry out this part.”.

3 **SEC. 25004. FUNDING FOR THE AGING NETWORK AND IN-**
4 **FRASTRUCTURE.**

5 (a) APPROPRIATION.—In addition to amounts other-
6 wise available, there are appropriated for fiscal year 2022,
7 out of any money in the Treasury not otherwise appro-
8 priated, to the Department of Health and Human Serv-
9 ices—

10 (1) \$75,000,000 for the Research, Demonstra-
11 tion, and Evaluation Center for the Aging Network
12 to carry out the activities of the Center under sec-
13 tion 201(g) of the Older Americans Act of 1965
14 (OAA) (42 U.S.C. 3011(g));

15 (2) \$655,000,000 to carry out part B of title
16 III of the OAA (42 U.S.C. 3030d), including for—

17 (A) supportive services of the type made
18 available for fiscal year 2021 and authorized
19 under such part;

20 (B) investing in the aging services network
21 for the purposes of improving the availability of
22 supportive services, including investing in the
23 aging services network workforce;

1 (C) the acquisition, alteration, or renova-
2 tion of facilities, including multipurpose senior
3 centers and mobile units; and

4 (D) construction or modernization of facili-
5 ties to serve as multipurpose senior centers;

6 (3) \$140,000,000 to carry out part C of title
7 III of the OAA (42 U.S.C. 3030d-21-3030g-23),
8 including to support the modernization of infrastruc-
9 ture and technology, including kitchen equipment
10 and delivery vehicles, to support the provision of
11 congregate nutrition services and home delivered nu-
12 trition services under such part;

13 (4) \$150,000,000 to carry out part E of title
14 III of the OAA (42 U.S.C. 3030s-3030s-2), includ-
15 ing section 373(e) of such part (42 U.S.C. 3030s-
16 1(e));

17 (5) \$50,000,000 to carry out title VI of the
18 OAA (42 U.S.C. 3057-3057o), including part C of
19 such title (42 U.S.C. 3057k-11);

20 (6) \$50,000,000 to carry out the long-term care
21 ombudsman program under title VII of the OAA (42
22 U.S.C. 3058-3058ff);

23 (7) \$59,000,000 for technical assistance centers
24 or national resource centers supported under the
25 OAA, including all such centers that received fund-

1 ing under title IV of the OAA (42 U.S.C. 3031–
2 3033a) for fiscal year 2021, in order to support
3 technical assistance and resource development re-
4 lated to culturally appropriate care management and
5 services for older individuals with the greatest social
6 need, including racial and ethnic minority individ-
7 uals;

8 (8) \$15,000,000 for technical assistance centers
9 or national resource centers supported under the
10 OAA that are focused on providing services for older
11 individuals who are underserved due to their sexual
12 orientation or gender identity;

13 (9) \$1,000,000 for efforts of national training
14 and technical assistance centers supported under the
15 OAA to—

16 (A) support expanding the reach of the
17 aging services network to more effectively assist
18 older individuals in remaining socially engaged
19 and active;

20 (B) provide additional support in technical
21 assistance and training to the aging services
22 network to address the social isolation of older
23 individuals;

24 (C) promote best practices and identify in-
25 novation in the field; and

1 (D) continue to support a repository for
2 innovations designed to increase the ability of
3 the aging services network to tailor social en-
4 gagement activities to meet the needs of older
5 individuals; and

6 (10) \$5,000,000 to carry out section 417 of the
7 OAA (42 U.S.C. 3032f).

8 Amounts appropriated by this subsection shall remain
9 available until expended.

10 (b) NONAPPLICABILITY OF CERTAIN REQUIRE-
11 MENTS.—The non-Federal contribution requirements
12 under sections 304(d)(1)(D) and 431(a) of the Older
13 Americans Act of 1965 (42 U.S.C. 3024(d)(1)(D),
14 3033(a)), and section 373(h)(2) of such Act (42 U.S.C.
15 3030s–1(h)(2)), shall not apply to—

16 (1) any amounts made available under this sec-
17 tion; or

18 (2) any amounts made available under section
19 2921 of the American Rescue Plan Act of 2021
20 (Public Law 117–2).

21 **SEC. 25005. OFFICE OF THE INSPECTOR GENERAL OF THE**
22 **DEPARTMENT OF HEALTH AND HUMAN SERV-**
23 **ICES.**

24 In addition to amounts otherwise available, there is
25 appropriated to the Department of Health and Human

1 Services for fiscal year 2022, out of any money in the
2 Treasury not otherwise appropriated, \$50,000,000, to re-
3 main available until expended, for the Office of Inspector
4 General of the Department of Health and Human Serv-
5 ices, for salaries and expenses necessary for oversight, in-
6 vestigations, and audits of programs, grants, and projects
7 funded under subtitles D and F of this title.

8 **SEC. 25006. TECHNICAL ASSISTANCE CENTER FOR SUP-**
9 **PORTING DIRECT CARE AND CAREGIVING.**

10 (a) IN GENERAL.—In addition to amounts otherwise
11 available, there is appropriated to the Secretary of Health
12 and Human Services, acting through the Administrator
13 for the Administration for Community Living, for fiscal
14 year 2022, out of any money in the Treasury not otherwise
15 appropriated, \$5,000,000, to remain available until Sep-
16 tember 30, 2026, to establish, directly or through grants,
17 contracts, or cooperative agreements, a national technical
18 assistance center (referred to in this section as the “Cen-
19 ter”) to—

20 (1) provide technical assistance for supporting
21 direct care workforce recruitment, education and
22 training, retention, career advancement, and for sup-
23 porting family caregivers and caregiving activities;

1 (2) develop and disseminate a set of replicable
2 models or evidence-based or evidence-informed strat-
3 egies or best practices for—

4 (A) recruitment, education and training,
5 retention, and career advancement of direct
6 care workers;

7 (B) reducing barriers to accessing direct
8 care services; and

9 (C) increasing access to alternatives to di-
10 rect care services, including assistive tech-
11 nology, that reduce reliance on such services;

12 (3) provide recommendations for education and
13 training curricula for direct care workers; and

14 (4) provide recommendations for activities to
15 further support paid and unpaid family caregivers,
16 including expanding respite care.

17 (b) **DIRECT CARE WORKER DEFINED.**—The term
18 “direct care worker” has the meaning given such term in
19 section 22301.

